The 2020-2022 Kaua'i County Council-Elect Meeting of the Council of the County of Kaua'i was called to order by Jade K. Fountain-Tanigawa, County Clerk, on Wednesday, November 18, 2020. At 9:00 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, Kaua'i, and the presence of the following was noted:

- Councilmember-Elect Bernard P. Carvalho, Jr.
- Councilmember-Elect Mason K. Chock
- Councilmember-Elect Felicia Cowden
- Councilmember-Elect Bill DeCosta
- Councilmember-Elect Arryl Kaneshiro
- Councilmember-Elect KipuKai Kuali'i

PUBLIC TESTIMONY.

All public testimony for this Meeting will be taken at the beginning of the Meeting. Each speaker shall have a total of three (3) minutes to speak on the items for discussion listed below.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Councilmembers-Elect, although you are not yet members of a board pursuant to Hawaiʻi Revised Statutes Chapter 92, today's meeting will be conducted in the spirit of the Sunshine Law in an effort to enhance public transparency following COVID-19 restrictions and pursuant to Governor Ige's Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Fifteenth Supplementary Emergency Proclamation dated November 16, 2020. We have no one from the public who is here to testify, but we do have written testimony that has been submitted.

ITEMS FOR DISCUSSION.

Members elected to the Kaua'i County Council for the term commencing December 1, 2020, will conduct a meeting to discuss their Organizational Structure for the upcoming 2020-2022 Council term. Items to be discussed are:

- Appointment of the Presiding Officer Pro Tem for the Organizational Meeting.

Councilmember-Elect Kuali'i moved to nominate Councilmember-Elect Kaneshiro as the Presiding Officer Pro Tem for the Organizational Meeting, seconded by Councilmember-Elect Chock.
The motion to nominate Councilmember-Elect Kaneshiro as the Presiding Officer Pro Tem for the Organizational Meeting was then put, and carried by the following vote:

FOR MOTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro, Kualiʻi

AGAINST MOTION: None

EXCUSED & NOT VOTING: None

RECUSED & NOT VOTING: None

TOTAL - 7, TOTAL - 0, TOTAL - 0, TOTAL - 0.

Councilmember-Elect Kaneshiro: We will go through the Order of the Day. The first order is “Discussion of the selection of the Council Chair and the Council Vice Chair for the 2020-2022 Council term.” We are going to do it separately. We will start with the Council Chair. Before we start, I would like to say this Organizational Meeting is an opportunity and time for us to get everything out on the floor. The reason for this meeting is so that on Inauguration Day, we say everything we need in this meeting. We want a smooth Inauguration Day. Granted it will be a different Inauguration than we are used to in the past, but the Inauguration Day is typically a very good day, a nice day for the family; a nice day for everyone. We want to get everything hashed out here, so when we get to Inauguration Day, we know exactly how the votes are going to turn out. If there are amendments to things here or if there are things Members have problems with, we want to get it out on the floor here, so that when we get to Inauguration Day, we know exactly where we are going. Now is our opportunity to say whatever we want to do. Councilmember-Elect Cowden.

Councilmember-Elect Cowden: I want to have a short discussion. I have something to share with all Members before we nominate anyone (See Attachment 1). I appreciate all that we have done in this past window of time with the past Council; we have been really collaborative. I feel that we have been lacking and I want to change the direction that we move in. We have been very reactive, meaning we find out that there is not good ways of reporting over time or working a system or that we have a challenge after the problem that has happened. I believe that it is not much of an “ask” to be proactive. I have some suggestions here on how we can be proactive and more effective. We are very well-paid. Efficiency of time should not be our limiting factor. We are spending about twelve (12) hours per month in here and our compensation package works out to be about eighty thousand dollars ($80,000) per year, we can spend a few more hours in here. It actually might not even cost us more hours. I wrote a few ideas down of what proactive means, which is having departments report to us whether in writing and then with expected times to come in a few times a year, like a “dashboard.” That is how a business operates. We would have a dashboard of where we are at, where we expect to be, equipment, money, or whatever is specific to those particular groups, and that we are able to look at having them report to us what the big challenges are or what the big accomplishments are.
So that we do not learn that we finally got the Treasury Division filled when we have some reason that we have a Zoom meeting. We really need to be more effective at that and have a more holistic conversation, because the Solid Waste Division, for example, is impacted by housing and roads and all types of other issues. I feel like we go too narrow and I would like to hear from the people who are willing to be the Council Chair, how we can do that, because I am not going to vote for someone who is not willing. I realize I might be the very minority vote, but I will not vote if we do not have a proactive method where we are a little bit more holistic in our discussions. Having had the opportunity to watch how Maui County Council does their meetings, it is much more robust discussion. It allows for, when it is our time to talk to the Administration, that we can be...when we all know what all Members know—I am thankful that there are seven very diverse people on our Council and not seven “Felicias,” because I already know what I think. What I want to know is what you think and I want to know what you are learning and we do not have that opportunity in the way our Council is structured. I do not hear from what you are getting and I do not hear from the different departments very often, so I think we do not make best and sound decisions and right now when we have a very serious challenge in front of us; economically, health-wise, and the COVID-19 situation has really stopped our casual abilities when we are walking back and forth to meetings at evening events where we have more of these dialogues, it helps us to know that we are very narrow in what we are doing. As we are talking and nominating people, I am going to be listening to what people can offer. I want to feel included in the Council. I have felt definitely on the edge and not able to share most of what I have learned. There is no real opportunity...at least it has been trained to me where there is an opportunity to share, when we are learning in different areas of the island, I think that would be really critical and I would like to know what others have learned. Members go away to a conference, they come back, and there is no report provided. The rest of the Members do not hear it and I want to be hearing those types of things. I want broader and deeper discussions, so we can do our very best to serve the Mayor’s Administration. Thank you for that. Does anyone have a comment on that, but I do not think it would add that much to our time.

Councilmember-Elect Kuali‘i: I have a question.

Councilmember-Elect Kaneshiro: Councilmember-Elect Kuali‘i.

Councilmember-Elect Kuali‘i: You first started talking about reactive versus proactive.

Councilmember-Elect Cowden: Yes.

Councilmember-Elect Kuali‘i: You said something about a Treasurer position. Can you tell me more about that and is that about the point of reactive and proactive?
Councilmember-Elect Cowden: Yes, it is a proactive point, because if we were proactively hearing from the Department of Finance...and by the way, I think they do a great job, but we did not even have a Treasury Division for about a year. I do not know how long it has been, because only yesterday I learned that we got a really great new person in there and that we have permanently appointed those three (3) positions. In that discussion, which was about something different...I asked a handful of questions and was really happy how much we have moved forward, but I would have liked to have known that when we approach that and when we achieve that goal.

Councilmember-Elect Kuali'i: Can you tell me what you meant when you said, “We have permanently appointed these positions”?

Councilmember-Elect Cowden: We hired those positions.

Councilmember-Elect Kuali'i: Who is “we”?

Councilmember-Elect Cowden: I would have to assume Reiko, our Finance Director.

Councilmember-Elect Kuali'i: Do you accept that we are the legislative body that makes laws and that the Administration with the Mayor is the body that does the hiring and firing of their people?

Councilmember-Elect Cowden: Let me respond to that.

Councilmember-Elect Kuali'i: There has to be a separation.

Councilmember-Elect Cowden: There is a check and balance. That is why there is a judicial...we do not have so much of a judicial, but there is an Administration, who is the executive, and a legislation branch. The role of the Legislative Branch is to be a check and balance and one of the things that we have not been successful at yet is hiring an auditor and we have tried hard and it has not been easy. There are good reasons we have not filled that position. But even as we have discussed it and were unsuccessful at doing it, in our discussion it came up that the Council is really the auditor. Many times when we call for a briefing, it is because we hear either through the community or through the workforce in our County when there is a problem. We, very politely, call for a briefing or a meeting and we help to reconcile that area where there is not enough being addressed. A lot of time corrections happen and there are very graceful ways that we can do it, but that is part of our role. Our role is not just creating laws and it is not just approving the budget and when we only really look at the budget once a year, unless they ask us to make a change...when they ask us to make a change, that is reactive. I regularly do
proactive things, you also might, because I do not know. Sunshine Laws keep us from communicating. For example, I have been regularly asking...well, two and a half times, how much people have been paying of their real property taxes by category, because it is very important for us to know whether we are going to meet our revenue plans. I cannot tell you folks what I learned, because of Sunshine Laws. We can structure a system where we have an expectation of information, but all of the Members get it, so we are all coming from the same understanding. I do not think I know everything, I just know I am learning a lot and I hope all Members are all learning a lot also. I would make better decisions if I was told what they were. Another reactive situation is this new element to be added to the Pacific Missile Range Facility (PMRF) base, the Homeland Defense Radar. When we were in discussion, the County did not even know that was going in and then none of it has really been brought into consideration of the West Kaua'i Community Plan. If we had regular discussion, we could be bringing that in there and guarantee it will have a lot of influence if that passes. That is an example of reactive. I can give a lot of examples. We helped the Office of the Mayor when there is basically seven other entities that are responsive to the community. We are not attacking the Office of the Mayor, I certainly have not attacked the Office of the Mayor. It has been really good, I think, the way we have been able to work together, but it is part of the “working together,” and I think we would work together more effectively and more efficiently for the people. Being an elected official is not that much to be looking at it.

