

## SPECIAL COUNCIL MEETING

DECEMBER 11, 2019

The Special Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, December 11, 2019 at 8:40 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun  
Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin  
Honorable Ross Kagawa  
Honorable KipuKai Kualii  
Honorable Arryl Kaneshiro

### APPROVAL OF AGENDA.

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

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the agenda?

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

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

Council Chair Kaneshiro: Seeing none, are there any questions or discussion?

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

Council Chair Kaneshiro: Motion carried. Clerk, can you please read us into Executive Session.

### EXECUTIVE SESSION:

ES-1013 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the Kekaha Landfill operations and the obligations, remedies, and contractual obligations under the Waste Management of Hawai'i, Inc.'s contract and for authority to execute a termination agreement. 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 Kaneshiro: Can I have a motion to go into Executive Session?

Councilmember Kualii moved to convene in Executive Session for ES-1013, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Executive Session?

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

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

Council Chair Kaneshiro: Seeing none, are there any questions or discussion? Councilmember Kagawa.

Councilmember Kagawa: My question is, are we going into Executive Session and come back for the Committee Meeting?

Council Chair Kaneshiro: Correct.

Councilmember Kagawa: We have people here who took off from work to be here. How long is this going to take?

Council Chair Kaneshiro: Probably twenty (20) minutes—it is a quick update.

Councilmember Kagawa: Is it worth taking off of work for twenty (20) minutes?

Council Chair Kaneshiro: If you did not speak we would be two (2) minutes faster. The Executive Session is just an update, so it should be quick.

The motion to convene into Executive Session for ES-1013 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Motion carried. With that, we will be going into Executive Session for about twenty (20) minutes and we should be back out for the Committee Meeting. Thank you.

There being no objections, the Committee recessed at 8:43 a.m. to convene in Executive Session.

The meeting was called back to order at 9:33 a.m., and proceeded on its agenda item as follows:

Councilmember Kagawa moved to approve authority to execute the termination agreement with Waste Management of Hawai'i, Inc., seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none, is there any final discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: Thank you. It is with hesitation that I am going to be supporting the approval to end the current relationship with Waste Management Hawai'i, Inc. only because our lack of confidence over the years in the County's ability to handle this very important issue called the Kekaha Landfill. I never said it was an easy job. It is a difficult job nationwide—worldwide. However, there are a lot problems there that, I think, are because of past and current management. We always talk about, "If we have the right engineer," but the fact of the matter is, there has been a lot of finger pointing going on about Waste Management Hawai'i, Inc. and this and that. My coach, Tommy Rita, always said the worst thing you can do is point your finger, because when you point, you will have three (3) fingers pointing back at you—that was very true. When you blame, the problem does not get fixed and if it is your *kūleana* to do your best for the taxpayers that pay your salary, then failure is not acceptable. If you do not know, ask for help, but do not continue to do change orders and what have you, just to get minimal results, just to continue a bad contract. You are going to do that from 1993 all the way until now, and now say that it was a bad contract. To me that is way too late. It is easy from the Council's perspective, we are laypeople, it is easy for us to also place blame, point the finger, but that is our job at the end of the day, because we provide the check and balance. We are the ones that objectively see the results of the County, of Waste Management Hawai'i, Inc., of the Kekaha Landfill, and in my backyard on the west side. I used to surf at "Target Range." To see how big it is, it is irritating—it is a tsunami zone. For us to let that landfill go into phases 2, 3, 4, and I do not know what else. We went wide, high—how many times? Again, how can we do better? I think we need to get off the finger pointing. If people cannot do the job and are not doing the job there—get them out. You need to change the play, just like

in football. You cannot use the same play, when you are getting the same results. Change the play, change the coach, change something, and let us shoot for better results, because the people of Kaua'i have to pay a lot of their hard earned tax money. They need to pay the Federal government, the State government, the County government, and then suffer by having to raise kids in this expensive world and they expect performance, not finger pointing and blaming other people. Let us get with it, Department of Public Works, we need to do better.

Council Chair Kaneshiro: Anyone else? Councilmember Cowden.

Councilmember Cowden: I am going to be simple because it is a very complex topic, but I want to begin by thanking the community of Kekaha for being in the impact zone for the rest of the island. They have been holding all of our *opala* for almost thirty (30) years and working really hard out there. It is a big challenge. It takes a lot of funding, more than we are giving it. We need it to keep running. We need to back-up our people who are working there right now, so I am going to sign this contract and would go more deeply into the discussion at another time.

Council Chair Kaneshiro: Thank you. Anyone else? If not, roll call vote.

The motion to approve authority to execute the termination agreement with Waste Management of Hawai'i, Inc. was then put, and carried by the following vote:

FOR MOTION:	Brun, Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL - 7*,
AGAINST MOTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent, but shall be recorded as an affirmative for the motion.)*

ADJOURNMENT.

There being no further business, the Special Council Meeting adjourned at 9:38 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk