

EFFICIENCY SOLUTIONS AND CIRCULAR SYSTEMS COMMITTEE

Council of the County of Maui

MINUTES

March 23, 2023

Online Only via BlueJeans

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Keani N.W. Rawlins-Fernandez, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Alice L. Lee, Member (In 9:09 a.m.; Out 11:55 a.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

NON-VOTING MEMBERS:

Councilmember Gabe Johnson, Member (In 11:40 am)

EXCUSED: VOTING MEMBERS:

Councilmember Tasha Kama

STAFF:

Lesley Milner, Senior Committee Analyst
Ana Lillis, Legislative Analyst
Ellen McKinley, Legislative Analyst
Richelle Kawasaki, Legislative Attorney
Maria Leon, Committee Secretary
Clarita Balala, Senior Committee Secretary
Lei Dinneen, Council Services Assistant Clerk
David Raatz, Deputy Director of Council Services
Shelly Espeleta, Supervising Legislative Analyst
Nālani Fujihara, Hawaiian Language Communications Specialist
Kasie Apo Takayama, Senior Committee Analyst
Jarret Pascual, Legislative Analyst

Noelani Ahia, Executive Assistant to Councilmember Rawlins-Fernandez
Sarah Sexton, Executive Assistant to Councilmember Rawlins-Fernandez
Stacy Takahashi, Executive Assistant to Councilmember Cook
Evan Dust, Executive Assistant to Councilmember Kama
Michele McLean, Executive Assistant to Councilmember Lee
Dawn Lono, Executive Assistant to Councilmember Sinenci
Gina Young, Executive Assistant to Councilmember Sinenci
Don Atay, Executive Assistant to Councilmember Sinenci
Arthur Suyama, Executive Assistant to Councilmember Sugimura
Jordan Helle, Executive Assistant to Councilmember Sugimura

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Axel Beers, Executive Assistant to Councilmember Johnson
Laura McDowell, Executive Assistant to Councilmember U'u-Hodgins

Zhantell Lindo, Council Aide, Moloka'i Residency Area Office
Roxanne Morita, Council Aide, Lāna'i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

ADMIN.: Christie Trenholme, Deputy Corporation Counsel, Department of the
Corporation Counsel (ESCS-1(1), -1(2))
Cynthia Razo-Porter, Deputy Director, Department of Personnel Services
(ESCS-1(2))

OTHERS: J. Kēhaulani Kauanui, Professor, Wesleyan University (Item ESCS-1(1))

Testifiers

Kapiolani Spencer (ESCS-1(1))
Lisa Darcy (ESCS-1(1))
Zhantell Lindo (ESCS-1(1))
Kahala Johnson (ESCS-1(1))
Faith Chase (ESCS-1(1))
Noelani Ahia (ESCS-1(1))
JC Lau (ESCS-1(1))
Grace Shigetani Fraley Reese (ESCS-1(1))

(18) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR RAWLINS-FERNANDEZ: . . .*(gavel)*. . . Aloha kakahiaka kākou. 'Elima minuke i ka hala o ka hola 'eiwa. Ma iwakāluakūmākolu o Malaki i ka makahiki 'elua kaukani iwakāluakūmākolu. E 'olu'olu mai, e ho'omalū ke Kōmike Efficiency Solutions and Economic [sic] Systems, ESCS. 'O wau 'o Keani Rawlins-Fernandez, ka luna ho'omalū o kēia Kōmike. Aia au ma'ane'i i Maui nui a kama. It is 9:05 a.m. on March 23rd, 2023. Will the Efficiency Solutions and Economic [sic] Systems Committee please come to order. I'm your Chair, Keani Rawlins-Fernandez. I'm here on Maui nui a Kama. I kēia lā, me ko kākou eia hope luna ho'omalū o Tamara Paltin. Aloha kakahiaka.

VICE-CHAIR PALTIN: Aloha kakahiaka kākou.

CHAIR RAWLINS-FERNANDEZ: Aloha. Oh, *(audio interference)*.

VICE-CHAIR PALTIN: Broadcasting live and direct from historic Lāhainā Town. It's a little bit overcast today. We have with us Angela Lucero and Christian Balagso, and there are no testifiers waiting to testify at this time.

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CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. And next we have Committee Member Tom Cook. Aloha.

COUNCILMEMBER COOK: Good morning and aloha, Chair.

CHAIR RAWLINS-FERNANDEZ: And excused is Committee Member Tasha Kama. Committee Member Alice Lee. Aloha. Okay. Hopefully the technical...oh, Ms. Milner, you know anything?

MS. MILNER: Chair --

CHAIR RAWLINS-FERNANDEZ: *(audio interference)* for us?

MS. MILNER: -- I don't have an update, but we have --

CHAIR RAWLINS-FERNANDEZ: Okay.

MS. MILNER: -- reached out to see if there's anything we can do to assist.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Milner. Okay. So, for now, Member Lee is excused. Committee Member Shane Sinenci, aloha.

COUNCILMEMBER SINENCI: Aloha kakahiaka kākou, hau'oli 'o wau ma'ane'i. For the record, Staff has indicated in the chat that there are no testifiers at the East Maui District Office.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Aloha Pō'ahā. And Committee Member Yuki Lei Sugimura. Aloha.

COUNCILMEMBER SUGIMURA: Aloha. Good morning. You look beautiful this morning. Nice outfit.

CHAIR RAWLINS-FERNANDEZ: Oh, mahalo.

COUNCILMEMBER SUGIMURA: But looking forward to an interesting meeting. So, thank you very much.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. And there are no testifiers at the Moloka'i District Office. Mahalo, Committee [sic] Outreach Specialist Zhantell Lindo. Okay. We have two Non-Voting Committee Members, Member Gabe Johnson, and Member Nohelani U'u-Hodgins, who are welcome to join us if they would like to, or if they have any questions. Member U'u-Hodgins said she would be watching on Facebook Live, so, mahalo, Miss...Member U'u-Hodgins. Okay. And I see we have on video Professor J. Kēhaulani Kauanui. Aloha nui. And our Committee Staff, Maria Leon, Committee Secretary; Lesley Milner, Senior Committee Analyst; Lesley...Legislative Analyst Ellen McKinley; Legislative Analyst Ana Lillis; Legislative Attorney Richelle Kawasaki; Assistant Clerk Lei Dinneen; Assistant Clerk Jean Pokipala. We have two items on

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today's agenda, ESCS-1(1) Systemic Inequality, and ESCS-1(2) Operational and Budgetary Review of the Department of Personnel Services. Okay.

CHAIR RAWLINS-FERNANDEZ: Oh. Oh, is she on? Oh, there she is. Aloha, Committee Member Alice Lee.

COUNCILMEMBER LEE: Okay. Let me just check if my machine is working today. Can you hear me?

CHAIR RAWLINS-FERNANDEZ: Loud and clear.

COUNCILMEMBER LEE: Okay. Good morning, Chair. Salammat pagi from Malaysia. I'm here in my workspace for now and no one's here with me. Looking forward to your meeting. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. Members, we are going to save public testimony for after the presentation on both items. We'll start with a presentation on the first item. The presentation will be about an hour long, and then we'll open up testimony, we'll take any testimony, and then I will open the floor for questions from the Members. Any objections to proceeding in that manner?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Members. Okay.

ITEM 1(1): SYSTEMIC INEQUALITY (RULE 7(B))

CHAIR RAWLINS-FERNANDEZ: ESCS-1(1), Systemic Inequality. Okay. Today we continue our discussion of systemic inequality in an effort to locate systems of oppression that need acknowledgement in the legislative process. Many of these systems have had an unfathomable impact on native populations--our lifeways, world views, identities, and survival. This is true for indigenous peoples the world over. Having a deep and thorough knowledge of this material will allow us to both analyze and identify what those structures are, and where they exist in our policies. It is only with this understanding that we can work to dismantle them. We must be willing to see them. It might be uncomfortable, and that's okay. We live in a time in history when our survival on this earth depends on understanding and addressing these systems. It's way past time we look at the root causes. Without this knowledge, it's very difficult to create lasting and meaningful solutions. Indigenous people make up 5 percent of the world's population, but manage 80 percent of the world's biodiversity. As a Kānaka Maoli, I am often dismayed at the ways 'Ike Hawai'i is overlooked, given lip service, or just plain ignored in our own homelands. This knowledge, and those who carry it, are a critical piece of the solutions for our planetary survival. We must do all this work for decolonizing our minds in order to center indigenous voices as we move to a future that's filled with ola and mana. Today we introduce the framework of settler colonialism with a sincere desire to leave you all with a new way of analyzing our

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predicament and a commitment to do better as legislators who have the power to level the playing field, which in practice will lead to a better world for all our children and the generations to come. Okay. Oh, shoots, I didn't write down the...under our Council Rules...oh, okay. Okay. Today we are honored to have Professor J. Kēhaulani Kauanui, a PhD, she's a Professor of American Studies and an Affiliate Faculty Member in Anthropology at Wesleyan University in Connecticut. She is the author of *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indignity*, Duke University Press, 2008, which is the first comprehensive history of the Hawaiian Homes Commission Act of 1921 and the 50 percent blood quantum rule. Her second book is *Paradoxes of Hawaiian Sovereignty: Land, Sex, and the Colonial Politics of State Nationalism*, Duke University Press, 2018. She also has a book of interviews, *Speaking of Indigenous Politics: Conversations with Activists, Scholars, and Tribal Leaders*, University of Minnesota Press, 2018. Drawing from her public affairs radio show, *Indigenous Politics - From Native New England and Beyond*, that was produced in the studios of WESU, and syndicated on a dozen stations across ten states through the Pacifica Radio Network, 2007 to 2013. She currently serves on a number of editorial and advisory boards of a range of journals, including the *Hūlili Multidisciplinary Research on Hawaiian Well-Being*, *Cultural Anthropology*, *Journal of American History*, and *American Indian Quarterly*, and is one of the six cofounders of the Native American and Indigenous Studies Association established in 2008. She is also an elected member of the American Antiquarian Society, and has held fellowships from the School of Advance Research, Smithsonian Institution, Rockefeller Archive Center, National Science Foundation, Fulbright, Māori Studies University of Auckland, and Macmillan Brown Centre for Pacific Studies at the University of Canterbury. She has held an appointment as an Organization of American Historians, OAH, distinguished lecturer, and was nominated to the Distinguished Speakers Bureau of the American Studies Association. In 2022, she was honored with an American Indian History Lifetime Achievement Award by the Western History Association. Dr. Kauanui earned her BA in Women's Studies at University of California Berkeley in 1992, and earned her Doctorate in History of Consciousness at the University of California Santa Cruz in 2000. If there are no objections, Members, I would like to designate Dr. J. Kēhaulani Kauanui as a resource person in accordance with Rule 18(A) of the Rules of the Council. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members. Okay. So, at this time I would like to invite Dr. Kauanui to begin her presentation. Mahalo for joining us.

MS. KAUANUI: Thank you for that warm introduction, and mahalo for having me. Aloha kakahiaka to all of you there on island. I'm speaking to you from a small city called Middletown in Central Connecticut. I just want to double check that everyone can hear me all right, am I coming through?

CHAIR RAWLINS-FERNANDEZ: Loud and clear. Mahalo.

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MS. KAUANUI: Great. So, again, I'm speaking to you from a small city called Middletown in Central Connecticut. My location is on the traditional homeland of the Wangunk people, and the indigenous placename is Mattabesett. Before I dive into my presentation, I want to acknowledge my closet kin there on the islands, my 'ohana members who are based in Anahola on Hawaiian Home Lands territory on the Island of Kaua'i where my father was raised, and where I have visited family all of my life as Kānaka Maoli born and raised in Southern California. My paternal grandfather, Joseph Keao Kauanui, hailed from Kaunakakai, Moloka'i, and my paternal grandmother Blossom Pauahi White Kauanui, who grew up in Honolulu before moving to Kaua'i, has genealogical ties that root our lineage through Maui. Her mother, Annie Kaho'ohie Kane was from Wailuku. Today I want to primarily talk about settler colonialism as a concept, and how it is playing out across Hawai'i, and what it means for local governance on Maui. I plan to spend some time working through the definition of settler colonialism, to identify what it is, and how it differs from other forms of colonial rule. Then I will examine the impact of settler colonization on Kānaka Maoli in particular, the people of the 'āina. Note that the title of my talk today stresses the ethical imperative, that which is ethical deals with morals, the principles of morality pertaining to right and wrong conduct. In Hawaiian, we would call conduct that is correct pono...righteous, respectable, balanced, upright. In other words, my aim is to open up a discussion of what it means to govern in accordance with the rules and standards for right action. Also note my use of the term imperative as a noun, which means something essential or urgent. In other words, what I am stressing here is the crucial need for local governance that is ethical; that is, to govern in a way that is pono. More specifically, I am calling on Maui City Councilmembers to actively and consistently confront the prevailing precepts, principles, and practices that are unjust in order to come correct. That is what it means to ho'oponopono, to behave in a manner that is just. First, what is colonialism? Colonialism is a practice of domination which involves the subjugation of one people to another. It often entails full or partial political control and economic exploitation, along with those who are not indigenous to the land imposing their own language or languages and cultural values upon the people targeted for colonization. There are several forms of colonialism. The type most common historically, or the most popularly known, is called franchise colonialism, and that takes place in cases in which the colonial metropolis is mainly interested in the resources and native labor of the colony in order to channel extracted resources back to their home country. The term metropole comes from the Greek term metropolis for mother city, and is the homeland or central territory or the state exercising power over a colonial empire. So, a classic case of franchise colonialism is what the British imposed on the Indian subcontinent for nearly 200 years, exploiting the South Asians there to fill English coffers through economic bounty rooted back to London. This plunder included control of trade and natural resources, especially textiles and spices. Although people may not use the term franchise colonialism, this is the most common model of what used to be called third world historical experiences and case studies in place...places that we now refer to as the global south. Here too, we can think about the liberation struggles in those contexts, the fight for decolonization in the form of establishing independent nation states. From 1945 to 1960, three dozen new independent states in Asia and Africa alone achieved autonomy, or outright independence from their European colonial rulers. In contrast,

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indigenous peoples are still colonized in what has come to be known as the fourth world. First Nations leader George Manuel of the Neskonlith Indian Band of the Shuswap Nation coined the term fourth world to name the condition of indigenous peoples who are deprived of the right of their own territories and the resources on those territories due to ongoing settler colonialism. And here I might just pause for a moment to note that the ways in which countries in the global south largely became independent--and note the years that I mark, 1945 to 1960--we're talking about the post-World War II era with the founding of the United Nations. And in the charter, the very governing document to the United Nations, there's a clause that says all peoples have the right to self-determination, and by that right should be able to freely assert their political status accordingly. That has not been the case for indigenous peoples, and this is something that the United Nations Declaration on the Rights of Indigenous Peoples, passed by the General Assembly in 2007, sought to remedy. And in the UN Declaration on the Rights of Indigenous Peoples, also known as UNDRIP, you have a document that's merely aspirational, it is not in and of itself international law. It was never passed as a convention, it's merely a declaration. That doesn't mean that it's not important. Indigenous individuals and allies spent literally decades drafting the UN declaration. My point is that without it being a convention, no nation state that's a member state of the United Nations is held or obligated under the law, under international law, to abide by it. Nonetheless, indigenous people in...as individuals, and indigenous peoples as collective polities, have sought to implement the Declaration on the Rights of Indigenous Peoples as customary law by exercising it. Most notably by calling attention to the parts of the declaration that talk about indigenous peoples having a right to pre and free...pre and fully formed consent for any kinds of activities that take place on their traditional territories. I also want to just note for those of you who may be unfamiliar with the UN declaration that there's an internal inconsistency or contradiction in the declaration itself. It starts by saying indigenous peoples are peoples with the right of self-determination, but by the time you get to the end of it, it says that that self-determination is not to contravene...or nothing in the declaration is intended to threaten the political or territorial rights of integrity of the existing nation states that encompass indigenous peoples already. So, I just want to point to the shortcomings of that. This is one of the many reasons why many Kānaka Maoli have been opposed politically to claiming our status as indigenous peoples because indigeneity and indigenous status is not just a cultural definition, it is a political designation around not having the right to self-determination. And as we know from the work of Keanu Sai for example, Native Hawaiians formed an independent nation state that was recognized the world over right up until the U.S.-backed overthrow in 1893. The reason I'm calling attention to this is just simply to actually point out that Hawai'i itself is a hybrid case study, if you will. We have indigenous Hawaiians living within a fourth world condition, right, as indigenous peoples, and who have the claim to an independent nation state that is illegally occupied by the United States. And so, that's some of the context in which I want to proceed with this discussion. Now, circling back to this question of franchise colonialism, I want to also note that it's not just that franchise colonialism is the most common form of colonialism, or maybe the model that people often think of. There are other forms, as I mentioned, in the '60s and '70s, for example, sociologists talked about internal colonialism to look at people of color in the United States, for example,

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that lived as though they were in a third world country because their socioeconomic status differed, and arguably still today differs so considerably overall in comparison to white Anglo-Saxon Protestants in the United States, whose heritage is derived from first settlement. I also might highlight mandate colonialism. When you have...earlier after World War I, for example, you have the member nations of the League of Nations mandating colonial rule over most of the world, and you have international law itself being formed in order to justify European colonialism the world over. You have later versions of mandate colonialism, for example, the British mandate in Palestine, and that could be understood as a form of British colonialism in Palestine that is distinctly different than what we see today with Israeli settler colonialism in Palestine. The other thing that I might highlight around franchise colonialism is that when people think about that as the most common model, or that's their only point of reference, that's where you get this discrepancy between understanding colonialism as something that is happening in the present for indigenous peoples, whereas if people think of franchise colonialism as something in the past, they think of it as something that has ended, and that's why I want to call attention to the political status differences with those in the fourth world versus those in the...the so-called third world, what we now today know as the global south. So, franchise colonialism is still the model...the dominate model of what many people think of when they hear the colonialism, that it is something of the past. I can give a personal example here to highlight what I mean. In December 2015th [sic], a science reporter from the *New York Times* contacted me about the Mauna Kea case. He was writing about the State Supreme Court decision that had just been issued at the time revoking the building permit for the TMT. According to the decision, the State's Board of Land and Natural Resources failed to follow due process by approving the permit in 2011 before a contested case hearing. The journalist noted that the judge's decision cited my expert testimony in the contested case hearing in which I called the TMT an example of 21st Century colonialism. And I also referred to it as a form of colonial violence. In turn, the reporter asked me, so, how about colonization? I think of it was expropriating natural resources. In this case, what are the natural resources being exploited? To answer him, I pointed out that the prime location was one of the most obvious ways in which Mauna Kea, as a natural resource, is actively targeted for exploitation. I also pointed out that the construction would be happening on Kingdom Crown and Government lands, unceded lands that the U.S. Government has already admitted to not having title to since the 1993 apology resolution that acknowledged the illegality of the 1893 overthrow states, "The Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands." That land expropriation itself is a form of exploiting the sacred summit as a natural resource. But my point in educating him went further. It is not exploitation of natural resources alone that determines the specific form of colonialism, both franchise colonialism and settler colonialism entail extraction of all kinds. The distinction is what the primary purpose of the colonial project or aim is. India is not a case of settler colonialism because the British purpose was not to replace all of the Indians of the subcontinent with settlers since land acquisition was not the main goal. Settler colonialism entails the expropriation, the taking of land, to support a permanent settlement of foreigners, and that depends on the attempted elimination of the indigenous people or peoples as such. In contrast to what the British aims were in

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India, we can look at the British in North America to see a vivid case of settler colonization. Okay. So, I'm going to pause here. Again, this is one of the ways, especially with the U.S. forming after the American Revolution, where the average American understands colonialism as something in the past, and that's because they're using British colonialism as the point of reference without using the specific marker of British, right. So, the idea in this...this way of thinking is that colonialism in North America on lands that become...claimed as part of U.S.--as the U.S. nation state boundary--ends with the American Revolution when the British...the 13 British colonies are transformed and reconstitute themselves as the early original 13 states. What's missing in that analysis though, is that you have the formation of a new independent country that is premised on the settler colonial violence against the existing indigenous inhabitants here. So, British colonialism may have dissolved at that time through the violence of the American Revolution, but what you have is the assertion of U.S. settler colonialism, right. And I might also point out in terms of the British...the British presence here, and I could talk about other European colonies too or, you know, other European presences, whether it's the French or say the Dutch, but for the purposes of this discussion, I just want to...to also mention that in the area where I live currently in Connecticut, for example, you had the British brokering treaties with tribes, but this is when the tribes here held the bulk of the power, this is when Europeans needed something from indigenous peoples. That's very different later. It isn't...it isn't different, I should say, with the U.S.--when the U.S. starts to impose treaties on tribal nations, and those are treaties of a different nature, they are all treaties of cession that coerce or otherwise compel tribal nations to forfeit or give up territory under the threat of great violence. And so, that is because when you have the U.S. forming its own nation state with these 13, you know, under the Articles of Confederation, that's not enough, right, that's the difference with settler colonialism. It's not enough to take the Eastern Seaboard, you have the...the...the violent march westward, and this is the signature or the hallmark of settler colonization, more land, land is the centerpiece. And so, with every expansion, you have native peoples who are going to resist that encroachment onto their territories, right, and sometimes violently so, right, violent resistance, and you also have...let me just double check here. I just heard a noise. I just want to make sure I'm not missing anything. Okay. And so, you have basically treaty making as a strategy for settler colonial land expropriation. Okay. Now, let me shift gears here. What I wanted to acknowledge is that when I'm in this particular talk presenting this concept of settler colonialism, I'm drawing primarily, though not exclusively, on the work of Australian...the late Australian historian Patrick Wolfe and his theory of settler colonialism. Wolfe argued that this model of domination operates by what he termed the logic of elimination of the native. Again, that settler colonialism's overarching logic is the logic of elimination of the native, and that is because, as mentioned earlier, the acquisition or expropriation of land is its central feature. However, what we also need to keep in mind, and this is in...again, taking up Wolfe's theory, is that elimination can be carried out through genocide proper, through physical removal, and/or through coercive forms of assimilation. In other words, foreigners enact this mode of domination in order to replace the original populations of the colonized territory with a new society made up of settlers...again, whose aim is to expropriate the land for themselves as they strive to entirely replace the indigenous people or peoples of the

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land. And again, just to...I've said it a few times now, but I want to underscore--when I say indigenous people, that might be one people, like the Hawaiian people are an indigenous people, or it could also be a group of indigenous people in a room or in a meeting. When I'm saying indigenous peoples, plural, I'm talking about more than one people, or more than one polity. So, when I would say, you know, the Navajo Nation and the Standing Rock Sioux Nation, I would say they are two indigenous peoples in that particular frame of reference. But again, the point here is to entirely replace the existing inhabitants. As Wolfe put it, and this is one of the most often quoted parts of his theory, settler colonizers come to stay, invasion is a structure, not an event. So, again, settler colonizers come to stay, invasion is a structure, not an event. But what does that mean? In Wolfe's terms, that means that U.S. society, as just one example, was built and continues to be sustained through indigenous dispossession. It also means that the U.S. Government and the overarching society still structure their legal and social relationships to indigenous peoples through colonial domination, which has yet to end. I want to also note the work of Haunani-Kay Trask, which is also crucial here, since she was identifying and documenting different forms of settler colonization in Hawai'i through her writings and speeches in the 1990s. Notably, by 2000, Trask also named what she termed settlers of color and immigrant hegemony in Hawai'i. She challenged the category of local as an identity claim, focusing on people of Asian ethnicity, particularly those of Japanese ancestry, and called out their complicity with settler colonial structures of domination that subordinate and oppress Kānaka Maoli. Indeed, Hawai'i-based Asian scholars and activists, including Eiko Kosasa, Karen Kosasa, Ida Yoshinaga, Candace Fujikane, and Dean Saranillio have been at the forefront of cutting edge research, exploring the colonial ideologies and institutional practices of local Asians in Hawai'i who support the broader structure of the U.S. settler colonial state. And over the past two decades, a plethora of new work has contributed to what is now a rich field of study onto itself known as Asian settler colonial studies with scholars of all different backgrounds. However, the concept of Asian settler colonialism is one that continues to ruffle people's feathers. I think the problem here is that people get fixated on individual and group identities without enough attention to the structures of domination built to dispossess Kānaka Maoli, which all of those who are not Hawaiian in Hawai'i benefit from. In other words, what I want to suggest is that this not about whether any given person identifies as a settler or a colonizer, rather we need to take into account how people, as individuals and as groups, are embedded within a social structure whether they like it or not, and that does not depend on one's identity or even their own collective historical experience alone. And I can illustrate what I mean by using myself as an example. As I mentioned earlier, I reside in Connecticut on Wangunk land. That means I too, am part of the settler colonial structures of domination in relation to the indigenous people here, regardless of how I identify. Never mind that I too identify as indigenous, I am not indigenous to this place. I can cite the fact that my Kānaka Maoli father was part of an economic outmigration as a colonized subject, and how my family history differs from others here where I currently live, whether one is a Chinese immigrant, a Syrian refugee, or black descendent of the enslaved, or an elite white Anglo-Saxon Protestant who traces their ancestry back to the Mayflower. And we all may differ when it comes to more than just race and ethnicity, such as class, gender, sexual orientation, religion, and so forth. But we are not indigenous to this place, and I'm

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talking about where I am right now. What's more, the very condition of our ability to be here is precisely because of the settler colonial elimination that began with the first settlements in 1650, and arguably have not ended. How do I know this? Because the Wangunk are still dispossessed of their lands. They once held a huge span of territory, but by the late 17th and early 18th centuries, the English settlers had coerced them to give up their lands through colonial debt and deed making, reducing their territory to three reservations that amounted to a small fraction of original homeland territory. And by the late 18th Century, they were eventually displaced and dispossessed of those reservations...excuse me, they were displaced and then dispossessed of those reservations as well because that's what settlers do, they take land. I also just want to mention, I'm talking about English settlers here. The Dutch came first, but they didn't stay that long in terms of the settler colonial component. They were very interested in more of the franchise model of colonialism. Now, circling back to Wolfe, his work is distinct in that it gives us a theory of how settler colonization operates systematically across diverse geographies, and that's one of the reasons I'm going...turning back to him, is that we can look at different places through a settler colonial lens beyond Hawai'i. Notably, his comparative study of Australia, Israel, Palestine, and the United States showed how the logic of settler colonialism is premised on the elimination of indigenous peoples. As he explained, because settler colonialism destroys to replace, it is, as he put it, "Inherently eliminatory, but not invariably genocidal." Again, settler colonialism destroys to replace, it is inherently eliminatory, but not invariably genocidal. Now what does that mean? He was careful to point out that settler colonization is not simply a form of genocide, and we know this because there are cases of genocide without settler colonization. We can think about the...the case of Darfur or the case of Cambodia, but also, because elimination can refer to more than just the mass killing of indigenous peoples; although, it includes that, or can include that. Therefore, he suggested that the concept of structural genocide avoids the question of degree, and enables an understanding of the relationships between outright genocide, or what we might call genocide proper, and spatial removal, as well as coercive forms of assimilation. And for this last part around biocultural assimilation, people might be thinking well, how is that elimination. Part of that is about eliminating the native as native, meaning the physical person or people might still be present, but not understood or acknowledged as indigenous. Okay. So, I just want to stop here and offer a few examples of spatial removal, or even genocide proper that...that are...a case of genocide proper that is settler colonial, right, unlike the Cambodian genocide or genocide in Darfur. Here in Connecticut, under the British, we have one of the first known genocidal massacres of an indigenous people in North America known as the Pequot Massacre. We could also look at the late 19th Century, the Wounded Knee Massacre carried out by the U.S. Army against the Lakota people. So, those are examples of outright genocide, right, to...that aims to massacre an entire village or an entire people. Then there is the spatial removal. An example of that can be seen in the Trail of Tears, right. The march of...of tribes from the southeast--often people will think of the Cherokee, it wasn't just the Cherokee--where you have the army marching people thousands of miles from the southeast...of what's known as the southeast of the Continental U.S. to Indian territory, what became later known as Oklahoma. And you can even think about post-World War II Indian relocation, native people to urban...urban metropolises