Councilmember-Elect Kuali’i: I would like to make a final point, it is not a question. I disagree, and I think it is important that we know what our role is and if we have to go back to the Charter and bring it back, let us bring it back. We have to respect the Administration and let them work on the day-to-day operations. It is good to be helpful, but it is not good to get in their way, step on their toes, or try to tell them how to do their job. It is good to be helpful and that is not necessarily something that we are voting on. We all can meet with the Mayor one-on-one if we want to at any time, I would believe.

Councilmember-Elect Cowden: Okay, my response on that is that when we get a dashboard of information, we are not stepping on toes. This should be information that they already have. It should not be hard and they should know that we expect them to be accountable to their budget, their operation. It would be normal for business to have that level of accountability.

Councilmember-Elect Kaneshiro: Councilmember-Elect Chock and then Councilmember-Elect DeCosta.

Councilmember-Elect Chock: I want to acknowledge that we are moving from the Order of the Day, which I think will help us, as requested by Councilmember-Elect Cowden, in getting to where we need to, regarding our process. When I look at the bullet points that you have put forth here, I actually do not think
that they are that far away from being attainable and that is also acknowledging the separation of powers referenced by Councilmember-Elect Kuali‘i’s that I believe need to stay in place. I have heard from other people around the table up to this date about some of their interests and how to form and (inaudible) move. I actually like the idea of a dashboard, I just think it needs some work. For example, what indicators are we using so that the Administration can come prepared and not feel like they are on the spot to “deliver what,” right? That is an exercise that needs to happen between the two (2) bodies. As I heard from various people...is it a quarterly meeting from each department or something like that? The rest of it, to me, is things we have talked about, how can we better our process, our discussion, one-on-one meetings have always been available and should be, and then of course, training, which should be Countywide. We have those opportunities, so maybe it is communication. I will just highlight that I heard that from others, I guess, is what I want to acknowledge and so it is finding that sweet spot between all of us about how we move forward, so it might not be exactly what Councilmember-Elect Cowden is talking about, but something of an iteration of that could work.

Councilmember-Elect Kaneshiro: Councilmember-Elect DeCosta.

Councilmember-Elect DeCosta: Thank you, Councilmember-Elect Cowden for sharing that. You made some really good points. I am just a little confused and maybe it is because I am a new Member, but usually as a school teacher, you would like to give homework. Sometimes we call it “busy work.” Children at home say, “I spent two (2) hours on this and I do not understand the process anymore,” I just do not want to see more “busy work” coming through if it already works very efficiently. I heard you say that it works really efficiently. I do not know too much about how the Council Chair position of each department...is it called Chair position of each department, but what I understand is you are in charge of a department and you have the opportunity to meet with the Administration and get to know how that department is run, and at that time...do you bring information back to the Council? Is that how it works?

Councilmember-Elect Kaneshiro: You can if you want. You can request an agenda item that says, “This is information I think should be shared between the Members,” and you request the agenda item, it goes through the Chair, and ends up on the agenda.

Councilmember-Elect DeCosta: Perfect. What if you can solve it with the Administration, then we have that opportunity also, correct? Is there something already in place? Okay. But what you want is a little more?

Councilmember-Elect Cowden: I want it a little different. For example, if I go and have a discussion and every time I see a challenge, I discuss it directly, whether it is even in my committee or not. I do not bring it to the floor here. If I found
a challenge and they did not fix it, then I have to bring it to the floor and we can discuss it. To me, proactive means instead of saying, “Here is a problem,” we can proactively know that they are going to make a change and it gives them actually a little more respect and a little bit more positive position. It avoids what I think is somewhat confrontational. We are still graceful, but it is a difference between being constructive and may be confrontational. In different councils, it can be a battle and be really hard on the Mayor and really hard on the departments. I have seen it get pretty gnarly and it really impacts the departments and I think proactive is kinder, more constructive, and more collaborative.

Councilmember-Elect Chock: I have one clarification. I see this more as agreements and not rules. Is that fair to say?

Councilmember-Elect Cowden: Yes.

Councilmember-Elect Kaneshiro: This one would be included into the Rules.

Councilmember-Elect Cowden: Well...it is just an agreement on who we want to Chair and what tolerance they have for a direction and a way of guidance.

Councilmember-Elect DeCosta: I have one last comment. I am very new at this, but from what I see and that is the approach I would like to take is one of seven leaders, if I have the ability to chair a department, which I think I will...

Councilmember-Elect Cowden: You will.

Councilmember-Elect DeCosta: And I will have my vice chair with me. I would like to build that leadership comradery with the administrators of that department, where they feel comfortable enough to have us help them solve their problems. It is building that relationship that is very important, more so than keeping the check and balance, because if they do not have the trust of us or they do not respect us, they might not let us in and then it becomes a struggle for one of us to help with that department. I just want to add that a little bit of my training is building relationships and building trust so you are included or we are included in the administrative process. I just wanted to share that.

Councilmember-Elect Kaneshiro: Councilmember-Elect Carvalho.

Councilmember-Elect Carvalho: I want to add a little bit to the discussion. As a newly elected Councilmember, what I see before me, basically what Councilmember-Elect DeCosta said as well, which is about relationships. We have a fine line between the administrative and the legislative and what their *kuleana* is. What I see before me is workable and achievable and can happen, but we also have
our individual responsibilities, our committees, and we have a chair for that committee and we can bring that to the table, back to the various committees. We just need to get the business part...but I believe we have an opportunity to really move forward and look at things like this that is based on building stronger relationships and understanding that we need this information at this particular time and ask, “Can you meet quarterly?” Let us check that out, let us see, why not? On the Administration side, they have their responsibility. The Mayor and the team, I know what they have to do and what their responsibilities are and there is our kuleana. The in-between part, that is where a relationship is important, to crossover and share. For me, whatever my committee is, or if I am vice chair, we will “talk story.” This will be a good opportunity to bridge and connect information moving forward.

Councilmember-Elect Cowden: I have something to share on that. First, you are going to bring a whole lot to the Council because you have this incredible background. I appreciate what you are saying and I agree with what you are saying. What my experience has been in this first term is that when we have committee meetings, unless we have a briefing or have called something to the table, we do not share about our committee. There has never been, that I have been in Council, when someone says, “Hey, do you want to share what is going on in your committee?” The Member would respond, “Well, there has been this position change and they are doing this and that great.” I do not see that. That has not happened while I have been on the Council and what I do to build the relationships and not require extra work from the Administration is I try, as much as I possibly can, to attend the commission meetings. I listen to them make the review and I sit there and listen. I am not asking them to perform for me, I am attending. I am regularly faced with other departments when I need to, particularly the Department or Parks & Recreation, pretty often the Finance Department and the Public Works Department, which I am vice chair...I am interfacing with them regularly. There is never a time when I get that that I come back to the group. When we have a committee vice chair, it is not like we ever have a one-on-one and it has never been trained that is the process. No one-on-ones has ever been trained as a process for me. When we have committee meetings, to the general public and I attended these meetings for years, I did not understand the difference between a committee meeting and a commission meeting, because to the general public it does not look different. It is not like the chair and vice chair get together and really work. If we talk about holistic thing, all of a sudden we can only work together. For instance, if I have a vice chair from...I am not even sure who is the vice chair of the Public Safety & Human Services Committee, does anyone know? Whoever was my vice chair, I do not even know who it was. Councilmember Kagawa was my vice chair? Okay. There has not been what you are saying or there has not been in the two (2) years that I have been here and I would like it to be more like what you are talking about.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.
Councilmember-Elect Evslin: I appreciate you bringing this up, Councilmember-Elect Cowden. I mostly agree with a lot of it. Just working through your bullet points here, “One-on-one meeting availability between chair and councilmembers.” I think we have that.

Councilmember-Elect Cowden: Not for me.

Councilmember-Elect Kaneshiro: Have you requested a meeting with someone and the meeting has been rejected?

Councilmember-Elect Cowden: I do not even know that I am allowed to request that meeting. I will ask staff, sometimes when I text, oftentimes I do not receive a return text. That has never been offered to me. No one has ever said, “Hey, if you ever are having trouble, give me a call, let us sit and talk about it.” I have never had that.

