

MINUTES

COMMITTEE OF THE WHOLE

May 9, 2018

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, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, May 9, 2018, at 11:14 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

EXECUTIVE SESSION:

ES-950 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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 Draft Hiring Practices Follow-Up Audit, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Can I get a motion, please?

Councilmember Yukimura: Move to...

Councilmember Kagawa: Go into...

Councilmember Kaneshiro: Executive Session.

Councilmember Yukimura: Well, I have a process question.

Council Chair Rapozo: Well, we need a motion to get it on the floor.

Councilmember Kagawa moved to convene in Executive Session for ES-950, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you. What is your question?

Councilmember Yukimura: I have a process question. It is usually the case that we get copies of a draft, but we do not have it put on the agenda until the

final report comes out with responses from the Department. I just wondered why we are changing the process here.

Council Chair Rapozo: I do not know about changing the process. We got the draft, we cannot explain the draft in open session, and I felt it was of significance that we would have the discussion as a Council. If you would rather not do that, you can vote to receive this and we do not have to have the discussion. This is a matter that I felt should be brought to the body.

Councilmember Yukimura: I agree that it is a matter that should be before the body, but usually we do not have it until the Department has been able to respond. I do not believe that when the draft comes out, that they have had the chance to respond. Usually, it comes in the final report and then we have a discussion. It seems to be a better process.

Council Chair Rapozo: No. The final will come in an open session. We cannot bring this on the open session because it is a draft. The draft is also sent out to the parties to get the parties to submit comments. I did not feel it was appropriate that I take that on as the Chair by myself. It is funny on this body, I want to include the Council and I get criticized. I am trying to do this so that we, as a body, can have a discussion on a matter which I believe is very important. If you read the audit draft, I would think that you would agree. If you folks do not want to do this, that is perfectly fine with me. I felt that as the Chair and because we did not do it this way in the past, I was not the Chair in the past. I am trying to be inclusive. I am trying to include everyone in the discussion so we can have some good discussion on a matter that I believe is a very serious. That is why it is on the agenda in Executive Session. When the draft is final, when the report is final, it will show up on the open, public agenda. That is probably going to be within the next month, a month to six (6) weeks. That is the reason.

Councilmember Yukimura: Are we planning to have the Department in Executive Session then?

Council Chair Rapozo: No.

Councilmember Yukimura: How do we discuss it without knowing what their response is?

Council Chair Rapozo: We are discussing the findings of that audit.

Councilmember Yukimura: But the findings may not actually be findings once you hear the response from the Department.

Council Chair Rapozo: We will have the discussion with the Administration when it comes on the floor. Are there any other comments? Does anyone have a concern with going into Executive Session today? Let me know now because I thought I was doing everyone a favor. Councilmember Kagawa.

Councilmember Kagawa: For me, I want to go in and discuss it. When I went through the budget, I made a comment like, "Wow, we have a lot of EM's now all over the place." I am just wondering if the audit is going to give me the answer in this Carvalho Administration, or Baptiste and Carvalho, or whatever the carryover was of how we got to where we are now. I would like to know because I thought EM was one (1) or two (2) per Division.

Council Chair Rapozo: I will just take the vote and if you do not want to go in, you are free to sit out. The motion is to go into Executive Session. Roll call.

The motion to convene in Executive Session for ES-950 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

ALLISON S. ARAKAKI, Council Services Assistant I: Six (6) ayes.

Council Chair Rapozo: Thank you. With that, we will reconvene in five (5) minutes in Executive Session. BC, we are done with you for today until 5:00 p.m. for the public hearing. Thank you very much.

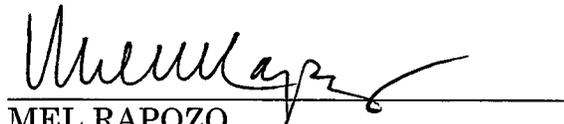
There being no further business, the meeting was adjourned at 11:19 a.m.

Respectfully submitted,

Allison Arakaki

Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on May 22, 2018:


MEL RAPOZO
Chair, COW Committee