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throughout the U.S., Minneapolis, San Francisco, New York City, Dallas. Cities that were targeted to bus native people off of reservations into the city in this way that was a form of coercive assimilation. The coercive part here deserves a little bit more attention. And people might say well, how can you force somebody to get on a bus and move to New York City? Part of that has to do with the forced assimilation policies that were bent under the U.S. during what was called termination era, where all Federal policy imposed on tribal nations aimed to break up tribes as collective polities or collective governments or collective peoples, and to forcibly assimilate them as individual American citizens. And so, when you have a reservation, for example, that has had economic starvation, and you give people a one-way ticket to a city, right, people are left with very little choices. And this is similar, I think, to the case of Hawaiian outmigration. When you make it almost impossible for people to really live with a family under the dire conditions of employment, lack of housing, and so on in the islands, right, one can think of this as a form of coercive outmigration or removal. But there are cases where it can be bound up with biocultural assimilation, right. So, I think the...the Indian relocation is an example of both, right. The aim is to assimilate those individual American Indians into the broader American populace through spatial removal. And what's the end goal is, again, eliminating them from the land, from their actual territories and homelands. A couple other examples of coercive forms of biocultural assimilation can be found in the legal banning of native spiritual or religious practices, also residential boarding schools, for example. And those are just a couple examples, I mean we can talk about more if there are questions afterward, or perhaps...and if anybody is offering testimony. The point here is that there are many ways to eliminate the native besides mass killing. Turning back to the Hawai'i case, the Hawaiian population had already collapsed demographically from an estimated 800,000 to 1 million Kānaka Maoli in 1778. We know this...those numbers through the work of David Stannard in this book *Before the Horror*. So, again, you have an estimated 800,000 to 1 million Kānaka Maoli in 1778. When Cook encroached into the archipelago, down to roughly...excuse me, 40,000 Kānaka Maoli by the time of the overthrow. So, again, 800,000 to 40,000 or 1 million to 40,000. So, once you have a more manageable demographic, the...the question of outright genocide can look really different, right, also depending on the era. Now, given those low numbers, the settlers backed by the U.S. military did not engage in outright genocide in the islands, but that does not mean that settler colonization in Hawai'i has not been genocidal, right, and I'm using...I'm switching here from genocide as a noun to genocidal as an adjective. In the Hawaiian context, we can see evidence of what Wolfe would call structural genocide. In other...in other words...excuse me, in the other ways that the U.S. Government and its subsidiaries, the 50th State, Hawai'i Government, as well as settler society, in the ways these entities have engaged in forms of elimination of Kānaka Maoli. We have numerous examples of spatial removal, such as the Hawaiian Homes...Hawaiian Home Lands leasing scheme developed in the 1920s to concentrate Kānaka Maoli onto lands reserved for those who meet the 50 percent blood quantum rule. And that racial criteria itself is a form of elimination through erasure since it serves to redefine Native Hawaiians who do not meet the 50 percent standard out of existence, a form of what you might call paper genocide, or statistical elimination. And then there are the decades long policies of assimilation that have riddled the entire education system in Hawai'i, including the

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banning of Hawaiian language as a medium of instruction that was entrenched in the legal system until the 1980s. And we also have coercive forms of outmigration to the U.S. Continent I flagged earlier, since fewer and fewer Kānaka Maoli can afford to live in our homeland. This has come in distinct waves from the post-World War II era to today, with Kānaka Maoli struggling to make ends meet in a political economy dependent on tourism and militarism, where the basic...excuse me, where the cost of basic needs, like housing and food, are astronomical, right. But removal in the case of Kānaka Maoli, you know, has...has...has been economically coerced, forced off the land and out of the homeland while those holding the power in the islands usher in waves of foreigners, and all seem to want Hawai'i without actual Hawaiians, right. I see this on Kaua'i when I go back to visit 'ohana. I can see radical changes just from one year to the next. It almost look...it's almost unrecognizable, right. And when I see my first cousins, for example, or my aunties and uncles who are, you know, actually going to the beach if they actually have a day off, or perhaps to a restaurant where they're not entertainers or servers, they're often looked at as...as though they're the ones intruding on other people's space, right. So, you get these waves of newcomers, and some of the long-term people in the islands who seem to want the hula, the music, even what they call the aloha spirit, but without Kānaka Maoli. Local government removing Kānaka Maoli from their kuleana lands, genocidal. Economically strangulating Kānaka Maoli so they can only survive by living in tent cities, genocidal. The policing of houseless Hawaiians on beaches, genocidal. Local lawmakers contributing to the settler colonial domination of Kānaka Maoli are contributing to genocidal violence. Now, I figure some of you may be shaking your head, or perhaps rolling your eyes, thinking I'm blowing things out of proportion or engaging in gross exaggeration, but I'm calling attention to what contributes to the structural genocide of the Hawaiian people. Any and all forms of elimination. Unbridled tourism is another example, how the arms of the State continue remaking Hawai'i in the service of visitors rather than anchored to the people of the land. We can also think about this with the lack of protection of natural resources, right, not least of which is an issue of environmental sustainability. We can see this feeding into the issue of gentrification. Gentrification occurs when the so-called gentry class relocate to a community--often urban, but not necessarily so--resulting in the displacement of low-income, oftentimes long-time residents. As a consequence, housing and living expenses increase tremendously, impacting a variety of local people. In turn, these communities experience a number of changes, including increased policing, perhaps improved city services, and expanded commercial centers to cater to the new residents. As a result, many long-time residents are forced to relocate since rents and costs skyrocket to appeal to the new class...to the class of new arrivals. Meanwhile, developers, realtors, bankers, investors, planners, architects, engineers, and politicians, those with a hand in this redevelopment and displacement, benefit professionally, and too often, economically. In Maui, or the broader Hawai'i context, while it is true that gentrification harms more than just Kānaka Maoli, and can adversely affect all long-time locals, it is the Hawaiian people who still bear the brunt. Some of you may hear criticisms of gentrification that compare it to colonialism, saying it's like colonialism, but for indigenous peoples, gentrification is colonialism, specifically settler colonialism, with each land transaction further alienating the Hawaiian people, making it that much harder to reclaim our 'āina in

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order to steward her and socially reproduce as a people. With each residential and commercial development, or so-called development, we see the unearthing of na iwi kupuna, our Hawaiian burials. We see the eradication of native shrubs and trees, which in turn impact the streams and ocean. And all of this inhibits the ability of Kānaka Maoli to exercise customary traditions that are part of indigenous lifeways, not to mention stemming the ability for people to gather food and medicine. The ongoing desecration of the 'āina, wai, and kai is further...is a further assaults on Kānaka Maoli lifeways and the ability to sustain our lāhui, our peoplehood. All of that is part of elimination, structural genocide. We don't need terms like ethnocide or cultural genocide, since those forms of eradicating indigenous lifeways are part of the same end goal, eliminating the native from the land. And...and in cases where they cannot be removed physically, settler colonial forces define them out of existence as natives of the land, right. We can see this again, the blood quantum is a very obvious example. We can see this also in recent legal proceedings in which the use of Hawaiian language for some official business is criminalized. Here I'm thinking about the...the numerous times that Kaleikoa Ka'eo has been held in contempt for not speaking English in a courtroom when appearing before a judge. U.S. settler colonialism in Hawai'i has meant for the...meant the historical suppression of 'Ōlelo Hawai'i and everyday cultural practices as white American culture became hegemonic, cutting us off from knowledge of our own history and ancestors, along with native spiritual practices. And yes, I do want to call attention to the racial hierarchy, right, in terms of white hegemonic imposition in the islands, but again, without losing sight of the ways that people of all different racial and ethnic backgrounds still participate in that form of subjugation of Kānaka Maoli. And in structural terms, this includes the ongoing...ongoing institutional racism, some of the things I've highlighted before I want to underscore again here--military expansion, indigenous criminalization, houselessness, disproportionately high incarceration rates, low life expectancy, high mortality, high suicide rates, and other forms of structural violence, including the constant unearthing of burials and the desecration of our sacred sites. Again, economically compelled outmigration and many more outrages, not least of which is the ongoing process of illegal land expropriation from which most of these issues arguably stem, right, that it is the root cause of those issues is settler colonial land expropriation. And settler colonialism, again, is an oppressive structure that is still continuing into the present, right, it is an oppressive structure that Kānaka Maoli continued to endure. I want to also be sure here to mention that colonialism is distinct from occupation, and settler colonialism is especially different. For one, you can have an occupation that is not colonial at all, let alone settler colonial, and here we can think about the U.S. occupation of Iraq. While illegal and horrifically violent, as well as prolonged and belligerent, the U.S. aim there was not to replace all Iraqis with American settlers in order to expropriate Iraqi lands. We know from the work of Keanu Sai, who I mentioned earlier, that the U.S. is engaged in an illegal occupation of Hawai'i to this day, but I don't see this as an either/or situation. U.S. settler colonialism both undergirds and overlays the US military occupation of the Hawaiian Kingdom. Settler colonialism both proceeds the overthrow, and persists to this day. Now just to pause for a minute, when I say proceeds the overthrow, I'm talking about cultural forms that set out to demean, degrade, and displace Hawaiian cultural norms, right. Again, I'm in Connecticut, I'm in the colonial belly of the beast when it comes to

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the earliest colonization of Hawai'i. This is where all...most of the Christian missionaries, the Calvinists, came from, Connecticut and Massachusetts, right. And although they were there on the watch of the Hawaiian Kingdom Government, they set out to eradicate many forms of Hawaiian ways of life, and that's what my second book actually talks about, the book *Paradoxes of Hawaiian Sovereignty*, really looking at the reconfiguration of Kānaka Maoli relationships to each other with regard to gender and sexuality, as well as relationships to the land, that these got transformed into proprietary relationships, of converting ways of relating to modalities based on assumptions of property and ownership. Another example, for those who want to better understand how settler colonization predates the official U.S. takeover, you can see Jonathan Kamakawiwo'ole Osorio's Book titled *Dismembering Lāhui*. In it, he shows how white Americans infiltrated Hawaiian Kingdom governance to change the laws to serve themselves in order to eliminate and replace Kānaka Maoli. The ethical imperative of local governance in Hawai'i is not just to stem the tide of settler colonization, but to actually reverse it, to repair it. Taking settler colonialism as a structure seriously entails challenging the normalization of dispossession as a done deal, something relegated to the past rather than ongoing. To challenge settler colonialism as a structure, one must necessarily refuse to perpetuate that logic and stop participating in the elimination of Kānaka Maoli, whether through erasure, dispossession, removal, or coercive forms of assimilation. Indeed, it is the kuleana of all those who live in Hawai'i to address the question of land dispossession through not just repatriation of our ancestral remains, but repatriation in the broadest sense. Repatriation means return, and here I'm talking about the return of Hawaiian land to enable Kānaka Maoli lifeways and our future survival as a people. In...those committed...in conclusion, those committed to stopping the genocide of the Hawaiian people must put an end to both the logic and the practices of elimination in all of their forms. Mahalo nui loa. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo a nunui, Dr. Kauanui, for that mind blowing, revealing presentation. Really appreciate that. Okay. Members, it's 10:04, so we'll open up testimony. And after we conclude testimony, then we'll open the floor to questions from the Members for Dr. Kauanui. Okay. Let me read the instructions for testimony. Oral testimony via phone or video conference will be accepted. Please note that if you are signed in, you are on the list to testify, even if you did not request to testify. Testifiers wanting to provide video or audio testimony should have joined the online meeting via BlueJeans link or phone number noted on today's agenda. Oral testimony is limited to three minutes per item, and will be accepted before each item. We ask you to state your full name and organization, but if you prefer to testify anonymously, Staff will identify you as "Testifier" and provide you a number. You may indicate in the chat if you do not wish to testify; however, chat should not be used for discussion or comments. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Okay. I will now proceed with oral testimony. All right. I have three minutes on the clock. And I saw Kapiolani Spencer request to testify.

. . . BEGIN PUBLIC TESTIMONY ON ITEM 1(1) . . .

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MS. SPENCER: Aloha mai kākou.

CHAIR RAWLINS-FERNANDEZ: Aloha.

MS. SPENCER: O Kapi'olani Spencer ko'u inoa. Mahalo, Kumu 'o Kēhaulani, for your...for your on cue and factual of history accounts of the dissimulation of the Native Hawaiian people. For myself, I needed to identify myself as a Native Hawaiian woman by going back to school. So, at that, I am now trying to relearn...or to learn my language. I am one of the Kānaka Maoli that suffer from cultural genocide due to the cultural bomb of the minds. Just to be a Kānaka Maoli here in our own homelands, it's a struggle every day to see that our predecessors...and I'm sorry if I'm calling them that, but...I take that back, I am not sorry for calling them that because I feel, as a Kānaka Maoli, I have every rights to call them what I feel. So, until today, we're under the jurisdiction of the fake state, this United States of America, which has transformed the Hawaiian Kingdom Government also into a form of their government known as the State of Hawai'i. Unfortunately, all of this dissimulation has taken from Kānaka Maoli our land and natural resources, like water. For Kānaka Maoli, for our kūpuna iwi, we had it already laid out. We had global warming figured out. We had aquaponics figured out before its time. Now, this was the natural occurrences that nature took upon itself to sustain not only the land, but the people. That's what we call aloha malama 'āina, and until today is the key and the answer to our global warming. If everybody can remember the beginning of pandemic when we got shut down, what happened to nature? We felt the shift in nature, and in less than a week, nature was replenishing itself. Man is going to be the destruction of their own kind due to greed. And to mention when you search on Google for the Treaty of Annexation of Hawai'i, there is none, and now Google is starting to explain, and tell the truth, and where we can find the truth about our true history as Kānaka Maoli. This is the dire need to get this information out to not only our people, but to the entire world because we are an indigenous people. . . .(timer sounds). . . And we deserve what is rightfully ours, it's our lives that matter. Not only black lives, but all indigenous lives matter. Thank you for your time. I have more to say, but I know my time is up. Mahalo nui. Aloha.

CHAIR RAWLINS-FERNANDEZ: Mahalo (*audio interference*). Members, any questions? Seeing no hands for questions. We'll thank you for your testimony.

MS. SPENCER: May I answer? Ask me a question. Oh. Oh.

CHAIR RAWLINS-FERNANDEZ: I know, I know, this is a topic that we could spend hours, hours, days, and months on. Mahalo for joining us today. Oh, Member Paltin, you have a question? Ms. Spencer?

VICE-CHAIR PALTIN: Oh, my question was, what...what was your question?

MS. SPENCER: I had a question? Hi, Tamara.

VICE-CHAIR PALTIN: Oh, did you have...

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MS. SPENCER: Hi, Tamara.

VICE-CHAIR PALTIN: Did you have a question?

MS. SPENCER: No, I just wanted to testify on Moku O Keawe's behalf. I am a resident...or used to be a resident of Maui, and that's why I'm affiliated with all of you guys. So, we got a lot of good things coming for our people. We're faced with a lot of struggles here in DHHL, and I don't want to say too much on . . . *(inaudible)*. . . But anyway, this is just things that need to be reexamined, that needs to be rectified, that needs to find solution for our people. Another thing I want to know is why, for all other councils we can vote who we want as our electives, yeah, in office, but why cannot we vote on our chair for DHHL? It's part of the corruption and the demise of our oppressors. So, enough is enough already. I mua ke kanaka. E komo ma loko. So, thank very much.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Spencer. Mahalo, Member Paltin. Seeing no other hands for questions. We'll thank you again for your testimony, Ms. Spencer. Aloha. The next individual who requested to testify is Lisa Darcy. There you are.

MS. DARCY: Hi. Good afternoon, everyone.

CHAIR RAWLINS-FERNANDEZ: Aloha.

MS. DARCY: Sorry about that. Okay. That's not important. Let's see, what is important today is to hear. My name is Lisa Darcy, and I am the founder of Share Your Mana, a commissioner on Healing Solutions for Homelessness. The...the majority of my 35-plus years contributing to community, it has been with individuals who have been marginalized for various reasons that were very clearly illustrated with this presenter. On the mainland, I worked predominantly with individuals who were brown and black skinned, had no access to care, had no access to income or housing. And I was not prepared for what I found when I came to Maui. I...I was shocked when I came to Maui, and I saw that the playbook was not only intact, but it was thriving. And I...I...I can't implore this Council enough to heed the information this presenter shared. In that this Council now has the...has...has information and the ability to change and really look at some of these systems that harm and hurt and crush the souls out of this culture. I...I am...I am so excited from this presentation and the amount...I don't even...I can't imagine the amount of studies that it has taken. I...I...I've...I've learned it through sitting in people's sorrow, in sitting in people's suffering, and so, my...my experience is very tactile. Also, I'm...I'm...I'm very much a self-learner, and so, I have studied colonization, and I have studied the impacts of systems through incarceration and many of these things. I...I can't implore this Council enough to integrate everything that was said and learned today into all of your actions, and that is not an easy task, but it is actually bringing me so much joy and hope that I...I really haven't had an opportunity to experience in a very long time. So, I'm...I'm so excited that what this Council can do together, and...and form new solutions with this information. It gives people who have been suffocated for years an opportunity to breathe again, so

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thank you. Thank you so much. It's actually overwhelming. It's...it's...it was so beautifully done. Mahalo. . . .*(timer sounds)*. . .

CHAIR RAWLINS-FERNANDEZ: Perfect timing. Okay. Members, questions for our testifier? Seeing none. We'll thank you so much for your testimony, Ms. Darcy. Aloha. The next individual requesting to testify is Zhantell Lindo.

MS. LINDO: Aloha. Aloha, Chair. Aloha, Committee Chair and Councilmembers. So thankful for this opportunity to testify. I wasn't going to say anything, but I think it's necessary for me, even in my role as a community outreach specialist. By the way, I testifying on my own behalf, and...and my...my efforts to be beneficial to our community to ask a couple questions, and then make a couple statements. First of all, I thought that the presentation by Kumu Kēhaulani, was so awesome and very enlightening...and was simple, so everybody could understand. Plain language, nothing fancy. I think it was super helpful. I think what I also learned is that it's not just the system that inflicts this idea of settler colonialism or implements those kinds of actions, but also in individuals. And plenty times the oppressors can be from well...or the oppression and that...that state of mind can be inflicted by well-intended helpers, you know, people who think they helping our people, but are totally reinforcing that settler colonialism. So, I...I...for me, that was the important part. It's not just about blaming the system, but the system is made up of people, and each individual have to take up the...I believe the responsibility to correct the narrative, yeah. But my question maybe would be, it seems like there's a lot of good presentations like yours that come out and help us to understand where we're at, what the past was like, what the intention and how good when look when we implement all these great...and we correct the narrative and do that. What...what I think would be helpful for me, and for the community, is to know you as a kumu, or as somebody who spends some time in this understanding, is there a plan, or initiative, or a step-by-step process that you see for implementing the corrective action? Something that Councilmembers or lawmakers or communities can use to kind of look at where do we start to make those changes in the system, how do we...you know, we talk about huli the system, change the laws, make all these things, but it's not as easy as just creating a law and trying to get all the support from everybody. So...so, maybe what would help is coming up with a clear guideline from people like you who make this your passion on how do we help lawmakers, how you help people who understand. How do we make that...that necessary shift in the system that empowers everybody, right? Because I no think anybody runs for office trying to oppress anybody else, but I think that's the vision that sometimes the community has because they don't understand how hard it is to create legislation and rules for the benefit of our people as a whole. And so, as a Kanaka, I like to think that our whole culture is based on...on lifting up one another, and that if we continue to function from a place of oppression, then we cannot give out anything but oppression, but when we come from a place of victory, we can only give what we get, right? And so, as you huli'ing this mentality, I hope that we can see from you and others like you some kind of plan or projection of a step-by-step process that might help us to implement the corrective action needed to make us better leaders. Mahalo.

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CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Lindo. Okay. Any questions? Seeing no questions from the Councilmembers. We'll thank you for your testimony this morning. Okay. The next testifier that requested to testify is Kahala Johnson. Aloha, Mr. Johnson. You may proceed with your testimony.

MR. JOHNSON: Aloha, Council. Thank you folks so much for inviting Kēhaulani, and just ola, ola, ola, Kēhaulani Kumu. Kēhaulani is our...she's our...our friend, family, and our...our intellectual and academic and activist mentor, and I really appreciate being able to hear her this morning. I just wanted to ask, kind of turning to Dr. Kauanui's talk about the kinds of complicities that can happen between Asian settler communities and groups with the overarching white settler hegemony within settler colonialism in Hawai'i. I'd like to ask the question about how the Council might be able to also include folks who do come from Asian settler backgrounds to talk about how...how to...how to work to decolonize and unsettle those structures. Not ignoring the complicity or trying to evade it, but actually, you know, engaging with other Kānaka Maoli to stop all the violence of elimination that's happening. And I'm...I'm speaking also as a...both as a Kānaka Maoli, but also as a Filipinx who has...who belongs to a community of largely Ilocano, I'm Visayan, but Ilocano settlers here, and having conversations with them and working through some of our own traumatic histories, including the fact that the United States occupied and...we were colonized by Spain, colonized and occupied by the United States, and also faced genocide by the Japanese. How do we use these histories and understanding of these shared histories, and also the complicity, and how do we work together to undo the trauma that's happening between our groups so that we can...we can...we can move towards a future that's decolonized, de-occupied, all the things that we want. I...I think the Council has a really rich opportunity here to begin having those kinds of discussions and...and actions. So, mahalo nui, Kēhaulani, and mahalo, Council.

CHAIR RAWLINS-FERNANDEZ: *(Audio interference)* Mr. Johnson. And as a Filipina myself, Ilocano and Visayan as well, I would be happy to ask your question later on. So, mahalo for your testimony. Seeing no hands for questions. We'll thank you for your testimony. Mahalo. The next testifier who requested to testify is Faith Chase. Aloha, Ms. Chase. You may proceed with your testimony.

MS. CHASE: Aloha, Chair Rawlins-Fernandez. Wow, I'm...I'm...I'm kind of just so emotional. You know, yesterday was...I thought yesterday's Committee meeting and the comments made despite the vote that I wasn't happy to...to see regarding the Waiehu property and our...our beautiful people who were asserting their...their...asserting the law and their rights, I thought yesterday was so impactful. And never before did I want to extract testimony from a Council meeting or a Committee meeting and take it to the airwaves, and I...literally this...this Council presentation today--thank you also to that kumu--at this...this Committee meeting needs to be taken to classrooms and government boards for...as an education piece in a wide way. I'm so...I'm so...I'm so amazed, and I'm so grateful. And I know I've said it many times, I just wanted to comment to my...my...actually my Chair of Healing Solutions for Homelessness Commission that when you asked about how do we...how do we...what's the plan, and how do we educate, and what's that step towards corrective action, I...I...I've seen it for

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a while. I mean it's not my own...alone idea, but I've mentioned to you guys many times that every committee and every corner of our said State County government operations needs an intermediary, intergovernmental space. Committee clerk, agenda items, I see a secretary being present at every...at least a secretary who has this on their radar, where every time there is an issue that relates to this topic of...of genocide and decisions that could be corrected, needs to highlight those areas and bring those back to the forefront. Like they're hot topics, bring them back to the forefront of decision making. A lot of times people make testimony and it just goes nowhere. We've heard many, many testimonies on the State level as well. And so, I see that as a great step. This is a huge step, this is an unexpected step to have this presenter here today, and I'm so grateful. But I think in doing that, we can fast track that education versus the litigious circumstances that could happen down the road. It's...it's...I...and I definitely like that huli this mentality. In...in this way we can start to do that. Thank you so much. I'm still sort of replaying this in my head. I'm sorry I'm all over the place, but just super...I just had to get on and say how super grateful I am. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Chase. No hands for questions. We'll mahalo you for your testimony today. Okay. We do have individuals signed on that have not requested to testify. So, I will open it up to anyone wishing to testify, you may unmute and proceed with your testimony at this time. Noelani Ahia, you may testify.

MS. AHIA: Wow. Aloha kakahiaka, Councilmembers and Kumu Kēhaulani. I wasn't going to say anything, but I'm sitting over here, I'm practically in tears, and I just felt like I needed to share what's in my na'au, which is mahalo, mahalo, mahalo. And mahalo to Councilmember Rawlins-Fernandez for...for thinking to create a Committee that includes systemic inequality and bringing such amazing speakers to this space. This space that has often felt genocidal for us as Kānaka. This building that...that often represents our oppression. To have these words in this space represents a really powerful shift for all of us because for me, also as a diaspora Kānaka...in fact, I think Kēhaulani and I may have lived near the same towns at one point in Irvine, California, yeah...although we never knew each other there. The...this information was not available growing up. Cultural information was not available growing up. I did not know what it meant to be Kānaka Maoli growing up. It wasn't until my kupuna came and found me in New York and came...threw me physically and said go home. I moved home 15 years ago, and it's been a...an unveiling process for me of peeling off all of these colonial layers and finding out who I am underneath all of that assimilation, learning who I am as a Kānaka. And my phone is blowing up because everybody is so excited about this talk this morning, and people are giving me those little emojis where their mind is blown because even for Kānaka, this information is new for a lot of folks. That's because of the assimilation, it's because they lied to us, and not just to the Kānaka, to all of us. They couldn't tell the truth because if they told the truth, then we'd all be empowered to shift the power dynamic and make the world more just. So, I just want to mahalo you, Keani...or Councilmember Rawlins-Fernandez. And by the way, I'm testifying on my own time, and on my own behalf. And again, I wanted to mahalo Kumu Kēhaulani Kauanui for...for facilitating this incredible shift in

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consciousness and opening the door to enlightenment for us to do better as a community. Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Okay. Seeing no hands for questions. We'll thank you for your testimony this morning. Okay. All right. Anyone else wishing to testify? JC Law, welcome.

MR. LAW: Hello. Good morning, everybody. Aloha kakahiaka. Ohio. My name...ko'u inoa JC Law. Salamat pagi for Chair Lee. And thank you . . .(inaudible). . . for bringing this in here. My brain is all like...I wrote it down, but my brain is like going pretty fast right now too, and so, I'll try to keep...I'll try to make some sense instead of jumping around all the time. And I apologize on...for Mister...he can...he can speak for himself, but is...James Cook was the guy that did that, not...my apologies for speaking in English because I...I'm not that good at 'olelo yet, and my...my dad was in the U.S. Navy, he was one of the...one of the relatively good guys. He...he probably wouldn't have pointed guns at the queen either. So, my apologies on behalf of the United States Navy. I'm in a strange juxtaposition because I wouldn't be here if it...if my dad wasn't in the Navy. So, if...if I had to give up my...I hope it doesn't come to that, but...because I've been here more than five years, according to the Hawaiian Constitution, I got rights here now, so, I don't...I don't want to go back, but I would wonder if I made the choice to let some Hawaiian guy move back over here, I probably would. I've waited most of my life for this day, and I wouldn't want to make people uncomfortable at the formal Council meeting tomorrow with Chair Lee, but Wonder Woman came from a place called Paradise Island, not the United States. And I was encouraged...I mean I watched the State of Union [sic] and was encouraged when Mayor Bissen said something about the Pledge of Allegiance and how everybody automatically just put up their hands and recited that. And I tried to say the Pledge of Allegiance to the united islands of Hawai'i, and I especially like the end with liberty and justice for all, and someday I...hopefully I can say that you in 'olelo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Law. Seeing no hands for questions. We'll thank you so much for your testimony, and for all your effort in 'olelo Hawai'i. Mahalo. Okay. All right. Anyone else wishing to testify online? I think that's everyone here. Anyone else wishing to testify online, you may unmute yourself and proceed with your testimony at this time.