Councilmember-Elect Kaneshiro: You can ask, but again, we do have to be careful of Sunshine Law on what we are talking about. That is a really big thing on why we cannot interact as much as we would want to.

Councilmember-Elect Cowden: As I have brought up, because I have been under preliminary investigation to investigate if there is a reason to investigate me by the Ethics Commission or what will be fifteen (15) months, I am not allowed to break any rule, anything, anywhere. I do not do anything that I am not supposed to as far as I can possibly think. I am held to a completely different standard than the rest of the Council. That is fact. I am very nervous to do any of this.

Councilmember-Elect Kaneshiro: I do not think you are held to a different standard. We are all held to the same standard.

Councilmember-Elect Cowden: Are you folks under an investigation?

Councilmember-Elect Carvalho: Can I say something? Let us move forward.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin had the floor. Let us stick with his questions.

Councilmember-Elect Evslin: I just want to say that for the most part we all have the capacity to request one-on-one meetings with other Councilmembers within the spirit of the Sunshine Law. I personally have spoken in depth to other Councilmembers about an issue. “Stronger training.” I certainly support the idea of stronger training. I do not what form that would take, but I am always in for more
training. "More fluid discussion during council." This is something that I have been thinking about also in that when we are on an item, we suspend the rules, and often have dialogue with the Administration, but we do not necessarily have a dialogue among each other. There could be more flexibility for us to ask other questions, which we do sometimes, but maybe more encouragement of that, certainly that could be something. As far as the "Department briefing reports." I have long said that I do feel like lot of ways when we come to budget time, we are operating blind in a number of ways, because we do not really have performance metrics for how a department is operating. We have good financial metrics, but we do not have performance metrics for how well they are performing their core functions. I believe we all support the idea of a county auditor, which would be performance-based. My concern is that we do not have that capacity or training to actually take on that auditor position and set up these benchmarks and my concern about going too far down this road is that...as has been expressed by other Members, is that we would cross over beyond our duty here as legislators. It is potentially an impeachable offense for us to tell a member of the administration what to do and I want to be careful that we do not get into that area of even having the potential of micromanaging the Administration. Briefings that we get sometimes are great when it has to do with something that we ultimately influences our thinking of policymaking, if it is a problem that we can solve for future policy, if it informs our decision-making at budget, or sometimes if it is just an issue that is good to get out to the community and have the Members be engaged with, I think all of our briefings have to do with along those lines. When we go beyond that too much in the day-to-day operations is when we could verge on taking on some administrative oversight that we should not be serving at and do not have, per the Charter. That is my only thoughts. I do appreciate the discussion.

Councilmember-Elect Kaneshiro: I will comment on this. We have talked about it before. As far as "Department briefing reports"—I think the best way to go about it would be...we have so many different departments and divisions, probably the best way to go about it would be to concentrate on the departments that you are chair of, work with them, maybe set up certain types of benchmarks that you want just in that department, and then bring it to the Council. Every department will have different benchmarks. The Police Department will have different benchmarks from the Fire Department, the Roads Division, and the Engineering Division. It is not easy to say, "We set these benchmarks and we send it to every department," because that is not going to make any sense. The best option would be to work with whatever department you are chair for or whatever department you have a good relationship with and say, "I think these benchmarks will help the Council have a better understanding of what you are doing," and you work with that one. When you get good benchmarks, you get the "buy-in" from the Administration side, because again, the information is only good as their "buy-in." If they already feel that this information is viable and helping their operation and helping us understand, we are going to get very good information. If they are thinking that, "We are just wasting our time and we have other more important things to do," the information we are
going to get is not going to be as good. If you can do that and get that “buy-in,” you can request an agenda item and say, “I have been working with the Police Department and these are the benchmarks that we have set and this is how we are following them,” we can present it here on the Council floor. If we get that buy-in, more Councilmembers are going to say, “Now I understand what type of benchmarks you are talking about; I am getting a better idea of what we are looking at.” Then you get buy-in on both sides. You will get buy-in from the Councilmembers, you will start to get buy-in from the Administration side and will say, “Yes, it is not that onerous of a request for a quarterly update these benchmarks.” That would be the most effective way to go about it. Again, it requires you to be working with them directly. We cannot all have a workshop and try to come up with all these benchmarks for every single department. The easiest way would be to focus on the departments you have and bring it here, and if people think it is valuable, then they are going to start doing it.

Councilmember-Elect Cowden: Just to repeat. I know my departments have good benchmarks, because I go to their meetings. It is a whole lot of information; it could be more narrow. I know my departments, I do not know yours. I want to know yours. I want to know what you know. I do not think I know more than everyone else, but I only know what I know. I want to know what you know and when you go somewhere and the taxpayers, hopefully, we will get through COVID-19, pay for one of us to attend a National Association of Counties (NACo) Conference or somewhere else, I want to make a report. I want to know what you learned and how it relates to here. How do we get that? I think it is up to the Council Chair to show that type of leadership and guidance and to be encouraging people to do that. I have spoken enough and I appreciate that, but those are things that I feel like have been lacking. I would like it to be encouraged. I feel like I am really burdening everyone when I put something on the agenda and I do not want to feel that way. I want to feel welcomed and wanted and able to do it.

Councilmember-Elect Kaneshiro: This term I have never expressed anger or anything about putting an agenda item on.

Councilmember-Elect Cowden: No.

Councilmember-Elect Kaneshiro: I receive the agenda in my office, I sign it. I do not go and talk to anyone and say, “Why are you putting this on?” I am not sure where you are getting this...

Councilmember Elect-Cowden: I never received any type of thing that says, “Hey, I get that this is important,” nor have I been asked, “What is important to you?” There has never been any of that. “If this is important to you, this is how you learn to do this.” This was my first term. I am going to be stronger and more forceful during my second term. I want to feel welcomed and not like I am pushing it. It is pretty clear from what I am saying that I have felt a bit like the “odd man out”
in here and whether it is fair or not, that is how it is felt. When I am looking for a
council chair, I want one that is interested in encouraging and developing our new
councilmembers, because eight (8) years go by in a snap. We do not have much
institutional knowledge. I am glad that we have elected someone in here who is going
to be bringing a lot of institutional knowledge to this body, but the next time the two
of you are going to be out. This is going to be a Council of beginners and when it was
said coming in, just sit for two (2) years and you will learn in the process. No, get
aggressive and learn, because we need you to be hitting the ground running right
away. It is not two (2) years of showing up and eventually figuring it out. We need
people to know what they are doing and be aggressive at it, because we do not have
institutional knowledge.

Councilmember-Elect Kaneshiro: I want to just say this. We do have
institutional knowledge and the institutional knowledge is with our staff. For you to
say, “I want to know what Mason knows or what Billy knows,” the reality is if you
want to know something, ask the staff. The staff is there to help us. If you have a
question about what is going on in this committee or what is going on in this
department, ask the staff for the information. The staff will go and get the
information for us.

Councilmember-Elect Cowden: Thank you for telling me that now. I did
not get that two (2) years ago.


Councilmember-Elect Chock. I want to go back to the request here,
because I do not think it matters who is the chair. To me, these are feasible, I think
we heard that around the table. As long as we do not overstep and get agreement
from the Administration. I really like the idea of each committee member taking the
lead on that, but I would just say we should consider moving forward on that from
the standpoint of we have a budget already, budget-to-actuals are easy to come up
with, what that looks like in terms of their goals, that is present every budget as well.
There already is a framework, we just need to get it down to a place where we can
have performance measures or indicators that we can report back on. But working
with that individual department is a really good next step and would be helpful. That
is my suggestion. Thank you.

Councilmember-Elect Kaneshiro: Councilmember-Elect DeCosta.

Councilmember-Elect DeCosta: Real quick. Councilmember-Elect
Chock, thank you for institutionalizing that. That is very important. I am a little bit
concerned that she is feeling not part of the group or being the “odd man out.” Are
you telling me that besides former Mayor Carvalho and myself being on the Council,
that these other four did not make you feel part of the group? You said you felt like the odd man out. I just wanted to know what did you mean?

Councilmember-Elect Cowden: I like everyone and have enjoyed working with everyone. We have two that work together almost lockstep. There is almost no one that I can work with.

Councilmember-Elect DeCosta: Okay.

Councilmember-Elect Cowden: The way it is with staff, they cannot tell you what other Members are working on, so they answer what you are asking. We share staff. The way the rules are...if Councilmember-Elect Chock, and I am using him as an example, has a completely opposite view of something than I do...

Councilmember-Elect Chock: What? Never...

Councilmember-Elect Cowden: ...and then I...

Councilmember-Elect Kaneshiro: You can use Councilmember Kagawa as an example since he is not present.

