

SPECIAL COUNCIL MEETING

FEBRUARY 22, 2023

The Special Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Lihue, Kaua'i, on Wednesday, February 22, 2023, at 11:48 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable KipuKai Kualii
Honorable Mel Rapozo

APPROVAL OF AGENDA.

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

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

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

The motion for approval of the agenda, as circulated, was then put, and unanimously carried.

FORMATION OF THE COUNCIL'S CREDENTIALS COMMITTEE.

Council Chair Rapozo: As you know, today's Special Council Meeting is to appoint the replacement for former Councilmember Evslyn's seat. With that, I need to appoint a Credentials Committee. I am going to hereby appoint Councilmember Carvalho, Council Vice Chair Kualii, and myself. That will be to verify the credentials of any nominees that are put forth today.

Council Chair Mel Rapozo, Council Vice Chair KipuKai Kualii, and Councilmember Bernard P. Carvalho, Jr., were unanimously selected to form the Council's Credentials Committee.

Council Chair Rapozo: Before I suspend the rules, I am going to make a comment, a statement, will suspend the rules to take public testimony, and then we will get into the meeting. The reason why I wanted to do this is because we previously received a lot of testimony. A lot of the testimony came from an email that was sent out by Gary Hooser. It was in the paper today, and I will be honest, I took offense, because as he normally does, he makes these statements to incite people, and

that is cool, that is his right. I want to correct the record on some of the things he stated, before you all come up and testify, because I know your testimonies, as I have read, has been based on what was stated by Mr. Hooser. You saw it in the paper, I am not going to read it, I am sure you all got the email, because I did, it is on his blog, but I am going to cite a few paragraphs. “Apparently Council Chair Mel Rapozo wants to do this Wednesday, February 22, 2023, at 11:30 a.m., seven (7) days after the public was made aware of the vacancy.” The public was made aware of Mr. Evslin’s potential seat vacancy on January 20th. That is when the media reported that Mr. Evslin’s name had been submitted to the Governor. January 20th, and the 22nd, the 23rd, and it was constantly. I cannot speak for my colleagues here, but from that point, I started receiving interest from people that wanted to be considered. It was not just seven (7) days ago. I want people to understand that. He stated, “Similarly, I am thinking about the thoughtful evaluation of the current strengthens and weaknesses on the existing Council”...this Council is three (3) months old. Not even three (3) months, two (2) months old, and he has already identified some strengthens and weaknesses of the existing Council. “In attempting to find a candidate that could compliment and/or fill in the gaps, this idea has apparently been disregarded”—Wow, Gary, I wish you were here today, but again, he typically does not show up to these things. Seriously, Gary, “and do we disregard the voters in the 2022 Election,” seriously? “I am guessing the Council Chair and the majority of the Council are thinking that former Councilmember Ross Kagawa has already got the votes locked up, so why bother with the process.” What process? The process is unfolding today. It is a public process. It is a process where Councilmembers have an opportunity to nominate anyone they feel that they want to be considered, that is the process. There is no written process. He talks about the timing, and I have received several testimonies about the precedent. The precedent in the 2013 Election when the Council at the time, of which I sat on, went outside of the ballot and appointed Mason Chock. That was the precedent. I do not blame you folks for putting that in your email, because that is what you were told by people that should know better. You can put the slide up. I will show you the precedent, because I was here for all these appointments, because that is how old I am.

Back in 2008, July 17, 2008, Council Chair Asing resigned from the County Council, and on, guess what, the same day, Darryl Kaneshiro was appointed as a Councilmember. That was the original precedent. That is what we did. Same day. I did not hear Gary flying off the handle because we are rushing—that was the same day. Next slide.

On April 5, 2011, Councilmember Kawakami resigned and on April 11th, six (6) days later, KipuKai Kualii was appointed as a Councilmember—six (6) days. That is a precedent. Next slide.

Gary forgot about those two (2), but he wanted to bring up this one (1). On October 31, 2013, of course, I was still here, Councilmember Nakamura resigned and on November 15, 2013...by the way the first two (2) precedents the Council appointed the number eighth in the Election. That was the precedent. I know all of you who testified, I am not talking to you here, but those out there watching that submitted testimony that said, “Follow your own precedent.” That was the precedent. On October 31st, Councilmember Nakamura resigned and Mason Chock was appointed

on November 15th, about fifteen (15) days later. This one, they went with what they call the process. In fact, Gary says in his blog and to all his emails to you, "That selection was at the time accompanied by its own controversy coming in the days immediately preceding the veto override of Bill No. 2491." Understand this, we were in a hearing, a process debating a bill of whether or not the Council should attack a veto that the Mayor had done on Bill No. 2491, to overturn the veto. There were only six (6) Councilmembers, it was deadlock. At the time, Chair Furfaro knew that if it remained deadlocked, then the veto would be overridden and the veto would stand. So, what that Council did is it went out and solicited people that would support the override, and they nominated Mason Chock, and I nominated number 8, as I always did from the first times, second time, and third time. I nominated number 8. I came to Council that day thinking that KipuKai was going to be nominated and appointed, because that is what we had always done. Sometimes it is good to be old, you have that much more experience, but that did not happen. I will be honest, they did not know where KipuKai stood on Bill No. 2491, but they knew where Mason stood, and the Council voted to appoint Mason. Now, I have no problems with Mason. I worked with him. He is a great man. I love him like a brother. My point is, the precedent that Gary seems to think we are getting away from is not the precedent, it is the change that he made, that Chair Furfaro made to accommodate the agenda that they had—that is the truth people. That is how this works. As Gary talks about politics as usual, I show you the evidence. The first, the second, the precedent was very clear, we are going with number 8 because that is the people's choice. When you look at the ballots, that is the next person up, because that is what the voters said, not what anyone else said. This is the precedent, but in this case the precedent could not work because they were not sure how Councilmember Kualii would vote, so we had to play this one safe. Check me. I tell you right now, I was sitting right here when that happened. There should be an open and fair public process that invites all who are interested in filling the open Council position to apply and be honestly evaluated. Mr. Hooser, there is an open, fair public process, and it is called the General Election. That is just my opinion. I just wanted to clarify that, because it is not fair when you get to submit something to the *Garden Island Newspaper*, they will not print my letter, so I took this opportunity to share, and at least defend myself. He paints the picture that I rushed this, "Mel Rapozo did this. Mel Rapozo did not think we did a fair process. Mel Rapozo, blah, blah, blah." Mel Rapozo is the only one that is relying on precedent. As far as I am concerned, relying on the voice and vote of the people. Fern, trust me, I love you like a sister, you know this. You called me, and I told you "straight-up," that is how I do it, I pick number eight 8. If you were number 8, I would be lending you my support today. Any one of us could be number 8. I would hope that the people's choice in the voting process, called the General Election, would be honored when something like this comes up. With that, I will suspend the rules, and take public testimony.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair, the first registered speaker is Sandy Herndon, followed by Nikki Cristobal.