MS. SHIGETANI FRALEY REESE: Aloha.

CHAIR RAWLINS-FERNANDEZ: Aloha.

MS. SHIGETANI FRALEY REESE: Can you hear me?

CHAIR RAWLINS-FERNANDEZ: You may proceed with your testimony.

MS. SHIGETANI FRALEY REESE: Aloha kakahiaka. My name is Grace Shigetani Fraley Reese. But I also wasn't planning to testify, but I...I too, am sitting here in tears, and really overwhelmed with gratitude for the presentation this morning. Mahalo, Kumu.

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Mahalo to Councilmember Keani Rawlins-Fernandez for...just to reiterate what everyone has said, for creating this Committee, for creating this space for this immense and profound learning. And to initiate, you know, this...this much-needed process of collaborating together as a community, to...to huli our mindsets, which is, you know, as...as was so eloquently and just...there's so much richness and depth of intersectional analysis that also, you know, as...in my own journey of learning has taken me many years to connect all of the dots. You know, not...to be able to understand in my own experience, you know, Asian settler colonialism in Hawai'i, which to me is...I'm fourth generation Wailuku, but my dad...I was raised on military bases all over the world because my dad, like so many kama'aina, had no options except to be co-opted into the militarization of Hawai'i, and...and use that as a way to gain his education on the continent. And so, I also...you know, this has been a process, my own decolonization journey, coming back to Hawai'i and learning to be pono in my relationship to the 'aina and to the Kānaka Maoli, and...and try and navigate my role as a settler on these lands. So, you know, and it's...it's...I...I know that...I've presented myself very publicly toward...in the Council and in the last several weeks because of the development in Waiehu, and I know that I...oftentimes this...these topics are so heavily emotionally charged that, you know, we can...it...it breaks down the discussion into attacks on character, or...you know, and that...that's part of...that's part of this system of systemic oppression . . .*(timer sounds)*. . .dividing us. And so, I...I just really appreciate the aloha. And I...I'm so looking forward to seeing what transpires. And so mahalo to all of you, and especially Kumu, for that very moving and informative presentation.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Shigetani. Seeing no hands for questions. We'll thank you so much for your testimony this morning. Okay. Let's see. We...Dr. Kauanui, would you be able to stay with us for another...until about 11:00? Is...is there a time that you have to leave us?

MS. KAUANUI: No, I'm happy to stay. Thank you.

CHAIR RAWLINS-FERNANDEZ: Okay. Okay. I'm thinking that we take our ten-minute morning break at this point here, then we'll return and close public testimony, and then I'll open the floor for questions from the Members to...for Dr. Kauanui. Any objections to proceeding in that manner?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Mahalo. Okay. It's 10:36, and we'll reconvene at 10:46. The ESCS Committee is now in recess. . . .*(gavel)*. . .

RECESS: 10:36 a.m.

RECONVENE: 10:48 a.m.

CHAIR RAWLINS-FERNANDEZ: . . .*(gavel)*. . . The ESCS Committee please return to order. It's 10:48 on March 23rd, 2023. I will do a last call for public testimony on this item.

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Anyone wishing to testify, you may proceed at this time. Okay. Hearing no one speaking up to testify, are there any objections to closing public testimony, closing oral testimony, and accepting written testimony into the record?

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON ITEM 1(1) . . .

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members. Okay. Public testimony is now closed. And we will proceed with opening the floor for questions. Okay, Members, just raise your hand, and I will call on you for questions. And we'll put...we'll put three minutes on the clock. Okay. Member Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. Thank you...I'm sorry, Kumu Kauanui. I had a question. You know, like how you mentioned that ceded lands are really just stolen lands and stuff like that, and then when the State of Hawai'i came along, and you said like these lands will be held in trust for the Native Hawaiian people, and...and those words that they said. I had kind of a issue because...so, we have some of those lands that were held by the Hawai'i Housing and Financial Development Corp. of the State of Hawai'i or something, and they wanted to build low-income housing on it for rentals. And we desperately need that, you know, for over here because nobody can afford rent, and a lot of people don't get paid very much to afford the rent that they're charging. And so, they created this LIHTC project, which stands for Low Income Housing Tax Credit, and it like gives some sort of benefits and monies to build...to supplement the building of this low-income rental project. But the catch is that anybody in the whole entire United States could apply for a house there, or live there. There's no residency requirement to Hawai'i, there's no residency requirement to be a Native Hawaiian whom the lands were supposed to be held in trust. And so, I guess my...my quandary on that is, if the United States and the State of Hawai'i is illegally occupying the Kingdom of Hawai'i, would it be the right thing, in your opinion, to just not listen to what they're saying that has to be done? Because I mean they're in the wrong by occupying an independent sovereign nation, and then trying to make us follow their rules that anybody can live on these ceded lands, but the ceded lands are stolen lands and they're supposed to be held in trust for the Native Hawaiian people. So, I'm...I'm kind of in a dilemma on what you think on how that should go.

CHAIR RAWLINS-FERNANDEZ: Dr. Kauanui?

MS. KAUANUI: Thank you so much for your question. I can speak in general, broad strokes without knowing the specifics of that case. In terms of the specifics...for example, I would want to understand the history of the policy, I'd want to research the actual entities themselves, and I'd want to look at the criteria for applying. So, I would need a lot more information to really kind of weigh in even hypothetically. But I want to get to what I understand is the core or spirit of your question, which is what to do about that bind of if one were hypothetically to acknowledge the illegality of the occupation, and yet when you're working in...in a governmental entity that represents an

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occupying state, how do you proceed? And I think that's a crucial question, and I think that that has a lot to do with the criteria for how I think about what it means to either perpetuate the logic of elimination and the practices that come with it, or actually halt those logics and practices. And the testimony that we heard earlier, I believe the name was Zhantell Lindo talking about the way that individuals are implicated in these systems is absolutely right. I focused so much on the structural nature because often, the questions I find...when I start with the individual, sometimes people go into that mode of like well, I'm innocent and they're guilty, and they're good and I'm bad, and it kind of can devolve really easily without understanding how we're positioned within these. And then thinking about what our individual obligation or kuleana or responsibility is. And so, for example, I would want to understand the application process to think about a way to actually prioritize the most impoverished at the local level if that's possible.

VICE-CHAIR PALTIN: Yeah, I...they...they do. I mean it's for folks making 60 percent and below of the area median income, and in...as far as legally what can be done, they don't advertise on the Internet, you need to come in person with your ID to pick up an application. They don't give that date like months in advance so that people can come and be on island. So, I mean we...we...the, I believe, 2019-2020 Council passed that project with those kind of questions, like how...how do you try to ensure that it's our local people. And then like you said, local is...is another term that is not necessarily benefitting for Kānaka Maoli or...or whomever, you know, and so, there's that. We went to the Kupuohi one, which is across the street and not on ceded lands, and...and there were people who had just moved here that had gotten one of those apartments. And so, you know, I'm...I'm pretty sure there will be people that weren't even long-term residents that will live in those 200-plus apartments. And it's sorely needed, you know, in my community. I'm just not sure. Like, you know, most times they say two rights...two wrongs don't make a right, and it's not clear. Like I mean it's pretty much out of our hands right now, we're not involved in the tenant selection process, we're not the enforcing agency or anything like that. And then would...would we back up and say no houses for anyone because of this process where we cannot guarantee that Native Hawaiians are the ones who would get all 200-plus units?

MS. KAUANUI: I think the way that I envision these kinds of quandaries in general--not necessarily the specific one because it seems that train has left the station--is to think about a harm reduction model, right, in terms of what is it that will actually make the most sense to help the most amount of people. I mean we can think about harm reduction around issues that we might not want...that we might feel ambivalent about or torn about, you know, otherwise, but what will actually provide a buffer. I mean whether that's, you know, injection stations that...that cities are creating across the U.S. for people to actually safely inject drugs, to understand that that is actually going to prevent deaths. And other...other people might want that because it actually saves the taxpayers a lot of money, they don't necessarily care about the death part, right, but understanding that as a form of harm reduction. Or some people I know are against teaching in prisons because they're so against prisons and they're pro-abolition that they don't want to actually fortify the prison industrial complex, but understanding a harm reduction model and what you do with people who are

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incarcerated could be another...another kind of model. So, I guess I just want to think about not necessarily a way to make it so that it's only Hawaiians in that particular housing unit which, you know, might some...some entities might creatively be able to figure that out, I don't know, but just to think about the...the broader question around illegality, right. So, I guess I would want to extend this beyond that case study and even a housing situation to think about what it means to actually be in a position at the local level of local governance or County-level governance and State governance to not actually do anything that could actually hurt the legal claims of the Hawaiian people. So, for example, we saw that with the State of Hawaiian...the Office of Hawaiian Affairs case that made it up to the U.S. Supreme Court, right, where you had the Office of Hawaiian Affairs suing the Executive Branch of the State to try and stop the sale of the Kingdom Crown and Government lands, right, which they...you know, the Executive Branch of the Governor's Office at that time, it was practically the morning after the apology resolution, right, and it wasn't until much later...it took years for that to go. Now, that was John...I'm just going to use this case, that was Johnathan Osorio that said you can't sell these lands out from under the Hawaiian people when we haven't had a chance to actually reclaim them in a legal forum, right. And then you had the Office of Hawaiian Affairs jump in and say, we'll back you, and we've got these other three Kānaka who will also take part in this suit. Well, what was clear at the time is that the Office of Hawaiian Affairs, as an entity--there might have been some people dissenting from within--but as an entity, they wanted to sell the lands too, they just wanted the money to go to OHA and not to the Executive Branch of the Government, right. And so part of it is, what does it mean to actually further the extinguishment of a claim. Or we might even think about Federal recognition, right, the contestation over the Akaka Bill for all of those years. You know, what does it mean to actually sell the Hawaiian claim down the river. You know, people will say nothing in...I know that there are, you know, Hawaiian comrades that will say nothing the U.S. Congress will ever do can ever compromise the claims of the Kingdom because they're bulletproof under international law. Well, you know, Federal recognition that was State driven. It's one thing when Ka Lahui Hawai'i was fighting for it in the '80s and the early '90s. and you had Senators Akaka and Inouye squashing it. And yet after you have the apology resolution, you have State representatives pushing it. By then the movement had gone independence. And people would say well, you can fight for independence later. Well, not if you understand how the U.S. empire works, right, it doesn't quite work that well. So, my mind was, you know, I support Federal recognition for tribal entities that want it, and here in New England this has been a huge battle, and to me, it depends on the context, but really understanding that further delays or in a way protracts or makes it that much harder for Hawaiians to exercise those legal rights, which have already been acknowledged, is a form of harm. So, even if for people that think that, you know, maybe independence is a long shot, and who are we kidding, it's the U.S. empire, or when is independence coming, but to understand that Federal recognition to actually jump in that is actually served...actually harms the claims, and it further contains them within the Federal system. So, I guess I would want to try to think about harm reduction in the broadest sense. I don't think it's easy at all, I think you're putting your finger on something extremely complicated, and that this is the guiding bind when you have some individuals that actually want to try and figure this

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out, you know, how that might look with something else coming down the pipe that hasn't gone through yet might look different than the actual housing project that you mentioned in terms of low-income housing rentals. You know, what does it mean to actually remove...forcibly remove Hawaiians, Kānaka Maoli, exercising their kuleana rights? You know, to me that...the role at local governance can be...it's one thing if you don't...it's like the courts, they're like we...we can't deal with...you know, you'll see judges say we're dealing with the Kingdom Crown and Government lands, this isn't the forum. Of course it's not the forum because it's...it's the court of the conqueror, I get that. But how might somebody at that point and at the local level in terms of representational governance actually proceed while still holding space for unrealized legal claims, right. To actually buffer them without actually causing further harm even if they aren't necessarily going to jump on the political boat, you know, that's going in the same direction. But to actually understand the U.S. has already acknowledged they don't have title. This isn't some like whack-a-doodle Hawaiian opinion, this is a finding of fact that's in the preambulatory clauses, the whereas clauses of the apology resolution. So, I think harm reduction is one approach, it's not the be all and end all, you know. And this gets back to the question that was asked earlier of what's...sort of what's the plan, or what does this look like in terms of delineating. And I mean I can give my own ideas about this, but I also would not want to usurp the...the space or the...the mic, if you will, from people who are actually on the 'āina right now that have all kinds of ideas of how to proceed, and they're the ones throwing down. You know, they're the ones throwing down. I participate when I can and in ways that I think are appropriate to my status as a...as a diaspora Kānaka, and I want to fortify those efforts that...that can...and comrades and...and 'ohana are engaged in on island. So, I know that...that these are the kinds of sessions, these kinds of brainstorming sessions. I can give a totally different example that's not Hawai'i related. Some of you may remember in the mid-2000s when it was really clear that there were white female petitioners that were trying to challenge anything in higher education that looked like special preferences for people of color--anything that looked like what was called affirmative action--were taking different universities to...to the courts by saying that they were discriminated against. Never mind that affirmative action that white women in the United States actually have been the primarily beneficiaries of affirmative action policies because affirmative action was never just about race, it was also about gender. Okay. But what happened was, you had certain fellowships--this is just one example--like the Ford Foundation had fellowships earmarked for scholars of color from underrepresented communities in certain fields of study. And when those cases were coming...were making their way up the legal food chain, they had to figure out how to actually carry out their fiscal mandate, their fiduciary obligation by the definition of say that fellowship or that entity, like Ford, and even the National Science Foundation had--which is a U.S. funding stream--had just some, not all fellowships for, say, PhD students to actually earmark for those from under representative communities of color, right. To actually figure out how to carry that out, not to just give it up before it was taken away. This looks really different. I mean, you know, and now...that those have been banned. So, you know, they can talk about putting an emphasis on it, but they cannot exclude other people by the letter of the law. And part of it is what do we see...what do...what do people give up before it's time? People in those entities held onto it for as long as they could while

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also not trying to draw attention to them. Now you can't do that with some of these, they're very visible. A totally different example is when *Rice v. Cayetano*, the opinion in *Rice v. Cayetano* came down in the U.S. Supreme Court saying that the Office of Hawaiian Affairs could not conduct racially exclusive voting limited to Native Hawaiian residents in Hawai'i. You know, what did Cayetano do? I mean I don't know...I haven't verified this, but what...what I understood is that he was either in an airport or on a plane, and telephoned and said remove the trustees without...you know, without even taking...without even a moment to kind of digest the ruling. That's somebody who wanted to see that go. You know, *Rice v. Cayetano* should have been called *Rice and Cayetano v. Native Hawaiians*. You know, just like the case with the State Office of Hawaiian Affairs suing the State branch, they were in cahoots. I mean you have basically a sort of a...you know, that should have been OHA and the State of Hawai'i Executive Branch v. Osorio, and the other three Kānaka men stood on the side with the other people. I mean they actually tried to...to get Osorio barred from that case because he didn't meet the 50 percent rule. I mean you can kind of see, you've got a mapping out, you know, we need like flow charts, it's like, you know, of who's...who's getting what, and what deals are getting brokered and exposing those. But as people have said earlier, the people who testified, there's...there's so many issues, and part of the problem is not knowing...is...it's not an issue of not knowing what the problem is. A lot of people know exactly what the problem is, it's how to actually address it when these structures are so entrenched. And then you've got key individuals, you know, in cahoots or making bank, and you have...you do have levels of corruption. I don't want to, you know, exclude that from the conversation, but you also have this prevailing logic. And what I'm asking people to do is to think about any given policy or ideology or practice that furthers that logic of elimination, and that's why I wanted to give different examples of it, and to actually stop it. And to...to...it has to start with the operating logic before it can be kind of implemented more broadly, and to kind of think...I think of a harm reduction model as sort of at least an initial step.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Dr. Kauanui. Sorry, Members, I jumped the line, and she was flowing right into about four of my questions, and so, I...I let her continue answering my questions. So, I'll turn it over to you now. I saw Member Sinenci with his hand up. Member Sinenci, I'll put three minutes on the clock.