Councilmember-Elect Cowden: ...ask, “Hey, I want to do this,” they are not going to say, “Councilmember-Elect Chock is working counter to that for a year or three and it is almost finished.” If someone else is working on a bill, I can give specifics, but I will not, I ask and ask and get the response, “It is being worked on; do not worry about it.” I love our staff. I am not saying our staff is doing anything wrong; they are following the rules. They have walls around them. The other islands, each councilmember has some of their own staff who do their own agenda. When we ask a staff person, we get assigned something, but they do not naturally come to us and say, “Hey, let me get the ten-year history here.” Now I know I should probably ask, “What is the ten-year history that you can provide me?” There is no training and so we do not know what else is going on. I am not asking that people tell me every single thing, I am just saying how do we get it so that we are at least coming to the table with a similar understanding, so I do not vote yea or nay on something when the person in this seat over here knows something really significant that I do not and that is why we are in opposite positions.

Councilmember-Elect DeCosta: I wanted to finish. Councilmember-Elect Chock concluded with the institutionalization of the entire process, but I am more concerned about how you feel inside and your relationship and you do not feel like welcomed or warmth within the Council.

Councilmember-Elect Cowden: Correct.
Councilmember-Elect DeCosta: I cannot speak for everyone else, but I guarantee you that I am going to try my best and I am pretty sure Councilmember-Elect Carvalho, who has been our Mayor—we are going to try to make you feel part of this family, because there are seven of us. You are going to be part of this family. How does that sound? Thank you.

Councilmember-Elect Carvalho: I want to add one last thing. I heard you say, Councilmember-Elect Cowden, that you like everyone. Let us focus on that. Everyone is at the table now and we all have the opportunity to move forward. We are going to look at who is going to be the Council Chair and I believe we can work together. It is not going to be all agreements, we will have our ups and downs, I know that, because I have been there, but at least we can come to some type of consensus, let us move forward. Whoever the Council Chair is, let us go, and then let us move forward on some issues. Everyone has to work together. I believe we can.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I want to say two quick things. One, I think a lot of the issues here has to do with the Sunshine Law and that really does make it hard for us to hang out and talk about an issue. That does take away from our capacity to get along and work in unison, but on the other hand there is a reason why the Sunshine Law exists and that is to make sure that all discussion happens in the public’s eye and it is state law. I almost never talk to two (2) Councilmembers at once, unless we are attending an event or not talking about an issue, so it really does take away from our ability to work together, but there is a reason for it. Two, when it comes to our staff. They are an incredible resource. I refer to them as Wikipedia. If you ask a question, “Can I get the history of this,” and always when I am working on something, I ask for the history of it. You can get minutes, you can get their understanding of issues from the last...as Councilmember-Elect Kaneshiro said, they are the institutional knowledge, so they will give you the issue, if you ask. We have a great Records Division that can access what you request very quickly. I rely on staff incredibly heavily and I feel like they have given me a lot of knowledge and it really helps guide me in decision-making. If you have not yet approached staff, I encourage you to do so. I am sorry you have not felt welcomed. I personally will try to do more to foster our personal relationship.

Councilmember-Elect Cowden: Thank you so much. You are the one whom I feel the least welcomed, so thank you.

Councilmember-Elect Kaneshiro: For us, we are starting new. This is a new Council. We all agree we want to move together cohesively within the means that we can. Right now the Sunshine Law is suspended, but we still follow the Sunshine Law. We are starting fresh, new Councilmembers are coming in, we want to work together cohesively moving forward. Again, a lot of it has to do with fostering
the relationships here also, gaining trust within each other and not only with the Administration. We are starting a new term, we can start the entire relationship up again. If there are any further questions, I do want to get a motion on the floor for a Council Chair, we can have more discussion on it again, but if there are any further questions?

Councilmember-Elect Kuali‘i: I do not have a question, but I want to make a statement. A lot of this discussion is frustrating me and not sitting right with me. For me, for sure, I have always expressed only *aloha* to all Councilmembers. I have always been willing to work with any councilmember, so I do not know where the thing about not having anyone available or interested in working together—that is just not true, not for me. The one thing I mostly want to comment about is that staff has been incredible over the years. I do not believe any councilmember can really do this job without relying on staff, so of course when you come into this job, you do not know what you are doing, right? Staff is there, staff is available. I cannot believe it would take two (2) years for anyone not to ask for help from staff. Staff is always making themselves available. From the very top, from Jade all the way down to the lowest level clerk. I think Countywide, we probably have the best staff here as far as their knowledge, their kindness, and their availability. We can come up with off the wall ideas and they are going to listen to us and try to guide us in the right direction. I know I have been steered away from walking over the cliff a couple of times. There is always a lot to learn, but of course, staff has been there for us.

Councilmember-Elect Kaneshiro: Are we okay now? We need a motion on the floor for Council Chair. Councilmember-Elect Cowden.

- Discussion of the selection of the Council Chair and the Council Vice Chair for the 2020-2022 Council term.

Councilmember-Elect Cowden moved to nominate Councilmember-Elect Chock as the Council Chair for the 2020-2022 Council term, seconded by Councilmember-Elect Evslin.

Councilmember-Elect Kaneshiro: Is there any discussion? Are there any questions about the nomination from the Members? Councilmember-Elect Chock.

Councilmember-Elect Chock: Thank you for the nomination. Let me just say that I do have an interest in being Council Chair. I publicly stated that and have created a statement to get ahead of this and many of us know that because of the Sunshine Law, we have the opportunity to have those types of discussions. One particular discussion I want to highlight that I placed in my statement is that when talking with Council Chair Kaneshiro in this past term, we both had a discussion, because we both had interest in being Council Chair, whoever could secure the votes would support the other. I want to make sure that it is clear and that stands for me.
I intend to follow through on that. In my own exploration, it looks like the votes are moving towards Councilmember-Elect Kaneshiro, so I want to acknowledge that as well, without taking away the fact that I have the interest. Unless things have changed and I would love to hear from other Members, and that is what this is about, let me know if things have changed. If not, I am ready to move forward as well.

Councilmember-Elect Kuali'i: I want to say that I am not supporting Councilmember-Elect Chock as Council Chair. I think it has been working fine for the last two (2) years. I do not have the same concerns as Councilmember-Elect Cowden has. I will support Councilmember-Elect Kaneshiro to be our Chair again, because I think he has done a good job over the last two (2) years.

Councilmember-Elect Kaneshiro: Councilmember-Elect Cowden.

Councilmember-Elect Cowden: I want to thank you Councilmember-Elect Chock for being willing. I want to also acknowledge the very good work that current Council Chair Kaneshiro has done. What you have done well, you have done really well. I do not have fault with you and I support you as vice chair. Another reason is, as for Councilmember-Elect Chock as an individual, his other work lines up heavily with the intention of Council with youth leadership, things that are supportive of our agenda where his regular job builds him in this direction, but in a way that people do not falsely accuse him of having a conflict of interest. Councilmember-Elect Kaneshiro, your job also is very important for the skillset for what we do. You work with a large landowner, so you have great exposure for roads, development, all those things that really are the bread and butter of what we do. Also having an accounting degree, you do finance and accounting, right? Completely appropriate. I do not have a problem with you as a human being and what I do want to say to whomever might be watching is I have not seen you be...what I think acting outside of integrity. I want to acknowledge that. I also want to acknowledge that I do not think you have ill-intention to me, at all. I do not have a problem with you as a human being. I do find myself in a position of regularly defending you and that people, whether it is...they believe I am naïve that when I hold such a high opinion of you, but I think if you are vice chair, you can still be a very big part of whatever these decisions are. I just have to acknowledge also that I am a “low vote getter,” but Councilmember-Elect Chock, if my memory serves me correctly, three (3) times in a row, the voters have given him the top vote. When I see people not getting it very often, the top vote getter is who has it. I also want to say if he does not get it, I will work with you just fine. You are going to hear from me all the time, because I am going to be more open and calling for the one-on-one. I appreciate the conversation we had this past week where you very gracefully listened to me and I did eighty-five percent (85%) to ninety percent (90%) of the talking. Thank you.

Councilmember-Elect Kaneshiro: Were you timing it?
Councilmember-Elect Cowden: To whomever might be listening, he is a good person, but I am supporting Councilmember-Elect Chock as Council Chair and you as Council Vice Chair.

Councilmember-Elect Kaneshiro: Councilmember-Elect Carvalho.

Councilmember-Elect Carvalho: First, being very appreciative of being elected to be one of the seven to serve Kaua‘i and Ni‘ihau. I believe we get elected by the people of our island to come to the table. Once you are at the table, then we make the decisions. We look at our leadership, we look at our committees; we all work together. The people vote us to the table, that is how I see it. I worked with Councilmember-Elect Chock for a long time, in many different ways, Leadership Kaua‘i and in leadership roles in different parts of our island. I also know Councilmember-Elect Kaneshiro. From what I have seen and heard, everything has been running smoothly all this time with his leadership and working closely with all of you. I know that his background in finance is a big part, especially with all these things happening, but more importantly, I believe his ability to keep things moving...nothing is perfect, but his ability to connect, working closely with the Administration, and of course, Councilmember-Elect Chock as well. For me, I see Councilmember-Elect Chock as our vice chair and I see Councilmember-Elect Kaneshiro as our chair—just consistently moving forward based on what I have seen, watching you folks manage these meetings, and reaching out and connecting with our community, I think both of them can work together and lead together as one.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I think that we are in an incredibly fortunate position here that we have two really good leaders on our Council. We have two people and either one of them will make a great Council Chair. I do not know if Council has been in this type of position before. I think both individuals have a lot of integrity, both are kind, both are inclusive, both are fathers of young children. As we have seen over the last two (2) years, Council Chair Kaneshiro has lead our meetings efficiently and effectively, we have passed a lot of great laws, his knowledge of the budget for sure is really vital, especially at a time like this when we are heading into dire times. Councilmember-Elect Chock does a ton of community outreach, is a professional training facilitator, and again either one of them will do a great job. I am prepared today to vote for Councilmember-Elect Chock as Council Chair. If that vote fails, I will probably vote for Councilmember-Elect Kaneshiro. Either way, I know that we are going to have a successful two (2) years and either way whatever combination of chair and vice chair, I know that these two will work together. However this turns out, I am proud to be on this Council and I am excited for the work that we will do.

Councilmember-Elect Kaneshiro: Councilmember-Elect DeCosta.
Councilmember-Elect DeCosta: I am getting to know the process and I am not sure if your name is on the floor yet as Council Chair, so how do we address this? Do I address Councilmember-Elect Chock as Council Chair or do I address you and Councilmember-Elect Chock for that position? In my collaborative speech right now, I am going to mention you and Councilmember-Elect Chock and I want to make sure that I am being politically correct with how I speak, because your name is not on the table yet as Council Chair. Can I say how I defend you or how I do not defend you? What can I say right now?

Councilmember-Elect Kaneshiro: Considering the circumstance, we are going to take a vote. Right now, the motion is Councilmember-Elect Chock as the Council Chair. We can do all of our discussion now on this. Everyone can say why they would or would not vote for Councilmember-Elect Chock and who they would or would not vote for and if that motion passes, it passes. If it fails, then we will go to another motion. There might not be that much discussion already. We can have all of the discussion now. I think it is pretty clear that it will be between two (2) individuals, it is fair to say let us have the discussion now—up or down and then we move forward. This would be the appropriate time and it is a good question.

Councilmember-Elect DeCosta: I would like to start with the word leadership. It baffles me a little bit that we have mentioned two (2) people as our current possible chairs, yet, you seem to feel left out of the inner circle and great leadership never leaves one of their councilmembers or family members outside of their circle. I am a little bit dumbfounded when I look at you when you said that and all of a sudden you elected Councilmember-Elect Chock. I was just wondering if Councilmember-Elect Chock, did you ever go to Councilmember-Elect Kaneshiro to let him know how you felt that you were not part of this circle. I work with the Department of Education (DOE) for twenty (20) years and if a child in my class does not feel warmed or welcomed, it is my job to go to the principal to make sure that student is warmed or welcomed. With that being said, leadership is not a title. It is not even a desire or want and it is not a process. Leadership is a movement when people believe in you, they follow you. I believe all seven of us can be leaders. I plan to be a leader on this Council with or without that chairmanship position. With that being said, about a year ago, I had a conversation with Councilmember-Elect Chock down in Niumalu with about fifty of our teachers. Apparently I lost that election two (2) years ago...I asked him, “How is the Council doing?” He responded, “This is about the best Council we have had.” I said that I was amazed and I wish I was a part of it. He said, “I have never seen the Council work so cohesively.” I was very intrigued to run again. In 2013, let us go back seven (7) years, there was a situation where Councilmember-Elect Kuali‘i placed eighth with six thousand something votes and I came in ninth place. There was a vacant chair by Nadine Nakamura and it was opened in the newspaper that we could show interest, write a letter of intent to run for that vacant spot. I was excited, but I told my wife that I believe Councilmember-Elect Kuali‘i would get that spot, because he was the voters eighth choice. All of a
sudden this great leader by the name of Mason K. Chock arose and the Council at the time, I believe people like Mr. Gary Hooser, Jay Furfaro, and Tim Bynum—they had the ability, they were our forefathers who put the vote in the Council’s hand to elect who they wanted. They elected Mason Chock. I remember specifically telling my wife, “I felt very disappointed,” not that Mason is not a good leader, because I highly respect him, but that Councilmember-Elect Kuali’i, who had two (2) years of Council experience prior was not the chosen choice, because he was the people’s choice, the eighth spot. He should have taken the vacant spot, but he did not. I tell you why he did not. It was because the forefathers and foremothers before us set it in stone that once you get elected, the Council will make the decision. Who are we now to change that and say, “Let us honor Kaua‘i’s eighteen thousand (18,000) voters for Mason Chock and they deserve to be the Council Chair”? We, the seven of us, make that decision. I say I support Councilmember-Elect Kaneshiro as Council Chair and I will support Councilmember-Elect Chock as Council Vice Chair. Here is my fiscal and accountability response—the biggest movement in this next term is how do we cut the budget, and how do we manage the budget and keep services running? That is going to take accountability and fiscal accountability and Councilmember-Elect Kaneshiro and I believe Councilmember-Elect Kuali’i has that experience. Our job is to back them up. Councilmember-Elect Chock has the ability to back up Councilmember-Elect Kaneshiro as vice chair. That is where I stand right now. I humbly, in closing, would like to thank Councilmember-Elect Carvalho, because if you ask me something, he has more leadership than all of us put together, but he never once said, “Maybe I should lead this Council in these trying times.” These are trying times, let us unite, let us come together and make it work. Do you know what is pretty sad, those people that are watching right now—we all know they are watching and who wrote letters, who “blew my phone up” with texts telling us who to vote for. We make the decision. I know we will unify, but it is sad that the community outside might not unify. This message is for our Kaua‘i community watching, please unify from the North Shore to Westside, because we cannot do this work alone. We cannot even do this with the administrators and our County workers. We need every person on Kaua‘i to unify and come together. That is what I wanted to say this morning. Thank you.

Councilmember-Elect Kuali’i moved to call for the question. The motion failed for a lack of a second.

Councilmember-Elect Chock: If I could say something.

Councilmember-Elect Kaneshiro: Okay. I will say something too real quick, because I do not think I am going to say anything...depending on the result of the vote, I will not say anything afterward. Councilmember-Elect Chock.

Councilmember-Elect Chock: I want to say that this is a difficult decision every term. There is only one position for the chairmanship and we have
good candidates, so I really appreciate it. I want the public...and I appreciate also Councilmember-Elect DeCosta's statement of unity and that is one of the reasons why I wrote a public statement, to really urge that unity to come forth despite the challenge we have every term, which is making the decision about who will be the chair in the process. I want to back up that statement of unity, because I think it is really important and for the reasons that you mentioned regarding fiscal responsibility, Councilmember-Elect Kaneshiro certainly has the background. What you will see from me moving forward is that unity. It has always been part of who I am and what I am trying to accomplish. Is there room for improvement? Always. I want that to be on the table. How do we improve? How do we get better? That is part of what Councilmember-Elect Cowden is asking for and is subsequently the next discussion that we should have and move forward to. I am not going to vote against myself here, because that is the motion on the table, but as I said before you can be assured that I will be supporting Councilmember-Elect Kaneshiro, if I do not have the votes.

Councilmember-Elect Kaneshiro: We were in the same position two (2) years ago. I made the promise that we were going to move together cohesively and unbeknownst to us, we had all these issues that we were going to tackle, which we have done a really good job. We had no clue what was coming to us, which was COVID-19 and I think looking throughout the State, it is fair to say and I can say this very confidently that Kaua‘i is the most cohesive governmental body throughout the entire State. From our Council working together, working with our Administration, working with our Mayor, working with our State Representatives—that has always been my goal, which is that we are going to accomplish more by working together. We had a lot of testimony last time and we said, “Whatever happens, happens.” We take the vote and we are going to move forward. I can honestly say that is what we did. We moved forward together cohesively, we addressed issues that we needed, we really zeroed in and focused on the business at-hand. With COVID-19 and we even dealt with natural disasters during our two-year term—we kept our heads down and we stuck to business. For me, that is the type of leadership I want to continue to bring and just continue to guide us in that direction. I hear from other people throughout the State and they say, “Wow, Kaua‘i, has their stuff together.” That is a good thing for us, to say...yes, we all have different opinions, but when it comes to working, we put our head down and work. We may not all agree on every single bill, but I think we have done a very good job of concentrating on the core business functions of the Council and really getting the job done. Our meetings have been very efficient and very quick, but it is to the credit of the Councilmembers being prepared when we meet, knowing how we are going to vote, having the information already on why we are going to vote a certain way. That is what I want to continue to encourage; this cohesiveness and working together. Our biggest issue in the next two (2) years is going to be the effects of COVID-19. How is the County going to manage with it and how are we going to keep the entire island surviving with this issue? I would love to be the one to continue to guide it and bring
this cohesiveness. Again, I work well with Councilmember-Elect Chock, I work well with everyone. I have no ill-will towards anyone. We are all doing our job and we all want to see Kaua‘i better; we all have the same goal. There is no reason for us to be fighting. There may be outside factors that want to see divisiveness, but I can honestly say I do not think there was much divisiveness at all in the last two (2) years. We have been very focused. We may not agree on everything, but we have all respected every Member’s opinions, but we take the vote and we have been able to move on, and then, next vote, we are voting 7:0 on other issues. That is what I want to garner, support, and continue. Are there any further questions or comments from the Members? With that, we are going to take a roll call vote on the motion at-hand, which is for Councilmember-Elect Chock as Council Chair. County Clerk Tanigawa is going to read out the names and you can either answer “aye” for him or “no,” against. If the motion passes, then Councilmember-Elect Chock will be the Council Chair, and then we will go to the Council Vice Chair nominations. If the motion fails, then we will open for another nomination.

The motion to nominate Councilmember-Elect Chock as the Council Chair for the 2020-2022 Council term was then put, and failed by the following vote:

FOR MOTION: Chock, Cowden, Evslin
AGAINST MOTION: Carvalho, DeCosta, Kaneshiro, Kuali‘i
EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None
TOTAL-3, TOTAL-4, TOTAL-0, TOTAL-0.

Councilmember-Elect Kuali‘i moved to nominate Councilmember-Elect Kaneshiro as the Council Chair for the 2020-2022 Council term, seconded by Councilmember-Elect Carvalho.

Councilmember-Elect Kaneshiro: Is there any further discussion on this from the Members?

Councilmember-Elect DeCosta: I would like to say something. It was brought up in multiple E-mails and texts that I received from the community and from Councilmember-Elect Cowden’s statement earlier about having a conflict of interest because you work for Grove Farm. I did a little bit of my homework and I witnessed you remove yourself from any decision that ever affects Grove Farm and I expect that you continue this. I will personally make sure that we all be leaders to make sure you are held accountable and I am proud that you have done that. That being said, that is what I wanted to make sure we all are focused on.

Councilmember-Elect Kaneshiro: Thank you for that. Integrity and accountability is huge to me. Yes, from the very start...this did not come up two (2) years for the Council Chair position. From the very start of my Council career, “conflict of interest” has come up. I have been very aware of it and have been very
proactive on it. Making sure that I do not participate in something that would affect the vote or degrade the votes that have happened here. The last thing I want to do is sit on a vote and people say, “He should probably have not been on it and the votes could have been different.” That has never been my intent and I think you can look back on the history and all the votes we have taken, I have never sat in on a vote that would come into question my ethics or a conflict of interest with Grove Farm items. I continue to do that and I can tell you honestly, I have never been pushed by Grove Farm to do anything. Even if they tried, I would not, because ultimately at the end of the day, I am the one who has to answer to myself. I am the one who has to look at myself in the mirror with the decisions I make and I think if anyone has been watching the way I vote, I may not agree with the way everyone votes, but I state why I vote the way I do and that is just me personally. I vote with my heart, with the facts that come in, and what makes me comfortable to go home and sleep at night. It has nothing to do with what Grove Farm or “big business” or all these accusations. It is what I believe in, my values—that is the way I vote. Councilmember-Elect Chock.

Councilmember-Elect Chock: I will be supporting this nomination, as mentioned. I wanted to say a couple things. First, like Councilmember-Elect DeCosta said, leadership is about movement, but it is so much more, it is really an art form and it moves in a lot of different directions. It is about relationships and to some degree about process, but there are certain aspects of it that I think are really important. The aspect that I am looking for moving forward in this Council under your leadership Councilmember-Elect Kaneshiro is our ability to balance those things in a way that we can get really important discussions on the table and sort of “live in them,” because sometimes it is easier for us to move to things that are uncomfortable and not get to some root things. It is possible with this Council. The people, the perspectives, and the personalities that you see around the table can encourage productive conflict in a way that does not drive us away, but puts forth some really good ideas and decisions together. That is just my request and call, in my support for you. Thank you.


Councilmember-Elect Kuali‘i: I want to add on the comments that Councilmember-Elect DeCosta made. I would just say that we all have potential conflicts, because we all have lives outside of this public service that we do here as Councilmembers. For the new Members, if you are not sure, just talk to staff—they will help you every step of the way and they will even work with the County Attorney so you can get actual legal advice. We all have potential conflicts of interest, especially during budget time where there are specific line items where things are being voted on where you will have to recuse yourself from. I support you, Councilmember-Elect Kaneshiro, one hundred percent (100%).
Councilmember-Elect DeCosta: Councilmember-Elect Kuali'i, I want to thank you, especially, for guiding me. I am new to this. Even former Mayor Carvalho, an “old timer” with knowledge and skills, but the staff has been unbelievable during my orientation. I have been with the State for twenty (20) years, I know the State process, but the staff took me under their wing and I am so impressed with what Jade and the rest of her people this office have done. I feel like I am part of a cohesive group already. Councilmember-Elect Kaneshiro, I watched you grow up as a young man and you are a product of our island, an educated man, and I am going to hold you to that high standard and expect you to chair us in the direction of troubled waters that we are going to embark on. It is not only going to be only you that leads us, the seven of us need to feel that we can contribute and be leaders. I am going to make sure that all Members feel like we are part of a team and we are going to accomplish this, because the community of Kaua'i is depending on us. The issues are evident, but the solution-based philosophy and how we get there is going to be so important. I do not want to see nonsense, gibber-gabber. I want to see constructive responses in a way that we can solve our problems. That is the cohesiveness I saw worked in the past two (2) years. Thank you.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I said most of what I wanted to say in the last round of voting. I will just briefly make two (2) points. One is, as Councilmember-Elect DeCosta said, so much of the testimony received stating conflict of interest. I want to clearly say that over the last two (2) years, Councilmember-Elect Kaneshiro has acted with integrity, has recused himself when necessary. I have never witnessed his other employment play a factor in his decision-making and I think that that other employment is a testament to his abilities, his intelligence, his professionalism as a young man to be able to be in that position, is to his credit. I will be support Councilmember-Elect Kaneshiro in this vote and confident that you will lead us for another two good productive years, during very difficult times. I do want to echo what Councilmember-Elect Chock has said about fostering disagreement, I think that is vital. In the past two (2) years we have been able to sometimes passionately disagree on policy, but we have always been able to separate personality from that policy. We can go at it on an issue, the vote happens, and then we move right on to the next issue. I hope to see us to be able to continue to do that and disagreement is vital for us. I will be voting in support.

Councilmember-Elect Kaneshiro: Thank you. Is there anyone else? If not, roll call. Again, this is just a straw poll vote. This is to get us to know where we are going to be at during Inauguration, so there are no questions on that day.

The motion to nominate Councilmember-Elect Kaneshiro as the Council Chair for the 2020-2022 Council term was then put, and carried by the following vote:
FOR MOTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro, Kuali'i TOTAL – 7,
AGAINST MOTION: None TOTAL – 0,
EXCUSED & NOT VOTING: None TOTAL – 0,
RECUUSED & NOT VOTING: None TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Seven ayes.
(Councilmember-Elect Chock was noted as not present.)

Councilmember-Elect Kuali'i moved to nominate Councilmember-Elect Chock as the Council Vice Chair for the 2020-2022 Council term, seconded by Councilmember-Elect Carvalho.

Councilmember-Elect Kaneshiro: Is there any discussion on this? I will go first, I am more than pleased and happy to have Councilmember-Elect Chock as the Council Vice Chair. It shows cohesiveness. Again, our whole goal—we have been doing a good job of it and we get to take from everyone, with his nonprofit skills and the work he does with the community, my financial skills, everyone plays a part in it. Having Councilmember-Elect Chock as the Council Vice Chair just shows further the cohesiveness and willingness to move forward, not create any type of divisiveness, we are going to move forward as a unit, we are going to compromise and get through this Inauguration whether people agree or disagree who should be Council Chair and Council Vice Chair—this shows that we as the Council, we are the ones who make the decision. We got elected by the people to now make the decisions. All of the accountability is on us. Me as the Council Chair, Councilmember-Elect Chock as the Council Vice Chair, we are showing a united front that we are going to be moving forward. Again, I can only imagine we are only going to be doing good things for the island.