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

SANDY HERNDON: Good morning, Chair Rapozo and Council. It has been a long time since I sat in this chair.

Council Chair Rapozo: Welcome back.

Ms. Herndon: Thank you. Thank you for this opportunity. I know I sent you an email, and that described a lot of how I am feeling, so I am not going to repeat myself. But I am going to say, I think given the fact that we are a community, this is a community—the Council is a community. In that community when you work closely together, you are going to form bonds, and you are going to have respect and appreciation for each other—that is important. It is essential to a well-working Council. However, friendship cannot be the basis for the structure of a well-working Council. What I want to say is balance, so everyone has a voice. I acknowledge Chair Rapozo's comment that number 8 was the people's choice, and that is obviously true. I also feel there are people in the community that have excellent strengths that may be a little bit more highly defined in certain areas. Plus, the fact that our island is probably at least half women, and I would like to see, first of all, another female voice. Not that Councilmember Cowden does not do a great job, she does, but we need balance. We need to also have a way that we can reach out to the youth. I think that there is an opportunity for us to combine those key things with one (1) nomination, and that would be Fern Holland. Thank you.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Next speaker is Nikki Cristobal, followed by Lila Metzger.

NIKKI CRISTOBAL: *Aloha. Mahalo* for having me speak to you all. I want to say, I respect everyone on this Council. Everyone on this Council is here because you got the majority vote from the voters, so it is well-deserved. With this position, I think comes great power and great responsibility, so when presented with the opportunity to do things differently than how they have been done historically, defaulting to the eighth position, even though that is a very logical route to take—I cannot really fault you for that, I think you are being given an important and critical opportunity to tell the community representation matters. You have the opportunity to appoint someone who reflects the interests of people who do not typically vote, so on our island we know that a lot of *kānaka ʻōiwi* do not vote. We know that a lot of younger women and a lot of younger people in general do not vote. We know that a lot of people who are actually for *aloha ʻāina*—these people are not voting, right? They are not voting because they do not see themselves reflected in the system, so this is an opportunity to put someone like Fern on Council to show other people that representation matters, and that they should be able to feel like they can put their name in the ring and be given a fair consideration, and to serve as a voice for the people who are left out of voting. *Mahalo*.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: The last registered speaker is Lila Metzger.

LILA METZGER: Good morning.

Councilmember Kualii: Good morning.

Ms. Metzger: Thank you for this opportunity.

Council Chair Rapozo: Please state your name for the captioner.

Ms. Metzger: Sure. My name is Lila Metzger, number 10 on the General Election ballot. I am just representing, again, myself, as a potential nominee. I feel that I agree with the first testimony about having female representation being very important, and our Council has not really held that, so I am here to offer myself, once again, as an option. From my memory, when we were all on a panel for the YWCA, I was on a panel with a bunch of male feminists, so I am hoping that you agree with me, and will not just pick number 8, but will have at least one (1) of two (2) of us. Although, I do agree that number 8 is the way to go, but if there is a choice, and there is an option between the Council, I would like to ask that you consider either/or. If I am one (1) of the two (2) to be chosen from the public, I feel that you know enough about me at this point to make that selection. My passion is the youth, future, and public safety. I am currently teaching a women's self-defense seminar on my own, which is what I would want to do anyways if I was on Council—just getting involved in the public safety aspect. That is really what I am going for, is to be on Council for just the “nitty gritty” like “feet on the ground,” “boots running around” this island, the kind of work that serves our community. You folks are very much qualified and way more experienced, but just know that I am a hard worker physically, and I really plan to serve this community physically, and looking out for the future of this island is utmost important. I will say, the most qualification I have is crying over our island and the future, and shedding tears over what is going on in the world—it is crazy, but right now at home, we can make a difference. I will focus on our schools. I will focus on the children. You folks can handle the real work, and I will be happy to say, I will be the one to go and look at the homeless camp. I will go and walk in there; I do not care. I will look at everyone. I will tell them that they can make a change, and they could be our future. No one is going to these people, and I am telling you right now, that is all I have to say, is I will go and be your “grunt” worker on the ground getting dirty. I will train little children to learn how to defend themselves, and I will go in the library and rip out pages in the books, and you folks can blame all of those things that you might not want to carry on your personal reputation—I will go do that. You can look at that. These two (2) years of “lamb to the slaughter,” because I have nothing to lose. I have nothing to lose to do that kind of things for our *keiki*. I do not need a job. I have a great family. I am born and raised here. I am willing to work with you folks. If you just need the combat lady on the ground. I am not even joking right now. I am not. This is what I have to offer you—are tears for our island, because I really believe that we can redeem what we have left, and we can set our children up for making a good world for the future. I am serious, you folks can handle whatever big development is happening. I am not here to stand in your way. I am here to make sure we can use our island as much as we can, and we are looking out for our *keiki*, that is all I really honestly care about. I am willing to do that for you folks if you would give me a chance. I guess, I will just leave it at that, but that is where my heart is in this job and in this position, is to be on the ground with the people, and you can just blame it all on me. You saw me at the YWCA, I am not trying to be the person that everyone wants. I want to see our island heal, and if it means not being very well liked by the majority, but our kids are good, it is a willing task for me to take. So, I humbly ask for your consideration.