COUNCILMEMBER SINENCI: Oh, no, mahalo, Chair. That was...that was great. And mahalo to Dr. Kauanui. Your presentation was excellent. And as a lawmaker, it kind of provoked some questions in me. But so, if I'm off topic, I apologize, but just hearing your...your mana'o is...is always helpful. My first question was, much of the Hawai'i State Constitution is based on old Hawaiian Kingdom laws. And knowing that older laws oftentimes or normally supersede new ones, can this be beneficiary...beneficial for us as these laws are now contained in the State Constitution, or...or not?

CHAIR RAWLINS-FERNANDEZ: Dr. Kauanui?

MS. KAUANUI: Thank you so much for your question. I think there's potential there in terms of thinking about the...sort of the kahu model, if you will, right, a placeholder

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that's sort of stewarding or being a buffer. I think that this gets really complicated with some cases. So, for example, when we think about coastal access, you know, on the basis of Kingdom law, protecting customary access to the waterways or beach access. We know that beach access is open to everyone, at least in theory, not just Kānaka Maoli, but it's grounded in Kingdom legal principles that everybody should have access to the coastline to gather food and medicine. That can be upheld, but what does that mean when somebody is creating a beachfront hotel and resort, or an exclusive mansion that is actually doing the destruction of some of those very things that people want to go gather or have access to, right? That's just one example. Or what lies beneath, I'm thinking of the *Naue* case on Kaua'i, which was years long protracted case of Joseph Brescia from Alameda, California, who's a developer who wanted his room with a view at Wainiha on the North Shore of Kaua'i. And that case, through Kaua'i Island burials, you had a lot of contention with people at the local level and as well...with the...just because you had the...the permit for that house was built before a burials treatment program...a burial treatments plan was even approved, and it went before it and got rejected. You know, so you just...and that...that case really took the teeth out of the Hawai'i Burial Councils across the archipelago. If you look at the impact of that case, that...that Hawaiians fought for years. Starting as...I believe the genealogy back to the Ritz-Carlton on Maui, right. . . .(timer sounds). . . And all that (audio interference) all the work of Hui Malama I Na Kupuna O Hawai'i Nei. So, I think it really depends. I think it is a great question because there might room there to maneuver in really productive and interesting and creative ways, expansive capacious ways.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Dr. Kauanui. Mahalo, Member Sinenci. Members, any other questions? Member Cook?

COUNCILMEMBER COOK: Thank you so much, Professor, for your presentation. Very comprehensive. I...I...I'm not a scholar, or...I'm a carpenter by trade, blue-collar worker, and I comprehended...it was great. I have a question, and I'll try to get too emotional, okay. This is my first term in office as a Councilmember, and we get elected by the community at large, all three islands, so we represent approximately 160,000 people, but unfortunately, only about 39 percent of them participate in the process. My local...my family...I'm a transplant from the mainland. My family...like one of my kids has like seven nationalities. I'm married to a Korean right now. Portuguese family, I get Filipino, Chinese family. So, my...my roots and communication and sense of belonging in the community is from the local perspective. I understand, and I have Hawaiian friends, but my best dear Hawaiian friends passed away last year. So, I...I have empathy, and I genuinely feel this conversation, the dynamic. And we had a very challenging housing project that we recently passed. And the...there was opposition. My support for it was really my sincere belief when you say like do no harm or minimize, I can't quote that exact thing, but the people who are going to benefit from that particular project are going to be...many of them Hawaiian, part Hawaiian, the people who have been...or who...who are marginalized in our community. They're extremely low rents for a very long period of time to have an

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opportunity to have a sense of community, and to be part of community. So, I just...what is...I want your advice because I really respect what you said. What is the path forward that is not exclusive and it's not polarization? I don't want to be polarized, I want to be united, but I also understand that there is a legitimate...I'm not...I'm not religious, but as far as raised Catholic, is like the black stain of man...the black stain of sin of mankind. So, I mean it's like that's the backdrop for a lot of this with the colonization, occupation, taking. So, anyway, do you have any words of wisdom that you could share? Because I really respect what you're saying.

CHAIR RAWLINS-FERNANDEZ: Dr. Kauanui?

MS. KAUANUI: Thank you so much for your question, and for giving more context for what you're asking. I respect that sense of community and that sense of belonging, and I wanted to just preface my answer by saying that I know from my own 'ohana and from other extended 'ohana across the archipelago that most Hawaiians are not opposed to non-Hawaiians living in Hawai'i. It has to do with what are the guiding principles that are privileged for those that are there. And that's really different than opening up the floodgates to have a whole new wave of foreigners, which we've seen just since the pandemic, right, that actually have hastened even a more rapid outmigration. So, I just wanted to say that. I don't really hear Hawaiians talking about exclusivity, it's about kuleana and belonging within the framework of Hawaiian cultural principles. I mean we know that so many...so much of what's happened is precisely because Hawaiians have had an open door policy, and so many...when you say part...part Kānaka Maoli, I mean I don't know a Kānaka Maoli who's not part Kānaka Maoli, and that also has to do with that inclusion, right, is that we have mixed families because we also don't have any cultural prohibitions on out-marriage and connecting with others and reproducing in terms of actual reproduction. So...and yet it's those things that are enduring Hawaiian principles of inclusion that actually get used against Hawaiians by saying oh, you're so mixed anyhow, you're not real. Well, it was that real Hawaiian value of inclusion that allowed everybody in, in the first place. You know the Hawaiian mandate is everybody eats, but it would be nice to have everybody help produce the food too, right? So, part of it isn't about letting people go hungry or letting people go out, it's how is it that somebody from Southern California or Manhattan can buy their third or fourth luxury home, and my cousins are having to move to the most...on native land, the most redneck, poor parts of Idaho and inner Oregon and Washington State just to survive, which also means we don't have the...the human personnel within our 'ohana, this generation, my generation, and I'm talking about cousins...my first cousins that are also somewhat younger, I'm the second oldest. We don't have the...the people power to...just within our family anymore to even actually...now, somebody might correct me back home, and I'd love to be wrong about this, to even put on a full blown first birthday pā'ina the old way like I had when I was one year old. I don't know who can dig an imu back home right now and host a party for 300 people that want to see one of my cousin's kids have...have their baby. It affects every kind of lifecycle event. And so, just thinking about the polarization that you're talking about, I think that we see...I think without looking at the land question in the middle, and I mean I don't know exactly what case you're talking about, but if we're talking...if...if you're kind of hinting or insinuating about

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one of the housing projects that just got a green light, it's my understanding that there was a land swap offer that was not accepted. So, that did have an alternative, as one example, that was forfeited. So...and not...not in every case is that going to happen, but in that case, there was a clear alternate solution that was dodged. That needs to be examined as to why. In terms of polarization though--do I have...I don't know what the timing is here, I don't want to go over time, but I did want to offer up one other example. And that is the recent...the recent case that got deemed a Federal hate crime by two Native Hawaiian men on Maui in terms of them...their attempt to actually protect, what is it, Kahakuloa. And, you know, what does it mean that haole got weaponized in that Federal case, right? That then it was through the use of that word that then qualified it as a Federal hate crime, which is the further weaponizing and banning...effectively banning, right, not in...in the law itself, the use of term. And talking about this...this physical violence that happened against a white man who those Hawaiian men understood were encroaching within this...this very Hawaiian fishing village and farming village. What if we understood that response? What if we understood them as land defenders, right? Because then it isn't just about race at that point, and in fact, as far as what I saw in the media, the attorney referred to Kunzelman as...sure, as a rich haole guy, even...even supposedly said dumb haole, but here's the one that doesn't always make it into the media. Typical haole thinking he owned every...he owning everything, trying to change things up in Kahakuloa, right. Sure, there's haole, which is foreigner, and has been understood as white, but that's because the first foreigners were European, right, it doesn't have to be white. Just like we might understand settler colonialism is racist, but settler colonialism doesn't start out being about race, it's how do you carry out the land expropriation. Sure you can start to leverage race to that goal of land expropriation. And here there was a racial marker identifier, right, and I'm thinking here of Kapā'a Oliveira, who was on the local news talking about the different cultural values. She's from Maui, she teaches at University of Hawai'i at Manoa. I'm thinking also of Judy Rohrer, who's a...who's identifies as haole and is from Kaua'i, and who has a book called *Haoles in Hawai'i* really gets at this language. But thinking about...so I want acknowledge their...their...their work, but thinking about this as merely an issue of racial polarization or reverse racism, I'm not saying that you are saying that, I'm saying that that's sort of what's going on, on the continent. I've had so many people flick me this article saying what's going on, oh, my gosh, Hawaiians hate white people, what's going on? And it's like wait, wait, let's zoom out, let's look at what was at stake there, right. Identifying somebody by their race, sure, but what's happening is there was an encroachment, and it has to do with what's going on in Hawai'i. Hawai'i's being sold away, every last inch, and it's affecting everybody back home, but the brunt, the heavy brunt, Kānaka Maoli are carrying that...the burden of that more than any other group. There are other groups at the bottom of the socioeconomic ladder, sure, but in terms of the indigenous question, this is part...we have to understand, this is part of indigenous dispossession, not just local...crowding out locals. And we know that there are people of other ethnicities who have long histories in Hawai'i who are also moving to the continental U.S., but that's not a question of indigenous dispossession or the elimination of the native, it's a spinoff effect of other people who have come out of racially exploited histories of labor and the plantation, for sure. I think this might be also a way to, you know, bring in...you...you had other speakers, maybe to consider

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bringing Kapā'a Oliveira, bringing in Judy Rohrer. or bringing in Dean Saranillio. who I mentioned earlier. who's done incredible on Asian settler colonialism. He's also from Maui.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Kauanui. Member Cook?

COUNCILMEMBER COOK: *(Audio interference)* comment. Thank...thank you for that. That's...obviously the guy was...with that whole case, obviously the guy was clueless, not from here, didn't have a lick of sense, in my opinion. Forgive me, I mean I grew up here, and it's like I hope I don't get in trouble for this, it's like you can call me haole, but don't call me one frickin' haole. And it's like we're friends, and...I miss the days where comedians...local comedians, and we would make fun of each other and everybody, it was...that type of contentious and like calling something a hate crime because you called somebody a name would be...it's just...I don't know, it's just stupid. Forgive me. On a professional level, I believe that that story and that situation is an example of how Hawai'i...how Hawai'i has changed to such an extent, and that we all have an opportunity and an obligation to strive to educate people in, you know, how to be...I can't tell you how to be Hawaiian, but I can help you be local. So, thank you for that. And thank you for the opportunity. Mahalo.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Cook. And we do have Judy Rohrer's article that Dr. Kauanui referenced uploaded to the readings under system inequality that was provided by Kumu Kaleikoa Ka'eo. And I think...mahalo for that recommendation, Dr. Kauanui. We'll look into that. I think that's a great idea, to invite those speakers that you suggested. Okay. It's 11:26, Members, any...any other questions? Member Sinenci? Oh, wait. Okay. Go ahead. She did...Dr. Kauanui answered a few of my questions, I do have one more question that I have to ask that I promised a testifier that I would ask. But go ahead, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Dr. Kauanui. So, you mentioned in your talk about colonialism as a means to extract resources to the colonizer's homeland. And for us here...and you mentioned a little bit about maybe the...the second homes and the...maybe the hotels, and a lot...we have some large hotels here that...that are owned by global investor companies. And so, when we...we're talking about how do we, as the legislators, try and...you know, we understand so much of their...their income is coming from Hawai'i, but it's not...a lot of it...you know, besides paying for some local workers, a lot of their profits are being, you know, outs...you know, taken out of the State. What's your comments on some of these?

CHAIR RAWLINS-FERNANDEZ: Dr. Kauanui?

