

INAUGURAL MEETING

DECEMBER 1, 2016

The Inaugural Meeting of the Council of the County of Kaua'i was called to order by Chair *Pro Tem* Bernard P. Carvalho, Jr., at the Kaua'i War Memorial Convention Hall, Lihu'e, Kaua'i, on Thursday, December 1, 2016 at 12:03 p.m.

Mayor Carvalho: I hereby appoint Jade K. Fountain-Tanigawa as the temporary County Clerk. Are the credentials of the Councilmembers in order?

JADE K. FOUNTAIN-TANIGAWA, Temporary County Clerk: The Credentials Committee has filed a report which shows that the credentials of the Councilmembers are in order and that the Oath of Office has been given.

Mayor Carvalho: Madam Clerk, please call the roll.

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 Mel Rapozo
Honorable JoAnn A. Yukimura

Ms. Fountain-Tanigawa: Seven (7) present.

Mayor Carvalho: May I get a motion and a second to approve the agenda?

APPROVAL OF AGENDA.

Councilmember Kagawa moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro, and unanimously carried.

PUBLIC TESTIMONY.

All public testimony for the Inaugural Meeting will be taken at the beginning of the Meeting. Each speaker shall have three (3) minutes to speak on each agenda item and shall identify which agenda item(s) the testimony relates to, prior to speaking.

Mayor Carvalho: During this Inaugural Meeting, we will be taking all public testimony at the beginning of this meeting. Each speaker will have three (3) minutes for each agenda item should they wish to use this time. Please specify which agenda item you are speaking on when giving testimony. Madam Clerk, is there anyone signed up to speak during the Public Testimony period?

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

Mayor Carvalho: Is there anyone that would like to testify on any item? Okay, please come up to the microphone.

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

ALICE PARKER: Alice Parker, for the record. I do not know if it is on the agenda, but this is a transportation matter. We desperately need a bus stop on Pahee Street so that patients can get to Kaua'i Urgent Care, Kaua'i Veterans Center, and the various medical things there. We desperately need it. I first requested it in 2004 and I hope it is moving along. I think there was a matter with Grove Farm Company, Inc. that Mayor Carvalho was working with. Thank you.

Mayor Carvalho: Thank you very much for your testimony, Ms. Parker. We will definitely look into that request. Is there anyone else wishing to speak on any item of the agenda at this time?

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

APPOINTMENT OF THE COUNCIL CHAIRPERSON.

Mayor Carvalho: The floor is now open for nominations for Council Chairperson.

Councilmember Kagawa nominated Mel Rapozo as Council Chairperson, seconded by Councilmember Kaneshiro.

Mayor Carvalho: Are there any further nominations? If not, nominations are now closed. Is there any discussion?

The motion to nominate Mel Rapozo as Council Chairperson was then put, and unanimously carried.

Mayor Carvalho: Mel Rapozo is elected as Council Chairperson.

Ms. Parker: I would like to request that cell phones please be on silent.

Council Chair Rapozo: Thank you.

Mayor Carvalho: Sure, Ms. Parker. Could you all please put your cell phones on silent as we move forward with the discussion? Thank you so much. At this time before I relinquish my title as Chair, I would like to say that I look forward to working together with the Councilmembers at this table. We have some great things happening in our community. As Mayor, I really look forward to developing a strong and continuing a strong relationship with the returning Councilmembers and the new Councilmembers because we have an awesome island to take care of. I just wanted to say that before I relinquish the gavel here.

Mayor Carvalho, the Chair *Pro Tem*, relinquished Chairmanship to Mel Rapozo.

(Mayor Carvalho was noted as not present.)

Council Chair Rapozo: They say I hit the gavel hard, that is why Mayors do not have hammers and gavels. Thank you. Let me first of all just say thank you to my colleagues for their support and vote of confidence.

APPOINTMENT OF THE COUNCIL VICE CHAIRPERSON.

Council Chair Rapozo: With that, the floor is now open for nominations for Council Vice Chairperson.

Councilmember Brun nominated Ross Kagawa as Council Vice Chairperson, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Are there any further nominations? If not, nominations are now closed. Is there any further discussion?

The motion to nominate Ross Kagawa as Council Vice Chairperson was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Thank you. Congratulations, Councilmember Kagawa. Clerk, can we have the next item?