Council Chair Rapozo: Thank you, Lila.

Ms. Metzger: Thank you.

Council Chair Rapozo: I am sorry, Lila. Councilmember DeCosta has a clarifying question.

Councilmember DeCosta: I have a clarifying question. Did you look at our county programs for our youth and our *keiki* to see if we have a program that one of the Councilmembers can get involved? I am looking at Councilmember Cowden and myself, we are both educators, you probably have more experience than I do, I have twenty-three (23) years, but if there is something that we can do, tell us. I am thinking about what you are saying, you can do that even without being a Councilmember.

Ms. Metzger: I totally...yes.

Councilmember DeCosta: There is so much impact that you could do just as a citizen of Kaua'i, but if you can find a program in the County that we can actually jump in, dive in, "boots on the ground," we will do it.

Ms. Metzger: Yes, and I can. Like I said, I am doing what I feel is powerful to empower our children. There are county programs, but I would like a place to be able to restructure, because there are so many opportunities, venues, locations, and funding available, but it is not being used correctly. I do not feel that you folks have the right people running it that could make it successful. Like everything, there is always room for improvement. If no one can show up and teach a class until this program gets going, I can show up and teach a class until we find a young adult to fill that. I do not know that you could do that physically for yourself. There needs to be someone like a "fire starter." I could be the manager of that, to move in and do that until a real...these are job opportunities for people on the island to fill to make money to do it. I can do that in the meantime kind of deal, but there are a lot of good programs. Honestly, I have been serving in the nonprofit sector for over ten (10) years through Kaua'i Underground Artists, and other than the Mayor and previous Mayor Carvalho, as well, have been very supportive in loaning facilities, but there is no one within the county to do what I have been doing. What the island needs is not really a county program per se, we can use county facilities and resources, but the way the program looks is not going to be a county program. Those things do not work the way that I have seen Kaua'i Underground Artists work and thrive. Thank you.

Ms. Fountain-Tanigawa: We have no further registered speakers.

Council Chair Rapozo: Is there anyone else? Yes, please.

FERN ANUENUE HOLLAND: *Aloha* everyone.

Council Chair Rapozo: *Aloha*.

Councilmember Kualii: *Aloha.*

Ms. Holland: Nice to see you folks. Appreciate you all considering me at all. I just want to...

Councilmember DeCosta: Name.

Councilmember Cowden: State your name.

Ms. Holland: Sorry, my name for the record, Fern Anuenue Holland. I am honored to be...I was really moved to be the ninth vote-getter. I have to say it is the first time I ever ran for County Council and I was moved by the amount of support that I have had in the community. I feel like it is a duty to be here today and to put my name forward as part of this position. I am not disrespectful to any of your folks' decisions. I want to be clear, I actually was not going to speak, because I have already written to you folks, and I have asked for your consideration in this process. I want to be very clear that I am not Gary Hooser, because you came off pretty hard.

Council Chair Rapozo: He came off hard first.

Ms. Holland: I get it. I try not to get into that with you two. I am my own individual person, and I am running for my own individual reasons, and I believe that you know that as well. I am not going anywhere. I am not concerned. I am not going to hate on any of you folks today on your decision. I respect your choices. I think there is a reason that the Governor is entrusted with the power to appoint a person, and that person does not necessarily come from who was next on the ballot. I think that there is also the opportunity here for you as the top six (6) remaining vote-getters that are appointed as the Council to make the decision to choose someone that really adds to the quality of the Council and how you all work together, function, and the skills that you feel are needed. While I respect that it is easy, and it is definitely a default to go to the eighth person, it really does say, "Well, that is the next person that would have been in line." That is not how the Charter is really written. It does give you folks the opportunity to consider anyone, and while I respect that, especially in small town politics can often be the easiest default to go to, you do have the opportunity to choose anyone. It is my responsibility to be here and be one of those people to be considered, because I do love and respect all of you very greatly. I believe that I would work very well with you folks and despite even those challenging times when I first moved home from college, for some of us, do not necessarily totally agree on everything, I feel like we have always worked well to be able to have those conversations with respect, and I would bring that to the table. I am a very hard worker like many of you know. For the last ten (10) years, I have showed up for community even though I have never been in an official role or capacity to do so. So, I humbly put my name forward, I do not expect you folks to do any kind of major or radical "chess moves" to appoint me rather than someone else, but I constantly show up, and I am here today to be that voice and person that is saying, "I am committed to this." I will be back in 2024 running for office, and I am going to work with you folks one way or the other from that side or this side of the bench. Yes, I am happy to be here, and I just want you folks to understand that it is

with the utmost respect and love that I come to you. I was born and raised in Kapahi on the eastside. I am a passionate local girl that just wants to serve the community, so it is my responsibility to be here today to put my name forward for service. I do not do that with any resentment or angry editorials, or anything outside of wanting to serve. I want to be clear with that, and ask to be considered. I appreciate you all very much.

Council Chair Rapozo: Thank you, Fern. The reference to Gary had nothing to do with you.

Ms. Holland: Okay.

Council Chair Rapozo: It was to clarify that the picture he was trying to paint is not actually the picture that is happening. That was my only purpose for doing that. Thank you.

Councilmember DeCosta: Clarifying question.

Ms. Holland: Yes.

Councilmember DeCosta: Hi, Fern. I am not going to go into the detail of how fond I am of you, because I will do it in my discussion. You did state, and this is our opportunity to clarify, "I do not expect you folks," meaning us, "to do a radical 'chess move' to put me in that spot," are you thinking that we already had some "chess moves" made? I know personally, I have never contributed to any "chess move" yet, so tell me. I am thinking this is the same "chess moves" that Gary Hooser and Jay Furfaro did back when they did their selection. Explain to me, what do you mean by radical "chess moves?"