MS. KAUANUI: Yes, thank you. Right. So, that was the...that was the part about colonialism...both settler colonialism and franchise colonialism can be about extraction. It's that people think of franchise colonialism as the dominant form of colonialism even without saying the franchise part, and that...that model is the one that reroutes the...the goods and the bounty back to the colonial metropole. So, that would be the case of the British and India channeling those resources back to the

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colonial metropole at that point. England, the British empire, London being the...the actual metropolis, the city. With settler colonialism, my point was just that settler colonialism can also be extractive, it's just that the...it's...it's channeling to the settler society. But what I hear you highlighting is that that settler society can also, and often is, implicated in global investments, high finance, and global capitalism. We're talking about neoliberal economic policies. And those...you know, capitalism doesn't have borders in that way, and so, I think that that's also a problem of capitalism, right. And again, looking at Hawaiian principles, right, look what comes with the privatization of Hawaiian land in the mid-19th Century, right. This is...this is the part about selling that house, you know, or selling off Hawai'i to the highest bidder. To me, that is also a problem. It's where colonialism and capitalism come together. Much like we saw in the yesteryears when Christianization and colonialism were inseparable, right. And so, part of that, I think, is to identify what's going on, because sure, those investments are not necessarily going back to the local government, they're going to go into the portfolios of those investors, and that's...that's where...but often, it's...it's the...it's the heads of those...it's the executives of those that have their places here. That's where it can get a little complicated because it doesn't necessarily mean it's going to the everyday society, but I think that's where we need to have a good analysis of late capitalism, global investment, high finance, and also, the problems with capitalism, and to be willing to actually critique that economic system, which is...which is where I sit, you know.

COUNCILMEMBER SINENCI: Mahalo. Mahalo, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Okay. I will ask my question. And this is from Mr. Kahala Johnson. Okay. And I took it from the transcription so I don't say it wrong. How do we use these histories...oh. I'm sorry. Did somebody say something? Okay. How do we use these histories and understanding, these shared histories, and also the complicity, how do we work together as Kānaka and Filipino to undo the trauma that's happening between our groups to move forward towards a future that's decolonized and de-occupied and all the things that we want? (*Audio interference*).

MS. KAUANUI: No pressure. No pressure. Yeah, that's really the question, right, because so many communities have these histories of dispossession, colonial legacies, exploitation. And I think that this is one of the things that is so important with Asian...the scholars in Asian settler colonialism that have been led by Asian-descent scholars in...from Hawai'i, right. They're not at all talking about disregarding the legacy of racism and labor exploitation of those communities. We might also think about that in relation to...we could think about that in relation to other ethnicities, including other Pacific Islanders in Hawai'i that are...have been subject to U.S. expansion, militarism, and colonialism. So, I do think that...I'm so glad that Kahala Johnson asked about trauma and healing, and I think that's absolutely crucial. And also, to understand the relationality of those histories, right. I think of Dean Saranillo's work, I want to mention again. I mean he has the book *Unsustainable Empire*, but I want to...I want to call attention to an article that actually talks about Hawai'i's 50th statehood, and how important it was for Japanese Americans that

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really championed it, and what it meant for Kānaka Maoli. And both of those things can be true, right, that's that interlocking nature, and how do we actually hold both of those realities, right? And thinking about the Filipino question around the legacy of colonialism and U.S. militarism and neocolonialism that we can think about with the U.S. and the Philippines now, neocolonialism and contemporary militarism. I do think looking at those histories and understanding the relationality of them is really huge. I think that trauma and healing is...has to be part of anything that we call decolonization, right, because we're talking about recovery any way you slice it, and also, what does it mean to actually advance after being harmed and injured, and how do we actually heal those injuries. I think at the bottom of it all, you know--and this...this may sound like a platitude, but to really understand that this...these are not zero...it's not a zero-sum game. What does that mean though is that everybody has to figure out how they're going to be in relation to the Kānaka Maoli people, both as individuals and as part of whatever community and...and entity, and there's not often just one, however they are actually implicated. Whether that's in a Micronesian community, whether that's in a Samoan community, whether that's in a Tongan community at BYU, whether that's, you know...you know, the Japanese stronghold in the Democratic Party in Hawai'i, and so on. So, I think that part of it is really, you know, understanding that relationality and obligation. But...but the question around trauma and healing, I think, has to go first and foremost to those who have been, you know, harmed by the U.S. state, and then also those who...who it might...it might look less directly so. I mean you think about people who come as...as supposedly free migrants, and that's because the U.S. has conducted so much imperial violence in their homelands that has helped wreck their economic systems. So, I mean part of it is understanding that interconnectedness, and really having a broader analysis of U.S. empire, and again, capitalism, and it's by definition is...is premised on dispossession and exploitation at its very foundation. It can't operate without that.

CHAIR RAWLINS-FERNANDEZ: You must work well under pressure. That was so beautiful, and you hit it right out of the park. I...okay, I see no other hands for questions, and we do need to get to the last item on the agenda, but I...I want to thank you, Dr. Kauanui, for taking these really heavy and complex questions just head-on, but with such compassion and intellect. Your comments to an earlier question about harm reduction, I think that was to Member Paltin, and people who have refused to participate in prisons because of the oppressive nature, and...and I find a lot of people refusing to participate in politics for the same reason, whether running for office or even voting. And for some, you know, we can see that running for office and voting as harm reduction as well. Because if we don't participate, then we don't really have a say in shaping our future. We have less of a say in how our future is shaped, and how our environment is managed. But I...I wanted to also let everyone know that the article that Dr. Kauanui referenced from Dean Sarillio--I said his name wrong, Saranillio--is uploaded to Granicus, as well as other readings from Dr. Kauanui. So, mahalo for sending that over. I...I apologize for...after your presentation, I was pretty speechless, and it...it...it just left me really mind blown, mind expanded, enlightened, and I feel like that ho'omana and, you know, that...that...that huliau, so mahalo for sharing all of that with us, for introducing these concepts and adding important words to our vernacular. I...a lot of times it's important for us here in this Chambers and for

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our public listening to have those words so that they can speak specifically to the experience that you described. I want to mahalo Noelani Ahia for helping to set this up, inviting you, Dr. Kauanui, to present. And I think that is everything. But I'll invite you to provide any final comments you would like.

MS. KAUANUI: Thank you. Mahalo nui for your feedback and all for the questions, and also thanks to those who testified. I really appreciate the opportunity to be with you, albeit 5,000 miles away. And I would be, you know, very open to any further kind of conversation if there is any need or interest in having me back. Please know that I would...I would welcome that opportunity. And I really appreciate hearing the ways that representatives are thinking through these really difficult and challenging questions. And I'm really glad for this, again, opportunity. Mahalo for inviting me and for taking time to listen.

CHAIR RAWLINS-FERNANDEZ: Mahalo a nunui, Dr. Kauanui. Aloha.

MS. KAUANUI: Aloha.

CHAIR RAWLINS-FERNANDEZ: Members, if there are no objections, I will now defer item ESCS-1...1(1).

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: TK).

ACTION: DEFER pending further discussion.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

**ITEM 1(2): OPERATIONAL AND BUDGETARY REVIEW OF THE
DEPARTMENT OF PERSONNEL SERVICES (RULE 7(B))**

CHAIR RAWLINS-FERNANDEZ: Okay. I'll now invite our Deputy Director for Department of Personnel up while I introduce the second item on today's agenda. The second item...second and final item on today's agenda is ESCS-1(2), Operational and Budgetary Review of the Department of Personnel Services. We have with us Deputy Director Cynthia Razo-Porter. If there are no objections, Members, I would like to designate her a resource person in accordance with Rule 18(A) of the Rules of the Council. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members. Mahalo, Deputy Director Razo-Porter, for joining us today. You may proceed with your opening comments.

MS. RAZO-PORTER: Okay. Thank you. Mahalo for having me today. That was a very profound presentation. I'm a little bit heavy heart. So, thank you again for having me. I did share a presentation that's on the slideshow right now. My name is Cynthia

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Razo-Porter, I'm the Deputy Director as...for Personnel Services. Dave sends his regrets, he is out of town this...today. As an overview of our Department, I share with you--the first slide is our mission, and I won't necessarily...okay. Excuse me.

CHAIR RAWLINS-FERNANDEZ: You're doing a phenomenal job.

MS. RAZO-PORTER: So, the mission of the Department of Personnel Services is to contribute to the attainment of Countywide goals by attracting, developing, and retaining a professional workforce, and by contributing to the establishment of the best possible work environment. We also present our values, and I won't actually go through them if that's okay with...with each of you, but they are outlined there, and we live by those values, and we try to model them in our office through our team with members of the community and our, you know, County workforce. And then our programs. So, we have one program, and it is personnel administration and management, and support services. So, basically we do recruitment and selection, so we, you know, provide services to all County departments, employees, and job applicants. We provide employee training and development to our County workforce. Position classification, we provide to all of our departments to classify their positions as they provide our positions descriptions and apply the principles of compensation. What is the second one...labor relations, and that includes providing guidance, training, and recommendations on labor issues. We hear grievances, and we work with State and the other jurisdictions to negotiate timely and fiscally responsible agreements. Strategic support is provided to all County departments. Through our office we have designated specialists that work with departments on their issues and, you know, just kind of supporting whatever services that they have to provide. These are some of our strategic goals. And I'm having a hard time reading it, but basically it's just enhancing on some of the tactics that we use to create, you know, opportunities for people to apply for jobs, and come through and, you know, establish a career in the County. Currently our County's employment...employee population is approximately 2,600 employees, 83 percent are union members, 91 percent are covered by civil service. Currently, in the last quarter, we had an 11 percent turnover, that is down from 2020 and 2021...I'm sorry, 2021 and 2022, but higher than it's been post...or pre-COVID. 7 percent are eligible to retire, 24 percent are eligible in the next five years. This kind of updates our budget for the FY 2023. We have 22 authorized personnel, and as you can see, we have 14 specialists, 2...2 HR technicians, 3 clerks, and a Deputy Director, Director, and private secretary. The Council was gracious enough last year to give us two expansion positions. This is just a graph showing our budget, so DPS' budget as part of the County budget. These are some staffing metrics. For the HR-to-employee ratio, budget as a percentage of our total operating budget for the County, and the HR budget as a cost per employee. So, we have...authorized staffing is 22, we currently have 1 HR Management Specialist training vacancy. So, I'm just going to follow my...my...my prepared notes here. So, currently, we have 21 positions filled. Just as a...for information, one-third of our Staff have two years or less in our Department, the other third have less than one year, so we have a fairly brand-new Staff of people, and we're really focused on training them and bringing them up to speed. We have assembled a very good team, dedicated team, and just with tremendous potential. So, looking forward to, you know, kind of developing them further. One of our special

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projects this year was to remodel our office to accommodate those two additional specialist positions that we were authorized with last year...or I guess in this current fiscal year. So, we were able to create an office space for one additional space, we're still kind of working on our floorplan to create that 22nd chair. And so we finalized our floorplan. and so we're finalizing the bid now to go out and...and secure those workspaces. And what else do we have. We had our first virtual job fair with all...well, we had like 15 County departments, I believe, that participated, and that was...you know, a lot of learning went into preparing, creating webinars, and creating, you know, interesting topics for, you know, the people coming in to...to, you know, have an opportunity to learn about the County. We do plan another one in...May 25th is what we've scheduled. We also did an in-person job fair kind of in cooperation with the Office of Economic Development last October, I believe it was, and that was very successful. And because we weren't the only ones there at the table, and we had, you know, each department represented, it was nice to be able to, you know, walk, you know, an interested person over to Parks to talk about Parks vacancies, and we had IT there, we had Finance, you know, they had different representatives, so they could actually speak to the vacancies that they're trying to fill. It has been a very tight labor market and, you know, we've been kind of working at it to see, you know, what we can streamline, how we can improve, and you know, sitting with departments and kind...you know, we had a...a one-stop recruitment opportunity that we did. And, you know, it...it...it helps, it's just, you know, kind of learning every time we do it, you know, what we can do better, and...and kind of improving on that. And let's...we do have a replacement project. So, we have a knowledge management system that we use to communicate policies and procedures. It's becoming time to switch over to putting all that knowledge into Workday, and so we're initiating...it's called Workday Help, so it's a help center. So, we're just kind of launching this initiative to put in all these, you know, articles and policies and procedures and information. So, that's kind of...right now we're gearing up, and that's going to be available to all County employees, and...which will eliminate or change out from the current knowledge base that we use right now. And Dave is retiring at the...in May, so we are kind of going through the process of, you know, just having some succession plans to...to bring up more, you know, Staff and...and so, that's a little bit exciting and a little bit nerve-racking, but just being honest. I guess I'm happy to report that Council was very generous last year, and authorized upwards of 150 positions. I checked yesterday, 132 of those positions have been created. So, you know, again, we're working on, you know, helping departments to fill those vacancies, so...I think that's all the areas that I wanted to highlight. I'm looking. We do have that marketing resource. We've partnered with the Office of the Mayor, and so, they have some marketing expertise in house, so we're kind of using them to help us initiate this program to, you know, brand the County, and for employee opportunities, employment. I'm available for questions.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Deputy Director. Okay. We'll now open public testimony on this item. I see no one signed up to testify at this time, so I will ask if there's anyone online or in person wishing to testify, you may unmute yourself or approach the podium and proceed with your testimony. Hearing no one speak up or

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approach the podium, I will now close oral testimony and accept any written testimony into the record. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members. Okay. So, it's 11:52, so we'll try our best to keep our questions as concise as possible. Mahalo for your...your help with this. Okay. I know Member Lee...Committee Member Lee needed to leave in three minutes. Did you have a question? Good, you're good? You'll wait for Budget Session? Okay. Sounds good. Mahalo. Aloha. I see...I saw Member Sinenci with his hand up, and then we'll go to Member Cook, and I'll put two minutes on the clock.

COUNCILMEMBER SINENCI: Mahalo, Chair. And I just have one question for Ms. Porter. Mahalo for that presentation, and congratulations for addressing the 150 new positions. I know it takes a while to create all those positions, so having almost 90 percent of them filled [sic] is...is a great task for the Department. I was just curious, what kind of recruitment methods have the Department used to attract new hires?

CHAIR RAWLINS-FERNANDEZ: Deputy Director?