RESOLUTIONS:

Resolution No. 2017-01 – RESOLUTION APPOINTING THE COUNTY CLERK OF THE COUNTY OF KAUAI

Council Chair Rapozo: Can I get a motion please?

Councilmember Kawakami moved for adoption of Resolution No. 2017-01, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. It has been moved and seconded to approve Resolution No. 2017-01, which appointed Jade. K Fountain-Tanigawa as the County Clerk for the term commencing December 1, 2016. Is there any discussion? If not, I would just say, Jade, thank you for agreeing to stay on. It has been a pleasure working with you for the last few years, and we look forward to another very productive term with you as our Clerk. Please call the roll.

The motion for adoption of Resolution No. 2017-01 was then put, and carried by the following vote:

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|-----------------------|---|------------|
| FOR ADOPTION: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Thank you. Motion carried. With that, the County Clerk has also submitted a Communication which will be addressed later, appointing Scott K. Sato as the Deputy County Clerk. At this time, I will call for a recess for the swearing in of our County Clerk and Deputy County Clerk.

There being no objections, the meeting recessed at 12:09 p.m.

The meeting reconvened at 12:11 p.m., and proceeded as follows:

Council Chair Rapozo: Clerk, could you read the next item please?

Resolution No. 2017-02 – RESOLUTION ADOPTING THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS: Councilmember Kawakami moved for adoption of Resolution No. 2017-02, seconded by Councilmember Brun.

Council Chair Rapozo: It has been moved and seconded to approve Resolution No. 2017-02, which are the Council Rules that the Council will follow for this term. Is there any discussion?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Thank you. Out of respect for the festive celebratory nature of this day, I will not be submitting any amendments to the proposed rules of the Council today. However, as a matter of principle and to represent the many people who want good Council decision-making, I will be voting against the proposed rules. Rules are critical because they potentially affect every decision the Council makes. Today in the interest of brevity, I will only say that my main objection concerns two (2) rules that I was unable to get into writing. One, a rule allowing clarifying questions when the public testifies and two, a rule allowing public testimony at the beginning of meetings, which is done as a courtesy to make best use of people's time. Council Chair Rapozo says that is already how the meetings are conducted, then why not put them in writing? Written rules promote clarity, accountability, and smooth operation of meetings. Insiders may know how things work, but a citizen trying to learn the Council process or anyone new to the process must be able to rely on written rules. Also, Council Chair Rapozo has said over and over that if rules are not being followed, then the proper procedure is to call a point of order, but calling a point of order is only possible if there is a written rule to cite. So unwritten rules cannot be enforced and lead to arbitrary and discriminatory application. That is why I will be voting against the proposed rules.

Council Chair Rapozo: Thank you. Is there any further discussion?
Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. I just want to take this opportunity, I know that in the last term the rules have been a topic of discussion in the community, and I wanted to ensure the community that we did meet last week for a good amount of time, into lunch, regarding our rules. What was discussed there, for all of you to know, is that the outcome was there was an agreement amongst the majority of the Council that we would be able to be flexible when necessary while also recognizing the need for self-control in the moment. There were some great ideas about how we can improve on our process. The discussion really led towards us determining what we would like to do and practice the agreements that are on the table right now and revisit them in a few months to see how we can improve. If by chance the agreements that were made with regard to flexibility, and taking some self-control in the process are not adhered to, then we would look at the rules further. That is where we are as a body at this time. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Is there any other discussion?

Councilmember Yukimura: Yes, Council Chair Rapozo.

Council Chair Rapozo: Go ahead, Councilmember Yukimura.

Councilmember Yukimura: Yes. I appreciate Councilmember Chock's explanation of what happened at the Organizational Meeting, and I am glad that we

will be revisiting the rules in a few months. I want to say that the public really did not have a chance to speak on the rules unless they speak today and I know many of them do not want to delay the meeting. At the Organizational Meeting, there were no rules that were proposed or attached to the agenda, so nobody knew what the rules were that were being considered. Actually if they defer to the celebratory nature of this day, there really is no chance for the public to give input. It would be good that we will be revisiting the rules in a few months.

Council Chair Rapozo: Thank you. Is there any further discussion? If not, can you call for the roll please?