Ms. Holland: I think that every move that we make in an elected position, such as yours, has some play of "chess." It feels like politics in Hawai'i, whether I am in the State Legislature, or whether I am right here, seems to constantly be these "chess moves" trying to hold power, not be hated on by some, not be sidelined by someone else—it is just a natural. I do not mean that in a negative way necessarily, it is just part of the political game to some extent. People have repercussions for certain actions that they make, or they feel that they could, and I am not trying to put anyone in that situation. You know that I am also very fond of you. I think of you as an uncle and a friend, and I would not want to do anything to you that would make your situation harder in this body, or in any other work. I genuinely care about you. I am not expecting you to step outside of whatever you feel comfortable. I do not want you to put your neck out for me, is probably a better way to say it. I think that you folks have the opportunity to really do what you feel is right. If you feel that going the way that some of you have with the eighth person is the right and automatic way to go, then I respect that—that is what I am trying to say. But I also respect those that may think this is the opportunity to bring another voice to the table that has not necessarily been involved officially, or represent a different category of our community, or for whatever reason there are. The opportunity for you to select someone outside of the eighth person, or else the Charter

would say, it is the eighth person. I do not expect if you folks are uncomfortable to move outside of that, is probably what I mean to say.

Councilmember DeCosta: Thank you for the clarification.

Ms. Holland: Yes.

Councilmember DeCosta: I understand what you meant by the eighth vote-getter. Now, I understand.

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

Councilmember Cowden: She has ferns on her head.

Council Chair Rapozo: Okay. Zoom, I am sorry, Teresa.

TERESA TICO (*via remote technology*): Thank you, Council Chair Rapozo. I really appreciate it. I did submit written testimony regarding my preference for Fern Holland to be selected to fill Luke A. Evslin's seat. I submitted it late. I did get late notice about this meeting. Thank you, Chair Rapozo, for explaining the process to me in an email that you took the time to write, so thank you very much. I want to thank Councilmember Kualii and Councilmember Bulosan for responding to me this morning, acknowledging that they had read my written testimony. I hope that you also read the transcript of Ross Kagawa's testimony when he voted against the one hundred thousand dollars (\$100,000) in funding for the Climate Action Plan for the County of Kaua'i. That brings me to the point that I wanted to make. I think it is very important in this time and age, there are climate impacts, especially to all islands, where we are experiencing unprecedented rising sea levels, coastal erosion, and I know this because I live on the beach, the beach is disappearing. We are experiencing extreme rainstorms. We have landslides. Our Hanalei Bridge is closed more frequently. I think it is extremely important that we have people on this Council who acknowledge the climate crisis that we are facing. I remember back in 2017 when you had this opportunity, or not you, but the Councilmembers at that time who included Ross Kagawa. I remember that he voted against it, because he said that he did not trust our local government. I know that others of you voted against it, but the fact that he said he did not trust our local government, and I believe he was referring to the Department of Economic Development—that really struck me, and he lost my confidence when he made that statement. He said that we should leave this problem to the Federal Government. Since when should we leave our problems to the Federal Government? Now, you are sitting on this Council to accept responsibility for our community problems and will take it from there. In my letter, I pointed out that if not for our local community, we would not have our community base assistant fishing area in Hā'ena. That was all local community. We worked on that for years and years before we got that implemented. We would not have a management plan for Hā'ena State Park. We worked on that for decades. We would not have the Kamalani Playground at Lydgate. We would not have the bike path. There is so much in our community that serves all of that—we would not have. For our community-based management of our island, and that is the issue that I have

with Mr. Kagawa to just pass off this problem, and say it is someone else's problem, is not right. I remember, I listened to...I was unable to go, but I listened to his interview with the Chamber of Commerce just last year when he was running for Council, and the topic of recycling came up, and it sounded to me, you can listen to it, it is on YouTube, as though he is against recycling, because he said he did not know where the recyclables are going to end up. Well, is that not your job to encourage recycling, and then to figure out where they are going to go? You do not just say it is someone else's problem, so we are not going to do it. I know Fern Holland very well. Fern is highly educated. She has three (3) degrees. She has degrees in marine biology, environmental sciences, she understands climate change better than any of us will ever understand it, and she knows the solutions. We need someone like her. Not only as a science-minded, science educated person, but a woman who represents the demographics of women and youth. We do not have a balanced representation on this Council, and now is your opportunity to provide that by selecting Fern. In closing, I just want to read the end of my written testimony for those of you who did not have a chance to read it. Rejecting a one hundred thousand dollar (\$100,000) fund for a Climate Action Plan is like telling the Fire Department, you do not want them to help you fire proof your house when your house is ready to burn down. At the very least, it shows that you are out of touch with the realities impacting our daily lives. Now, it shows that you want someone else to solve our problem. If we are to protect Kaua'i for our future generations, we need to do everything possible to solve the climate crisis. We are fortunate to live in such a beautiful place, our island home. It is up to each of us to take care of our home. Please select Fern Holland to take Luke Evslin's seat, she is doing everything she can to take care of Kaua'i. We need her, and we need more young people, and women leaders on the County Council if we want our children and grandchildren to inherit this beautiful place we call home. Thank you.

Council Chair Rapozo: Thank you.

Councilmember DeCosta: I have a clarifying question for you. I am really interested in knowing, because we had a meeting last Council with Solid Waste on the recyclables, and I believe, we did not know what country takes recyclables today. We know China no longer takes it, and I think the one (1) country that takes it, uses child labor to deal with the recyclables. Can you please tell me, do you know of a place we can look that will take our recyclables if we were to come up with a Materials Recovery Facility (MRF) and start this recycling on Kaua'i?

Ms. Tico: Thank you. I appreciate that question. I love the way you are thinking, because you are thinking in a proactive way. You are solution-oriented, and that is how we all should be. Perhaps, we should all work together, and find those solutions. We can put our minds together and find the solutions for that issue.