MS. RAZO-PORTER: Thank you, Chair. Thank you, Member Sinenci, for the question. So, we are available online. We post in *The Maui News*. We've done radio ads. We've done, you know, the virtual job fair. We've done the...the in-person job fair at the...at the mall. We continue to go to the college. I mean we've even gone to, you know, a couple high schools, and just kind of participated in, you know, opportunities to talk to people. And, you know, we constantly think about different ways that we can, you know, be on the corner and hold a sign, short of putting the...the blowup guy in front of the County Building. But I mean we're...we're open, you know, to other opportunities, you know, so...I think about the...the...the car lot guy that blows up. But, you know, we're...we're always kind of brainstorming, like how...how can we do this better, and so we've partnered with departments. I mean we've increased, you know, our testing, we've increased kind of that ability. We have online testing and in-person testing. You know, we...yeah, we've...we keep trying to find ways to...to...provide alternate ways to...to look at it.

COUNCILMEMBER SINENCI: Mahalo for that . . .(timer sounds). . . great work. Thank you, Chair.

MS. RAZO-PORTER: Thank you. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. Deputy, in meeting with department directors, they have all shared concerns relating to Staff shortages, difficulty with hiring employees. Could you explain the hiring process to us? And also, what's the average time it takes to hire an employee?

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MS. RAZO-PORTER: Thank you, Chair. That's a great question. Thank you for the question. So, each recruitment, you know, kind of has its own...so, we post a job vacancy, we accept applications, we screen applications to meet MQs, so every classification of work has their own set of qualifications. Some of our professional-level positions, you know, we do a training and experience evaluation, so that's based on, you know, them...the applicants meeting the qualifications and then based on years of experience, you know, at different levels, we give them a score. For some of our more entry-level positions, we have an assessment test that candidates can come into our office to take the test, or they can do it in the privacy of their own home online. It's proctored, so it's, you know, a little bit involved with them having the technology and...and able to scan the room. We...you know, it's...it's somewhat, you know, a lot of work on their part to, you know, get...make sure that they're alone is essentially the goal. And it depends. I've seen the quickest we can get somebody on a list, you know, in less than two weeks, so ten days. Some of the other recruitment, so police, you know, we...we test them, they have that ability to, you know, test online too, but it's a little bit more structured. We use another proctored agency to conduct those tests. And so, probably, you know, from the day the candidate applies, within two weeks they're queued up to take the test, and then shortly after that we get the list, and we can send it to the department. What we've been finding is we will post a job and . . . *(timer sounds)*. . . a lot of times we'll not have any candidates. So, in those cases, you know, we'll add another week to the recruitment. We may just place it on continuous. And so, that's...I mean right now, I didn't check this morning, but earlier in the week we had close to 100 vacancies that we're recruiting for. And so, a lot of those, probably like 80-plus percent of it is on continuous recruitment. And so, we just, you know, look at it every day, and just as candidates come in, we kind of put them...you know, send them the link to the test or, you know, we're evaluating them. So, it just depends.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Cook.

COUNCILMEMBER COOK: A follow-up? Little bit. Okay. Second round.

CHAIR RAWLINS-FERNANDEZ: Okay. Second round. And my apologies, our Non-Voting Committee Member Gabe Johnson joined us about 20, 25 minutes ago before we had the presentation, and I neglected to recognize you. My apologies. Aloha, and welcome for joining us.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'm here and just ready to listen. Maybe I can have a question if you'll allow. That's all. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Sounds good. Mahalo. Okay. Anyone else first round? I think I saw Member Paltin's hand up. Member Paltin, please proceed.

VICE-CHAIR PALTIN: Thank you, Chair. Thank you, Ms. Razo-Porter. I was wondering, the 18 positions that haven't been described yet, I was wondering if you knew what those were?

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MS. RAZO-PORTER: I'm sorry, I couldn't honestly tell you what they are. I just looked --

VICE-CHAIR PALTIN: Can...okay.

MS. RAZO-PORTER: -- to see what we created.

CHAIR RAWLINS-FERNANDEZ: We can request that information. The Committee can request that information to follow up. Mahalo, Member Paltin.

VICE-CHAIR PALTIN: Okay. And then the...did you say that there's over 100 vacancies?

MS. RAZO-PORTER: Well, so, we have at least 100 recruitments, but every recruitment doesn't necessarily mean it's one vacancy, it's could multiple. So, probably...

VICE-CHAIR PALTIN: Do you know how many total vacancies the County has?

MS. RAZO-PORTER: I would guess...because we have about 2,600 active employees, I would guess we have like 400 vacancies.

VICE-CHAIR PALTIN: And...okay. And that's through all the departments, Police, everything?

MS. RAZO-PORTER: That's correct.

VICE-CHAIR PALTIN: I just was wondering, you know, for those chronic vacancies, I...I heard that you said that you did do a one-stop-shop hiring. Do you think that that could be a solution to some of those? I...I...I know people that, you know, put in their application and wait months and months until the point where they might hired, and nobody can wait around that long without a paycheck. And I was wondering about that one-stop shop, or a quicker hiring process to help us get more of these qualified applicants. Because if...on the private side they can, you know, go into a place of establishment and get hired like within a week or two . . .(timer sounds). . . and we're losing out on those...those workers in a labor-tight market.

CHAIR RAWLINS-FERNANDEZ: Deputy Director?

MS. RAZO-PORTER: Chair? Thank you. I absolutely agree with you. You know, you can walk into any place mostly and apply, and they can offer you a job on the spot. We are not that employer. However, I know that there is lots of room for improvement. And one-stop recruitment...you know, so, just kind of facilitating that process is, you know, working with the departments, having the department ready to interview. You know, just kind of some of that logistics. We have done it in the past. We have done it recently for Parks for their park security officers. You know, it wasn't like a huge turnout, but...so we keep kind of mulling through our minds of, you know, what we can do better. Is it just kind of...you know, just not for type of class but, you know, just for Parks positions in general or, you know, just kind of understanding in our

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minds like how is that going to work. Like, you know, we just want to create opportunities where...so, sorry, I'm getting digressed a little bit. But when we went to the job fair at the mall, there was a lot of people that were not looking for jobs, but they were like oh, my son, my, you know, family member, and so, if we had something like that that was like...you know, like quarterly, you know, every other month, maybe that would catch on where people could come to talk story with, you know, the...the hiring managers. I mean they could talk to me but, you know, my knowledge is limited as far as like what exactly this job looks like on a day-to-day level. I can tell them, you know, the class, and what the pay is, and kind of what I think the position is, but just having the departments there would be, I think, a game changer. And, you know, they could actually be, you know, maybe through the process, you know, making conditional offers to some of these candidates and having, you know, something to go on. So, thank you, Member Paltin, for that question.

CHAIR RAWLINS-FERNANDEZ: Those sound like great ideas. Mahalo, Member Paltin and Deputy Director. Okay. Anyone else for first round? Okay. Okay. Seeing none. I'll...I'll call on Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thanks for allowing me this time to ask a quick question for Deputy Director, Ms. Porter. You know, the DBEDT mentions that \$17.84 is the minimum livable wage on...in our County. Do you know how many of our County workers are making that kind of money?

CHAIR RAWLINS-FERNANDEZ: Deputy Director?

MS. RAZO-PORTER: Thank you, Chair. Thank you, Johnson [sic]. I should know that, I don't know off the top of my head.

CHAIR RAWLINS-FERNANDEZ: We can follow up. We'll ask the Committee to include that question to the Department.

COUNCILMEMBER JOHNSON: Oh, thank you so much. I really appreciate that number you said, that 130 positions got filled [sic]. Of those 130, any of them for Housing?

MS. RAZO-PORTER: You know, I...I apologize, I...I just kind of looked at that snapshot --

COUNCILMEMBER JOHNSON: Okay.

MS. RAZO-PORTER: -- number of what we created, you know, since July 1st, 2022.

COUNCILMEMBER JOHNSON: Okay. And...

CHAIR RAWLINS-FERNANDEZ: We can follow up.

COUNCILMEMBER JOHNSON: All right.

CHAIR RAWLINS-FERNANDEZ: Mahalo.

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COUNCILMEMBER JOHNSON: Sorry, guys, I'm giving you all the follow-up questions. But...and then finally, you know, we talk about like you...you...hiring is so hard, but once they're in, are we doing on-the-job training, are they getting college credits, can we give them that boost up where they get a higher pay through the on-the-job training?

MS. RAZO-PORTER: So, one of our strategic goals is to create promotional opportunities. I mean that's, you know, our...internally what we try to do. And so, just kind of aligning that, working with departments to...to provide that training, I think, is still a work in progress. It's just kind of, you know, giving employees time to grow into their positions and, you know, kind of fostering that --

COUNCILMEMBER JOHNSON: Yeah. Okay.

MS. RAZO-PORTER: -- you know, that...that career path.

COUNCILMEMBER JOHNSON: Yeah. I...I mean my...my example would be my mother, who was a construction worker, but they paid her to go to college and she got her nursing degree out of it. So, you know, there's some nice things that you can --

MS. RAZO-PORTER: Right.

COUNCILMEMBER JOHNSON: -- you know, can help with that. Finally . . .*(timer sounds)*. . . four-day...four-day...four-day work weeks, you guys ever thought about it? Thank you.

CHAIR RAWLINS-FERNANDEZ: Deputy Director?

MS. RAZO-PORTER: Thank you, Chair. So, in our office, we are experimenting with four...four-day work weeks. I mean it's a four 10-hour day so, you know, it's not a...

COUNCILMEMBER JOHNSON: Yeah, four 10s --

MS. RAZO-PORTER: Yeah.

COUNCILMEMBER JOHNSON: -- seems --

MS. RAZO-PORTER: Four 10s.

COUNCILMEMBER JOHNSON: -- to be very, very productive.

MS. RAZO-PORTER: Right.

COUNCILMEMBER JOHNSON: Thank you. My time's out. Thank you, Chair.

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CHAIR RAWLINS-FERNANDEZ: Mahalo for your quick question, Member Johnson. . . *(laughing)*. . . Member Cook? Did you have a follow-up, round two? Okay. Member Cook, for your round two.

COUNCILMEMBER COOK: Thank you. Thank you for being here and having the opportunity to ask questions. I have a twofold question, and you sort of answered one of them. What are some of the challenges that your Department is facing regarding hiring and attracting employees to the County? And how does your...how does your Department intend to overcome those hurdles, and will that be reflected, demonstrated in your proposed budget?

CHAIR RAWLINS-FERNANDEZ: Deputy Director?

MS. RAZO-PORTER: Thank you, Chair. Thank you, Member Cook. So, because we have such a new Staff, our focus, honestly, is just, you know, bringing them up to speed. You know, we're knowledge workers so just that training, you know, and experience takes time. But yes, we intend to continue to work with departments to create those opportunities to, you know, close those gaps that Miss...Member Paltin spoke about of...you know, I never want to hear that someone waited for months to hear back, you know, and I almost want a name. But, you know, just kind of understanding like...because we see, you know, what we're doing, and they're getting on the list, and they're quick, so just, you know, where is that gap, so just kind of exploring that. We don't have any, you know, great initiatives just because we have such a brand-new Staff, and just...you know, it's all hands on deck with training and building our team, honestly, and...you know, and finding those...those pukas and trying to, you know, fill...fill in those areas where we can, you know, bring Staff on and hire people.

CHAIR RAWLINS-FERNANDEZ: Member Cook, you have ten more seconds.

COUNCILMEMBER COOK: Brief comment, and then I'll be done, promise. I just want to like super encourage you and your Department, you are the gatekeepers . . . *(timer sounds)*. . . to all the County employees, and the departments are severely understaffed, and a lot of new people, a lot of people retiring. In order for us to get the housing and the infrastructure and the Ag Department and all these services that our constituents deserve and need, you're the gatekeeper, so, we're cheering you on.

MS. RAZO-PORTER: All right. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Cook. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thank you. I look forward to your leadership. And I think that we've been hearing for years that we're short of engineers, and I wonder if there's a way of being creative when you put together these...you know, these positions so that it doesn't have to be the engineer only...or I don't know what the barriers are, and I know...I know that we don't pay enough too. So, I look forward to learning more about how we can creatively satisfy these big important goals as...so we can do all the things that Councilmember Cook just mentioned, right. And I think

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something else that's happening here is that Keani Rawlins-Fernandez, in her...as a Councilmember she's very creative, so I'm hoping that there's a way of working together, the Department and this Committee, which has this assigned to it, that maybe, you know, we can move past all the challenges we've been hearing from the departments. Because we need engineers, we need surveyors, we need...I mean all the things we've been hearing, right, it's just shortages all over. But I look forward to your leadership if...just from what you've said today, that there may be some new ways of doing things, and maybe we can step past the barriers we've been hearing from the departments. So, I just wanted to say that. Thank you.

MS. RAZO-PORTER: Thank you, Chair. Thank you, Councilmember Sugimura.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Okay. Members, any last burning questions? I do have a couple questions, but I'll...I'll include it in the transmittal to the Department --

MS. RAZO-PORTER: Okay.

CHAIR RAWLINS-FERNANDEZ: -- and then we'll get the response later, and I'll have it posted to Granicus. Okay. Seeing no other hands. Mahalo, Members, for your indulgence. We did go ten minutes over. Mahalo, Deputy Director. My apologies for going a little over. Okay. Are there any objections to deferring this item?

COUNCILMEMBERS VOICED NO OBJECTIONS. (excused: TK, ALL).

ACTION: DEFER pending further discussion.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members. Staff, is there anything else the Chair needs to be made aware of before we adjourn?

MS. MILNER: No, Chair, you've covered all the items --

CHAIR RAWLINS-FERNANDEZ: Excellence.

MS. MILNER: -- on today's agenda.

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CHAIR RAWLINS-FERNANDEZ: All right. It is 12:10 on March 23rd, and the ESCS Committee is now adjourned. . . .*(gavel)*. . .

ADJOURN: 12:10 p.m.

APPROVED:



KEANI N.W. RAWLINS-FERNANDEZ, Chair
Efficiency Solutions and Circular Systems
Committee

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Transcribed by: Daniel Schoenbeck


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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 44 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 21st day of April 2023, in Kula, Hawai'i



Daniel Schoenbeck