(Councilmember-Elect Chock was noted as present.)

Councilmember-Elect Chock: What are we doing?

Councilmember-Elect Kaneshiro: You were nominated as the Council Vice Chair, I said I am more than happy to support you in that endeavor. Is there any further discussion from the Members?

Councilmember-Elect Carvalho: I would like to support Councilmember-Elect Chock. I know his leadership style, his quality, he is always connecting and bringing that knowledge to the table. I look forward to working closely with all of you, but I know the leadership part of it really echoes here and moves forward and resonates. I really feel we have an opportunity to bring things to the
table and move it in a way that will benefit our people and our island. I look forward to that.


Councilmember-Elect Cowden: I easily support Councilmember-Elect Chock for this position and I have full confidence that he would work cohesively and in unity with you. I do not think we have had or nor do we risk a difficult Council in any way. We have been really good and I think we will continue that way.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I fully support Councilmember-Elect Chock to the Council Vice Chair position. I think you both will make a great team, as everyone else has said. You complement each other's abilities in so many ways, so I am excited to see us move forward.


Councilmember-Elect Chock: Mahalo for the nomination. I feel like part of this position and role, I believe part of that role is to support the Chair and I will do that wholeheartedly. I will also support every Member on the Council. Where we might have lacked in some of the perspectives that were shared this morning, I hope to be some of that gap-filling where necessary, as Councilmember-Elect DeCosta has also reached out—I intend to do so. Thank you.

Councilmember-Elect Kaneshiro: Councilmember-Elect DeCosta.

Councilmember-Elect DeCosta: You will be a good advocate, I really believe, for the type of leadership that we are moving forward with as Councilmember-Elect Kaneshiro as Council Chair and you as Council Vice Chair. I want to thank you for accepting that role. I would just like to assure the community, I believe that is the most important one right now. We are okay with it. I believe all seven of us are educated enough to know how to unify, not have division, and move forward. I am still a little concerned for our constituents who have voted for us, who supported us on the outside. We need to send them a message. It is our responsibility. If you folks want to talk about proper leadership and role modeling leadership. It is not something you teach, it is not something you ask of or show, it is something you role model. Let us go back to our constituents, our voters, my fourteen thousand (14,000), your sixteen thousand (16,000), your eighteen thousand (18,000) and let them know that we are unified, we are going to get this done for them, and spread the word so this fire is out real quickly. That is the big picture. It is not just us seven
in here. The community has to have our back if we are going to move forward with food security, truly affordable housing, and coming up with importing and exporting our goods out of this island to become a diverse economy outside of tourism. Again, the problems are evident. The solution-based vision is where we have to come together and have our counterparts, networking, private, state, public—come together and help us. We cannot do it alone. That is the message I wanted to send. Thank you.

Councilmember-Elect Kaneshiro: Councilmember-Elect Kuali'i.

Councilmember-Elect Kuali'i: I support Councilmember-Elect Chock as our next Council Vice Chair and I look forward to us working together as a unified and cohesive team and making sure none of us feel left out or left behind. Thank you.

Councilmember-Elect Kaneshiro: With that, we will take a roll call vote.

The motion to nominate Councilmember-Elect Chock as the Council Vice Chair for the 2020-2022 Council term was then put, and carried by the following vote:

FOR MOTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro, Kuali'i
AGAINST MOTION: None
EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None

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

• Discussion of the Standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2020-2022 Council term.

Councilmember-Elect Kaneshiro: Motion passes. Okay, so with that, we have set who the Council Chair and Council Vice Chair will be. Next up are the Committees. I attempted a draft proposal. I basically did not change anything except for the existing Members. All I did was input Councilmember-Elect DeCosta and Councilmember-Elect Carvalho into the two open gaps, which we had from the two vacated seats. What we try to do with all of our Committees, we try to make it as fair as possible. Every Councilmember, except for me, I am the Ex-Officio Member, I am only going to be on the Committee of the Whole, but every Councilmember is going to be able to chair one Committee, they are going to be a vice chair on a Committee, and then they are going to be with me, as Ex-Officio Member on one Committee. An Ex-Officio Member cannot vote in that Committee. You will be able to still listen, voice your opinion in that Committee, and you can still vote on it in the full Council, but you will not be able to vote on it in Committee. Right now, the way the Committees
are set up, we have it fair. Everyone has a chair position, everyone has a vice chair position, and everyone has an ex-officio member position. If there are changes that Councilmembers want to make, we can try, but we do not want to set that balanced off either. We want it to continue to be balance where everyone has a chairmanship, vice chairmanship, and everyone is an ex-officio member on one Committee. I am open to any suggestions. I know it is a lot to look at now. If anyone has questions on the actual Committees, we can go through them. Councilmember-Elect DeCosta.

Councilmember-Elect DeCosta: I do not have any response to any one of these and how they are set up. I just wanted to throw out my forte in what I am really good at, just so the Members can look at my perspective and where my strengths lie, so we can support each other's weaknesses as far as promote each other's strengths. I do not know where everything lay with each department, because I am so new. I look at something like Public Works & Veterans Services Committee or Parks & Recreation/Transportation Committee or Housing & Intergovernmental Relations Committee. I know a little bit about the definition of it, but I do not know where everything lay, but I do know that one of my strengths and I am very passionate about...I do not need to chair the committee, I just want to participate in is farming and food security. I have spoken to quite a number of people about that. That is my strength. I live that lifestyle and I can be a great asset to that department. I also have built several homes in my lifetime and I am very akamai with that networking of the construction fields on Kaua'i. If, during the Housing & Intergovernmental Relations Committee, I believe the Chair of that Committee is Councilmember-Elect Kuali'i, I would love to help in any way and ask if I could be educated on that committee—what is my role and how I can do it. I am okay with how you set it up, Councilmember-Elect Kaneshiro, as long as you can take me under your wing and help me go through this, because I am new to this. Thank you.

Councilmember-Elect Kaneshiro: To answer your first question about farming and food security, that would fall under the Finance & Economic Development Committee, which you are a part of. Let me do say this, even if you are an ex-officio member, you can still talk to a Councilmember on the Committee and say, “I am interested in this and would you be able to introduce this bill for me,” and have them go through it. You just cannot vote on the bill. It does not preclude you from being able to pass something on to another Councilmember to introduce. Obviously if it is a good bill, they will say, “Yes, I would love to introduce it.” but if it is a questionable bill that might be hard to pass, they might say, “A little difficult to put on the Committee.” It does not preclude anyone from participating. It looks overwhelming when you look at all the Committees and say, “I am not a part of this Committee,” but the reality is we are all involved in the Committees, not me, because I am an Ex-Officio Member on all the Committees, but for the most part all of the Councilmembers are very active in all of the Committees. Councilmember-Elect Evslin.
Councilmember-Elect Evslin: Just to clarify. This past year, it was unusual as we were basically on all of the Committees. As an Ex-Officio Member of the Housing & Intergovernmental Relations Committee, I could still introduce a housing bill, I just could not vote in Committee or introduce amendments, correct?

Councilmember-Elect Kaneshiro: Correct. You could talk the Committee Chairs regarding the bill you want to introduce and ask them if they are willing to introduce it.

Councilmember-Elect Evslin: Could I introduce the bill? Are you talking about amendments or for the bill itself?

Councilmember-Elect Kaneshiro: Oh, yes, because you will be introducing it in first reading. You would just not be able to vote on it or amendments in Committee.

Councilmember-Elect Kualiʻi: That is the one thing I wanted to say for the benefit of the new Members. My understanding, and correct me if I am wrong, the Committees basically serve at the will of the full Council. The Committees are just a working group to do the work so that it can be assigned out to a smaller group. Everyone participates in the Committee, but everything starts with the full Council and ends with the full Council. The Committee just does the work. Any Councilmember can introduce any bill by themselves or with a co-sponsor, to the full Council and then that will be assigned to the Committee if it needs work. Whatever happens in Committee is never the final decision, whether it is voted up or down, it just is a recommendation to the full Council. It is the full Council that ultimately makes the decision, the seven-member body. Think of the Committees as a working group that does the work of the full Council and do not worry that you have to be in charge of everything when you are chair. Your main role as the chair is to facilitate the discussion and Robert’s Rules of Order, managing the meeting.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.