Councilmember DeCosta: If you come across a country that is taking recyclables, please send an email to our Council Services, so they can circulate with us, because we would like to know that. Thank you.

Ms. Tico: I certainly will. Thank you for the question.

Council Chair Rapozo: Is there anyone else?

BRUCE HART: For the record, Bruce Hart. What I would like to do, I was not sure if I was going to do, is just thank you. I would like to say, for members of the public who do not really understand what it is that happened, is that we have six (6) Councilmembers, and they are having to make, what it amounts to, a very difficult decision. I appreciate Council Chair. He has been chosen over the years to be consistent. He chooses the eighth vote winner. Okay. I want to thank you, because people do not understand that nothing in this world is perfect, and trying to legislate laws that affect everyone in a fair and equitable manner is a very difficult job, and you all do very well. The concern that I see in all of you every time I show up here on a Wednesday is what I come for. I come for the personal relationships. I come for being able to meet people in the audience I never would have met any other way. I encourage the public, do what I am doing. You can make a difference. You form a personal relationship with each Councilmember—they listen. That is making a difference. We live in a wonderful form of government. A wonderful nation where we get to participate. People need to understand that all over this world, this would not even be happening. There would be people behind the scenes choosing, and we, the public, would not get any say so at all. We would not even get a vote, a fair and honest vote. Our form of government is not for spectators, it is for participants. We the people. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify? If not, I will call the meeting back to order, and I will open up the floor for nominations. Councilmember DeCosta.

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

APPOINTMENT OF COUNCILMEMBER:

Pursuant to Section 3.05 of the Kaua‘i County Charter, the purpose of this Special Council Meeting is to appoint a successor for a vacant unexpired term on the Kaua‘i County Council to serve until December 1, 2024.

Councilmember DeCosta moved to nominate Ross Kagawa for a vacant unexpired term on the Kaua‘i County Council to serve until December 1, 2024, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion?

Councilmember DeCosta: I am going to lead. Bruce, thank you for that. When I first became a Councilmember, I would make a “shaka” to you, and you would give me a nod, and now, we talk story. You have a friend in me. Bruce, I appreciate you. When you have a friend in me, if I can ever help you with anything, I will help you. I will help anyone. Opening up for discussion. I have pages here written down. First of all, I want to say, Ross Kagawa, we have solid waste at the forefront, we have a landfill that is three (3) years outdated. We are going to have to possibly think of shipping trash on Young Brothers or Matson to O‘ahu to burn. How absurd is that

to put your trash on a barge and have our taxpayers pay for that? We are in a crisis. I am sorry. We have a two hundred sixty million dollar (\$260,000,000) budget, is that close enough, Chair? We also have fire engines that we need to buy. We need to cut from different programs. The point I am trying to make, and the advocacy I am making right now is, when I first started it took me a year to get my "boots on the ground," and I have two (2) degrees, Economics and Business. I am a smart man. I have connections in this County, because half of my classmates work in Department Head positions. I could not get anything started. It is so much knowledge and so much to learn. Basically, by your second term you start full-steam ahead. If you do not believe me, you can ask Councilmember Bulosan, he is overwhelmed sometimes, I can see it. The point I am trying to make, I nominated Ross Kagawa, because he comes with eight (8) years of experience. Now, whether it is all positive or some negative, it does not matter, because I know Ross from high school, and if Ross can learn a little bit of the negative, he will be an even better Councilmember. I heard Council Chair Rapozo tell me many times, "Man, I would not have voted that way a long time ago if I knew the outcome would have been this." Council Chair Rapozo has learned who he is. We have budget in less than a month. I nominated Ross Kagawa. He has an accounting degree. He is the eighth vote-getter. I was the ninth vote-getter. Councilmember Kualii was the eighth vote-getter. We were overlooked by Mason K. Chock who was not involved in politics. He received that lucky roll of the dice. Lila, I was you. I was ninth place. I felt that I should have received the job. I am sure Councilmember Kualii felt he should have received the job, and we both did not. There is a process. It was a process that Jay and Gary chose, and this is the process that Council Chair Rapozo has chosen to put the voters at the forefront. I am going to disclose something. We talked about radical "chess moves" with Fern. I am not afraid to tell you folks this. I did not text Ross Kagawa, I did not even talk to him, but I did text with Fern. Her and I did text. She is my personal friend, and I feel really bad when I look in your eyes and tell you that I need to support Ross Kagawa, because I think in a time like this "boots on the ground" in a crisis situation, we need a Councilmember that can jump in that seat and make experienced decisions. That is the reason why I went with Ross Kagawa. Thank you.

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

Councilmember Carvalho: I just wanted to say, Fern, I have known you all these years, Kapahi girl, and you bring a lot of knowledge and experience in your own way. To me, the process, number 8, whoever is in that number eighth position, the people spoke, that is where I am at. I have been in here a long time, so that is where I stand, and if it was you, then it was you, but Ross Kagawa is at the forefront now, and he brings a lot of experience to the table. I know we are all not perfect, we all have our differences, we all have our flaws, but we can work together to help each other out to say, "Do not do that. Move here. Let us talk about this. Let us work here." That is what it is about. Whoever comes in next, then we will continue to work. We do not know if we will be here the next time, but I am very thankful for the opportunity to serve. I just wanted to say that the process is in place, the people have spoken, whoever is in number 8, Mr. Kagawa brings a lot of knowledge to the table, but he also...we are not perfect like I said, but we can work together to help each other's flaws get better, and help certain people. Again, it is not about...like I said, I

have known you for a long time, Fern, I love you, too, but overall, the process...we have a great opportunity to do good things for the people of Kaua'i and Ni'ihau. I appreciate the discussion and the hearts and souls that are here today, but that is where I stand. I support Ross Kagawa as the number 8 vote-getter for the people of Kaua'i and Ni'ihau. *Mahalo* for the chance to speak.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: This is all difficult for me. Sandy Herndon made a comment about, "Friendship cannot be the structure of a well-working Council." I will own it. Fern and I are good friends. Fern and I have been on the tip of the spear of a handful of fights. We have worked on so many things. I deeply respect your commitment to understanding the Code, understanding the law, and understanding what is constitutionally correct. We have gone to Honolulu together to fight many things, so here is my good friend who I have a lot of respect for, that I would really like to have on my team. Here is a situation where, I know you folks think it is nothing to be the one (1) female. I will tell you, even though I love you all and I enjoy working with you, and I think you are good, it would be nice to have another person there. What I also have to say, what makes it hard, it might surprise people, but I really grew to enjoy working with Ross well. Ross, I felt like you had my back even if we did not agree with things, I felt you always treated me respectfully, it took a little time to get there, but we got there, and I appreciate that. What I have also appreciated when you think about experience on pieces, I will not go into details, but there has been a handful of things that Ross has brought up on the floor, and I have thought, "Well, I do not agree with that." But in the end, I learned that he was right even after he was gone. Sometimes we can look at what people put forward as an ordinance, and I know that there are those out there that are on that side of the bench not on this side that measure productivity in terms of how many bills get passed or introduced, but what rarely ever gets looked at is were they affected, did they make the right change, and was there collateral damage? So, sometimes it is better to just simply give the pushback to slow down what is needed there. What I am saying with that is, I am looking at two (2) people that I really like, and you might seem to be from different points of the perspectives, but you are actually really bright. I have to say, Fern, it is really evident that you are really bright. Sometimes Ross can be understated on that, but he will end up making the right call, and more so than myself or maybe some of the rest of us. Lila, I want to say something to you. Thank you for being here. Thank you for what you are doing. I appreciate your passion. I appreciate what you are talking about. There is still a place for you to be participating. In fact, I do go put my nose right in there with the people who are on the side of the road, I do go to the hospital room, I do that, so you are speaking to my heart. When I want someone by my side or helping lift that load, absolutely, we all do it to a certain extent, but I think they do it excessively, so I get what you are saying. I am thanking all of you for the effort that you put in there. I appreciate what a tough decision this is.

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

Councilmember Bulosan: I have a few points.

Council Chair Rapozo: Absolutely.

Councilmember Bulosan: Maybe three (3), four (4), or maybe five (5). Who is counting? Anyways. First of all, this is...we have Ross on the floor and since Ross is in the room, I just want to say, with qualifications alone, you have my vote. If we are just looking at qualifications alone, this is the right choice, the eighth vote-getter, that is a no-brainer for me in that sense. Ross, if you get elected, I no doubt can work with you, and doing everything possible to help our community. First, appointments are never easy, let us be real. We just went through an appointment for our District 16 that took almost a month or awhile, and it left District 16 empty, which is not fair, because the process is never fair, appointments are not fair. It bypassed Elections, and it does not allow the community to get involved, so that is the unfortunate truth about appointments. Let me be clear, my second point is that, I am very mad at Luke for putting us into this position, especially me, because I feel like Luke was a counterpart of a young millennial doing all that he can like all the young millennials doing all they can to try to stay home. That is the number one thing we are trying to figure out right now—trying to figure out a way to still call Kaua'i home, and hopefully, call back some people home, and then ultimately, never have our future question if they can call home, home still. So, when we are talking about replacing Luke, he was the top vote-getter, he was the number 1 vote-getter, got votes across the board, so when we are thinking about replacing him, it is really hard to consider only qualifications. Unfortunately, or fortunately, Luke was a one-trick pony, we all know he was all about building housing for local people, so that is the kind of expertise that I am looking for, but I am not here only to look just qualifications. About an hour ago in here, we had over eighteen (18) young ladies here celebrating a never before celebration. First time ever State Champions Lady Warriors from Kapa'a High School. When we were celebrating them and talking about all the accomplishments they had done, everything in me was talking about, "Well, that was a dream for all of us." It was a dream to see happen. We dream this for our kids. We dream this for everyone that call this place home to have these kind of achievements. Oftentimes, dreams are far from obtainable, it is not something we can get to, it is usually going to take several generations to even achieve, so when I get to this moment here, I never thought that it would be a dream, and it is an unfortunate dream that we need to fight for the underserved and the underrepresented. We need to dream for that representation. We need to dream for those people to be represented. We are in this scenario, because there are so many dreams that we have not yet accomplished. That is what my vote will be reflecting today—it is just a dream. It is beyond qualifications. It is a hope that in the future, and maybe it is the future right now, like I hope this is the future right now, that the underserved, the underrepresented is represented, is served, that we do not have to...the problems that we are faced with is not the problems at-hand anymore. I dream where housing is not the problem, that Native Hawaiians are represented, that women are on this floor, I dream of all that already exists, and the only thing we are focused on is celebrating people like our Lady Warriors, celebrating these accomplishments. So, today is tough. I want to acknowledge the hundreds of emails that we received testimony, discussion points. Once Luke put his name into the appointment, I personally reached out to the last four (4) people. I reached out to Ross, Fern, Rachel, and Lila. I said, "Hey, consider there might be a possibility that we might need to find someone to replace Luke." I did that because I felt like that

was the responsibility of a Councilmember, because we would be voting on it, and I wanted to make sure that the underserved, the underrepresented, and the qualified have a fair chance to this process, and I believe we are doing that right now. With all that said, when it gets down to this vote today, just in this portion, I know where I am with it, and I hope that I can encourage other people to look at this process, and then get “fired up” for the next Election, because we need more people stepping up. It is not that we do not, we always get over twenty (20) people “throwing their hats in,” and that is awesome. I just feel like the more people get involved in every part of this process, not just in the Election, the better our community becomes as a whole. I will just close with this, and I will follow-up if there is any other discussion. The Lady Warriors that were in here from Kapa‘a High School, the first thing that came to my mind is about that dream that they were looking at, and it makes me super happy that I even have an opportunity to even vote for that dream, because most people are not in that situation in this world. I honor the privilege that I have right now, and I respect all of my colleagues decisions, and the discussion that we have, and I look forward to continue working with our community to make everything possible for our community, so that we do not have to keep dreaming, we can just live the dream.