The motion for adoption of Resolution No. 2017-02 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) no.

Council Chair Rapozo: Thank you. Can we have the next item please?

Resolution No. 2017-03 – RESOLUTION RELATING TO THE APPOINTMENT OF THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUAI: Councilmember Kagawa moved for adoption of Resolution No. 2017-03, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. It has been moved and seconded to approve Resolution No. 2017-03, which provides the Committee structure, Chairs, Vice Chairs, and members of each Committee. Is there any discussion?

Councilmember Yukimura: Yes, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Thank you. I will be voting for the Committee appointments. I want to say; however, that I was appalled and saddened to learn at our Organizational Meeting that the Committee arrangement proposed by Council Chair Rapozo did not even allow me to be a voting member of the Committee that handles housing and transportation, the two (2) areas that I Chaired in the last term and have championed for years. After all my work and initiative in these two (2)

areas, that felt hurtful and humiliating to me. I am grateful to Councilmember Chock for voluntarily stepping off of the Committee that handles housing, allowing me the possibility of being a voting member of that Committee. I want to thank Councilmembers Chock, Kagawa, and Kawakami who voted with me to approve that arrangement during our Organizational Meeting. I also want to thank Councilmembers Kagawa, Brun, and Chock for supporting me in keeping the Chairmanship of the Transportation Committee which is combined with public safety. Because these Council colleagues have shown consideration of my interest and goals on behalf of the public, I can and will vote for the Committee appointments.

Council Chair Rapozo: Thank you. Is there any further discussion? If not, I will say that I did propose a Committee structure which I felt worked best with the working relationships between the Administration and the County Council. I had hoped that we would have reserved our comments to the meeting last week, but in Councilmember Yukimura’s desire to express herself, I feel compelled that I should be allowed to defend myself because it appears that I acted in a bad way. I just want to say that in my experience and with the information that I had received from members of the Citizens Advisory Committee (CAC) as well as the Housing Agency, that it was not working. I simply was looking for a new direction on the Council, so we can move our housing programs forward, and that was the suggestion. At the end of the day as I had stated at the Organizational Meeting last Wednesday, regardless of what had happened, yes, I did not support the vote for the amendments to the Committees, but I did commit to supporting the desire and the decision made at the Organizational Meeting. I had suggested and I believe, I begged the Councilmembers-Elect, “Please, let us honor this ceremonial day and keep the discussion to last week,” but with what has just occurred, I feel compelled that I should be able to express myself and that is what I am doing. I am supporting all of the decisions that were made last week, even the ones that I do not agree with because that is how this process works. I appreciate Councilmember Yukimura voicing her opinion and I am also extremely satisfied that she is supporting this Resolution because I had hoped that we could reach a 7:0 vote on all of the items today. I am not getting all of them, but I am very happy that she can support this Resolution. With that, roll call.

The motion for adoption of Resolution No. 2017-03 was then put, and carried by the following vote:

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| FOR ADOPTION: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Ms. Fountain-Tanigawa: Seven (7) ayes.

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

COMMUNICATION:

C 2017-01 Communication (11/25/2016) from the County Clerk-Designee submitting for Council informational purposes, the re-appointment of Scott K. Sato as the Deputy County Clerk: Councilmember Kaneshiro moved to receive C 2017-01 for the record, seconded by Councilmember Kawakami.

Council Chair Rapozo: It has been moved and seconded to receive Communication C 2017-01 for the record. Is there any discussion? Again likewise, Scott, I appreciate you agreeing to stay on and serve the County Council and Council Services. We appreciate your work and look forward to another two (2) years.

The motion to receive C 2017-01 for the record was then put, and unanimously carried.

Council Chair Rapozo: Next item please.

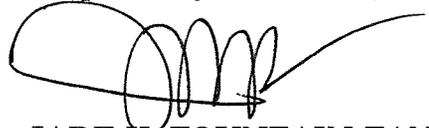
Ms. Fountain-Tanigawa: There are no other agenda items.

Council Chair Rapozo: Okay. There being no further business and hearing no objections, this meeting stands adjourned. Thank you, everyone, for being here today.

ADJOURNMENT:

There being no further business, the Council Meeting adjourned at 12:20 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk