

MINUTES

COMMITTEE OF THE WHOLE

June 29, 2016

A meeting of the Committee of the Whole of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Mel Rapozo, Council Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, June 29, 2016, at 8:50 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

Excused: Honorable Gary L. Hooser
 Honorable KipuKai Kualii

The Committee proceeded on its agenda items, as shown in the following Committee Report, which is incorporated herein by reference:

CR-COW 2016-07: on COW 2016-02 Communication (06/16/2016) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing on the Notice of Violation and Order (NOVO) from the State of Hawai'i Department of Health, Clean Water Branch for National Pollutant Discharge Elimination System (NPDES) Permit related violations and penalties at four (4) refuse transfer stations. **(Received for the Record.)**

(Note: The Committee was in recess from 10:42 a.m. to 10:50 a.m., during discussion on COW 2016-02.)

ES-858 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(2), 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Kaua'i County Council, requests an Executive Session to brief the Committee of the Whole on matters regarding the Notice of Violation and Order (NOVO) from the State of Hawai'i Department of Health, Clean Water Branch for National Pollutant Discharge Elimination System (NPDES) Permit related violations and penalties at four (4) refuse transfer stations, and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County, as well as, the consideration of matters affecting privacy related to the evaluation, dismissal, or discipline of any officer or employee related to this agenda item. **(This item was Deferred.)**

Council Chair Rapozo: We have an Executive Session item on this matter. Does any one of you want to go into Executive Session? No? We need five (5) votes and I am not voting for it. Can we have a motion to receive?

Councilmember Kagawa moved to receive ES-858 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Does anyone want to provide testimony on ES-858? The agenda was posted as such in case we needed to go into Executive Session. County Attorney Mauna Kea Trask made it really clear in the beginning that we could discuss and we did not breach any law, so we do not need the Executive Session. Is that what I am hearing? Councilmember Chock.

Councilmember Chock: Out here, I did not hear any concerns or requests, but if there is one member who wants to request, then I would support it.

Council Chair Rapozo: Councilmember Kagawa? Anyone else? What I want to do is I want to defer this item because I do have some questions pertaining to personnel, but I want to give the Administration an opportunity to be able to respond. I do not want to go in there just for them to say, "We need to get back to you." I will send over some questions and we will defer this item until the next Council Meeting...I mean Committee Meeting, and then we will give them the opportunity to respond. I want to know what is going to happen regarding personnel. That is what I want to know. Accountability—what is being done? I think we can all agree that it is the management issue of it, and what is being done? That is what I want to hear and because it is personnel-related, that is where it belongs. Any more discussion on this? Again, that is just what I want to do. Councilmember Yukimura?

Councilmember Kagawa moved to defer ES-858, seconded by Councilmember Kaneshiro, and carried by a vote of 5:0:2 (*Councilmembers Hooser and Kualii were excused*).

There being no objections, the Committee recessed at 11:09 a.m., to convene in the Public Works / Parks & Recreation Committee Meeting.

The meeting was called back to order at 12:44 p.m.

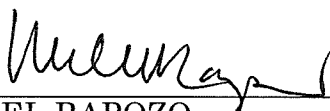
There being no further business, the meeting was adjourned at 12:44 p.m.

Respectfully submitted,



Darrellyne M. Caldeira
Council Services Assistant II

APPROVED at the Committee Meeting held on July 27, 2016:



MEL RAPOZO
Chair, COW Committee