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: Let me start by saying that I have answered about seventy (70) or so emails, so far, there may be some waiting for me that came in recently. In my response to all of the folks, I thank them for participating, it is always one (1) of the testifiers, as Mr. Hart was saying, participation is key, we cannot do our job without staff and community participation. We are here to represent you. I made it clear, and I will make it clear now that, although the Council has the right as a body to pick anyone we so choose, for me, in my individual choice is to honor the will of the voters and support the next person in line according to the vote totals from our Election just three (3) months ago. It, for me, is the only right, fair, and just choice. Had Fern received one thousand one hundred sixty (1,160) more votes, that would have put her one (1) vote ahead of Ross, and I would be happy to support her today. I know Fern, we have been on the campaign trail together, and enjoyed those times together. I believe that if Fern sticks with it and persists as I did, because it took me three (3) times running before I was first selected. It is only your first time and you are right there on the cusp, so if you persist, I see you on this Council very soon, in the next race or two (2). I do feel strongly that I have to honor the voters choice, and I cannot do anything differently. It would be hypocritical for me to do anything differently based on my own personal history. In 2001, as the Chair pointed out, I was the eighth place vote-getter and I was unanimously appointed by the Council to fill the vacancy left by now Mayor Kawakami who went to the Legislature just like Councilmember Evslin did, now Representative Evslin. In 2013, when I was again the eighth place vote-getter, I had the support of only two (2) Councilmembers to fill the vacancy left by Councilmember Nadine Nakamura at that time who went to become our Managing Director. The four (4) other sitting Councilmembers put their support behind someone who did not even run, bypassing everyone who did run. So the voters, in the very next Election, voted out two (2) of those four (4) who were trying to get re-elected for their fourth and final term before they were termed out, so they got termed out early by the voters, and the other two (2) came in fifth and

seventh, one of them being in a former Mayor and the other one being a former Senate President, I mean serving the Legislature. Long time politicians with big names, me nobody, from a poor Hawaiian family, I came in fourth in that Election. It was not because of me, it was because of the voters saying, "We spoke and you did not listen to us." It is always my belief and mantra that there are many different ways to serve the public, so I tell anyone out there, do not give up, persist, do not worry about what role it is, whether you are on the Council or not. If community service is in your heart, just go out and do it, and keep doing it, before you know it, you will be up here as well, because it all ties together. Ross, I have worked with him. I have been on the Council with Ross. I have been off the Council watching Ross in action, and I have been back on the Council with Ross. He has worked on eight (8) different budgets. I think the budget is the biggest job of the Council. He has an accounting background. He has done a good job. The voters selected him, why would we deny him that? Chair talked about the precedents. The precedents is that more than not, the eighth place vote-getter, the voters choice is who was appointed. The one time that the outlier was when that happened to me. I tell you, I do not take it personally because I love the community and I serve them however I can, but it was really not fair and not right to my family. My mom and dad were sitting in the audience because we expected...everything is a secret, right? The Sunshine Law, so no one knows what is really going to happen, just like we do not know today, we still have to vote. Well, my mom and dad were sitting in the audience, *kūpuna*, pure Hawaiian, pure Portuguese, here for a proud day, and when that happened to me, and that is bad politics. That is nasty, bad politics, not honoring the votes of the people. I did not take it personally, because I was ready to go again just like Fern. Fern says, "I am running in the next Election." I was running in the next Election, because I had something to prove. I had to prove to all the young people, up and coming, people of color, from the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community, never done on Kaua'i, I had to prove that it could be done, and if I could do that, my job was done. I am here to serve community, enjoying it, but I persisted, and I have proven that. The last thing that I want to say is that, I am a proud, Lila, male feminist, I love the fact that the YWCA did that forum, it has not been done before, because it brought a whole new perspective, and it gave us a chance to talk about issues that normally does not get talked about in the Council. Just this morning, he was talking about the young ladies from the Warriors, our State Champions. We also had three (3) young women brought forward by Ellen Ching from Boards & Commissions, first-timers, all of them, for our commissions. I was so impressed by all of them, and I just wanted them to know, because for me, I see myself coming to the end now, and now I see young women stepping forward, so I told each of those three (3) women, "Thank you for stepping forward and being willing to serve on our commission. I hope you will do what you can on the commission, you will come back, and run for Council." I told them, too, I will help them. I enjoy working on other people's campaigns more than I do my own. I see myself helping young people in the future. I am proud today to support Ross Kagawa.

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

Councilmember DeCosta: May I say something, Chair?

Council Chair Rapozo: Does he still have time?

Councilmember DeCosta: Okay. Two (2) things; one, for the record, Ross Kagawa is my friend, I am not hiding behind anything. You said, "Fern is your friend." I played high school football with Ross. We won two (2) Kaua'i Interscholastic Federation (KIF) Championships. We did things together that "besties" do. Ross is my "bestie." I am not voting for Ross because he is the eighth vote-getter. I am voting for Ross because I have confidence in him, because I have seen what he can do, and if Ross cannot do it, I am going to help him do it the right way. I want to tell you what I am not, and I am not going to have you folks hide behind it. Lila, I think you know this better than anyone. In that meeting all of these men said they were feminist, and the one who said he was not, was me. I do not believe I am a feminist. Do you know why? I think women who ask for recognition and want to be in power are not true women of being in power. The strong women do not need to be recognized. My wife, Kamehameha School graduate runs the show at home. Ross' wife runs the show at home, but they are so strong that they allow Ross and I to look like we run the show in public. I am telling you right now, there are a lot of powerful women in this room that do not need the recognition. Know that we do not always have to say that "We need more women." If the voters wanted more women, they would have put women on this Council, so there we go. I wanted to say that, and I did. Thank you.

Council Chair Rapozo: Is there anyone else?

Councilmember Cowden: I have to say a few nice things about Ross.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I like that Ross asks authentic questions. He is straightforward, and he calls it out. Usually, when he calls it out, maybe sometimes a little bit animated, he is really coming from his truth for what I think is a really important check and balance—I appreciate that. I actually appreciate not being the strongest opinion sitting on the floor sometimes. I want to also acknowledge, because there was something that was written in a number of the emails about him teaching school. You are not doing that anymore, right? So, I appreciate that we are going to have, it is really obvious from the math, a full-time person in here doing it, and I actually did not know that you had an accounting background, but I have always noticed that Ross asks meaningful economic questions, and that is a very big lever and big part of what is the Legislative branch, is handling the money. As Councilmember DeCosta pointed out, we have the budget next month, and it is not like any other private sector accounting, it is difficult to understand, and it is really important to be able to recognize on all financial pieces that we get in a year, when to pull a break, or when to be able to ask a hard question, so I want to throw those positives out there.

Council Chair Rapozo: Is there anyone else? Go ahead.

Councilmember Bulosan: I can see where we are leading, and I am just going to explain my vote, as what my vote is going to be. On the floor, I understand the process, what we need to do is deliberate and figure out what is the best choice, so if Ross is the person that we choose today, Ross, I am looking forward to working

with you. Obviously, you have been tracking all the issues we have been facing. In past, we have worked together on issues in Līhu‘e, it has been about four (4) years with all this work we have done together, so I am looking forward to that. At the same time, I have a personal bias. I was raised by some strong women. I lived in the same house as my grandma, born and raised there with my mom, then when both of them went to work, I was raised by my aunty Lita. So, I have a tendency to be a strong feminist. Everything about me is about supporting women, supporting underserved, and the underrepresented, so that is what my vote is going to reflect.

Council Chair Rapozo: Thank you. Is there anyone else? If not, I have said my peace early on. I wanted to clarify the record, I think sometimes I get more credit than I deserve, like I am this all empowered Chair that can have these Councilmembers do what I want—highly untrue. I will say this, I do not mean any offense to any of the prior colleagues I have worked with on the Council over all the years, so far, it is still young, but this Council is probably the most independent thinking Council I have ever worked with. For this issue, again, like I said, when I came here that morning, I guess it was in 2011, I am sorry, in 2013, I was under the impression that Councilmember Kualii was going to be selected because he was number 8. We have not had the discussions of “who are you going to vote for?” We have not had that discussion. I think people knew my position just because I have said it from early on, but that simply is not the case. It sounds like the direction we are going in, I think I know where it is going, but until we take the vote anything is possible. I want to say, I respect and love Ms. Tico a lot, she has been a long time friend, Teresa Tico, and she mentioned the one hundred thousand dollar (\$100,000) Climate Action Plan, I did not support it either, and the reason I did not support it, and no offense previous Mayor, Councilmember Carvalho, I do not want you to hit me.

Councilmember Carvalho: It is open.

Council Chair Rapozo: I will say, generally speaking, Administrations have this tendency of going after grant money even if there is no plan. Mr. Kagawa, myself, and many others, we do not like that. If you do not have a plan to use the money, do not ask for the money. I did not support the one hundred thousand dollars (\$100,000), that does not mean I do not support our efforts in climate change on this Climate Action Plan, but the fact of the matter, again, Councilmember Cowden, when you said, “Authentic.” Sometimes we are. Sometimes we are painfully authentic or painfully real, and it comes across wrong, because I did not support a specific issue, they say I do not support it all. The bike path is a good example. I was concerned about exactly what we are suffering today. I brought it up, and I was pegged as an anti-bike path. No, I just wanted you folks to make sure we can maintain it and it will be safe, and now we have a lot of crime, drugs, and erosion on that, and I do not need to say, “I told you so.” I am just saying, people wrap you in this category that may not necessarily be true. The recycling issue that Ms. Tico and Councilmember DeCosta brought up, until today, our Administration does not know where to send it. We can collect all the recyclables we would like, but where are we going to put it when we are renting warehouse spaces? The reason I bring this up is,

I think oftentimes when we are on opposite sides of an issue, people tend to categorize us. Like I told Councilmember Bulosan today, people will love you today and hate you next week in this job. Fifty percent (50%) of the people are not going to be happy today, and fifty percent (50%) will—that is this job, and if we are not able to handle that, then we are in the wrong job. It is not easy. Fern, I will tell you, it pains me to sit here and watch, because you are such a good person. I see some emails that says, “You folks are going to take the easy way out.” It is not the easy way out, trust me. I was here when Councilmember Kualii broke down right there, they were sitting on that side, and Mason was this side. It was like a boxing match. When that vote came down and I saw his parents, I am like, “Awww.” It is not easy, but it has to be done. For me, I could sit here all day and talk about his accounting background, for me, it is a lot easier, and maybe subconsciously I take the easy way out. Honestly, when you think about it, the State is looking at a new voting style where they will go first, second, third; what do you call that?

Councilmember Kualii: Rank voting.

Council Chair Rapozo: Rank voting. The State is looking at this now. So, we will go first, second, third, fourth. Okay, you ran out of votes, so we will go to the second place—that is where we are headed. I do not think it is unreasonable to think that. Again, three (3) months ago, this is not like a year ago, it was three (3) months ago. We have not had an issue to get upset with each other yet, but it will come. The people spoke three (3) months ago. Again, I am going to honor that. With that, if there is no further discussion, the motion is to approve the nomination of Ross Kagawa. Roll call.

The motion for approval of Ross Kagawa for a vacant unexpired term on the Kauai County Council to serve until December 1, 2024, was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Motion carried, 5:1.

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

ADJOURNMENT.

There being no further business, the Special Council Meeting adjourned at 1:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a large, stylized initial 'J' and a long horizontal flourish extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

jy