Councilmember-Elect Evslin: Just to put it out there, my only personal change would possibly be, if Councilmember-Elect DeCosta was interested to switch with him for the Public Safety & Human Services Committee and the Housing & Intergovernmental Relations Committee. Only if you wanted to instead of being an Ex-Officio Member of the Public Safety & Human Services Committee, serve on that Committee, and then I can serve on the Housing & Intergovernmental Relations Committee. But only if you were interested. That is the only way I could think of making a switch and if Chair is okay with it. I am interested in serving on the Housing & Intergovernmental Relations Committee. I can see how it is complicated without moving other around.
Councilmember-Elect DeCosta: To make it clear, I would not be on the Housing & Intergovernmental Relations Committee?

Councilmember-Elect Evslin: Yes, the potential switch would be that you would not be on the Housing & Intergovernmental Relations Committee and instead serve on the Public Safety & Human Services Committee, which you are currently not on. I would take your space in the Housing & Intergovernmental Relations Committee.

Councilmember-Elect DeCosta: In defense for my speaking, I just told you all that was my specialty, too, as far as my carpentry background and working with the different networking of construction companies that I have ties with. I think I would be an asset, but I do not want Councilmember-Elect Evslin to feel otherwise...if you want it, I am a team player and you can have it. I am really okay with anything.

Councilmember-Elect Evslin: Only if you had an interest in switching. A lot of the housing items is sort of...zoning changes will be through the Planning Committee, building would be through the Public Works & Veterans Services Committee, so the housing bills that we might take up are pretty spread out. The Housing & Intergovernmental Relations Committee is really focused on our Housing Ordinance. But if you are not interested in switching, I am totally fine.

Councilmember-Elect Kaneshiro: Right now, it is whatever you are comfortable with. Councilmember-Elect Evslin does know that if he does want to introduce something, he still can. Being an Ex-Officio Member does not preclude us from being active.

Councilmember-Elect DeCosta: I would help you, too, if you needed me on your time. I think at this point it is more of a person who has been here a long time, not me. I do not have the expertise to make this call, so I am cool with you folks making the change or leaving status quo. You folks know more than me.

Councilmember-Elect Kaneshiro: At this point you expressed your interest in the Housing & Intergovernmental Relations Committee and I would say let us leave it the way it is. That is just my suggestion. Councilmember-Elect Carvalho.

Councilmember-Elect Carvalho: I support this as-is and I look forward to working closely with everyone and getting things moving.

Councilmember-Elect Evslin: Yes, it is okay. Hopefully we do not spend another year with a Housing Bill in front of us. I am okay with it and I think you are going to do a great job on that Committee.
Councilmember-Elect DeCosta: Thank you.

Councilmember-Elect Kaneshiro: Are there any further questions on the Committees?

Councilmember-Elect Kuali‘i moved to accept the Standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2020-2022 Council term as circulated, which is attached hereto and incorporated herein as Attachment 2, seconded by Councilmember-Elect Chock.

Councilmember-Elect Kaneshiro: Is there any further discussion on the make-up of the Committees? We will see the Council Rules later and the Rules does provide a little more detail on which departments are in what Committees. We will take a roll call vote.

The motion to accept the Standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2020-2022 Council term as circulated, which is attached hereto and incorporated herein as Attachment 2, was then put and carried by the following vote:

FOR MOTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro, Kuali‘i
AGAINST MOTION: None
EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None

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

• Discussion of the Rules of the Council of the County of Kaua‘i for the Organization of Committees and the Transaction of Business.

Councilmember-Elect Kuali‘i moved to accept the Rules of the Council of the County of Kaua‘i for the Organization of Committees and the Transaction of Business as circulated, which is attached hereto and incorporated herein as Attachment 3, seconded by Councilmember-Elect Chock.

Councilmember-Elect Kaneshiro: These are our current rules. I do have some housekeeping items that County Attorney Matthew M. Bracken has asked if we could amend in to it. I looked at them briefly and they are mainly housekeeping items. One was regarding our virtual meetings. We are still in COVID-19 and I do not see things changing much from the way we have been doing it. If things get worse, than
for sure we are going to continue to have to do our meetings this way. Some of the language Mr. Bracken added was regarding the virtual meetings. Do we have amendments or is it included? It is in already, okay. The first amendment is on page 5, Section H, “Meetings by Interactive Conference Technology. Any meeting may be held by interactive conference technology. The technology shall allow for the interaction among all Councilmembers and the public attending the meeting. Notice shall be as required by law.” This is a result of COVID-19 and virtual meetings. Councilmember-Elect Cowden.

Councilmember-Elect Cowden: I really like it, but a question that I have is when COVID-19 is lifted or when the public is allowed into the Council Chambers, if we wanted to have a testimony from someone who lives on O'ahu, could we have them be virtual like this instead of flying them over? I think it would save us a lot of money and it would also avail us, even our Washington D.C. folks. Once this lifts, I do not see this has a time limit on it. I think that would be excellent as far as moving forward for the vitality of what we can bring to the Council Meetings. Am I interpreting that correctly, this does not have a sundown.

MATTHEW M. BRACKEN, County Attorney: It does not. This would not stop interactive meetings in the future in that way. As written, this reflects current State law, so even after COVID-19 is already over you could still conduct meetings in this manner, people can still appear via teleconference technology. Even after COVID-19, you can still utilize this section and it is allowed under State law.

Councilmember-Elect Cowden: Thank you. I think that is great.

Councilmember-Elect Kaneshiro: Are there any further questions on this Section of the Rules? The next change is on page 7, Rule No. 3(a)(6) “Set the salary of the County Clerk in accordance with the applicable salary resolution.” Matt, can you explain this one?

Mr. Bracken: There are a couple reasons for this change and one being when a new Council comes onboard, part of the Human Resources (HR) process, they have certain paperwork that has to be processed, and so this always is somewhat of a hiccup when a new Council comes onboard in resetting the Clerk’s salary. This would allow the Council Chair to have the authority to set the Clerk’s salary. In this instance and in most instances it is just resetting it so HR has paperwork to process every time a new Council comes in and this will allow the Council Chair to just reset it without the Council having an Executive Session to discuss it. The full body still has the ability to do your normal Job Performance Report (JPR) reviews of the Clerk, but this gives the Council Chair the authority to actually set the actual final salary.
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Councilmember-Elect Kaneshiro: Are there any questions from the Members? If not, the final change is on page 8, at the very bottom, number 11. Mr. Bracken, can you talk about that one?

Mr. Bracken: The final change is more...and really, this is just housekeeping. This is just to bring the Rules into conforming with the practice. The Clerk does sign the majority of things on behalf of Council, it has always been that way; it has been done that way for the last thirty (30) or forty (40) years. This is really housekeeping, bringing the Rules to conformity with current practice. The Clerk does sign things on behalf of Council frequently and a lot of it has to do with convenience, the Clerk or the Deputy Clerk is always a little more available, I would say. It is a convenience thing and brings the Rules to conformity with our current practice.

Councilmember-Elect Kaneshiro: Are there any questions from the Members on that? If not, any discussion on any of these changes to the Rules? Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I meant to ask this actually outside of this meeting, but I might as well ask it now. I have a question on a different Rule and not on one of the propose changes. Is that okay for right now?

Councilmember-Elect Kaneshiro: Let us vote on these changes and then...well...ask a question now, because I do not know if it is going to be an amendment or not.

Councilmember-Elect Evslin: Rule No. 21, “Suspension of the Rules.” When the Administration comes up and you suspend the rules to take questions, but we do not vote to suspend the rules, the Council Chair suspends the rules, I was just wondering how that actually occurs. Maybe this is a question for Mr. Bracken. Obviously the process we have works, where the Chair has the authority to suspend the rules when the Administration comes up, but I just want to make sure that we are in compliance with our Rules as written.

Mr. Sato: During the meeting, suspension of rules relates to parliamentary procedures, not the Council Rules in its entirety.

Ms. Fountain-Tanigawa: Parliamentary procedure.

Councilmember-Elect Evslin: Oh, okay. So the answer to that was the suspension of the entire rules as opposed to suspension of parliamentary procedure. That makes sense. That is it. Thank you.
Councilmember-Elect Kaneshiro: That would be a super majority vote for that. Are there any further questions? Let us vote on this and then if there are other amendments, then we can circulate it. Or...

SCOTT K. SATO, Deputy County Clerk: This is the main motion.

Councilmember-Elect Kaneshiro: Okay, so we will entertain any amendments. Councilmember-Elect Cowden.

Councilmember-Elect Cowden moved to repeal Council Rule No. 11(c)(10) of the proposed Rules of the Council of the County of Kaua‘i for the Organization of Committees and the Transaction of Business as circulated, which is attached hereto and incorporated herein as Attachment 4, seconded by Councilmember-Elect Chock.

Councilmember-Elect Cowden: This is on page 18, Rule No. 11(c)(10). This was added in 2014 to try to regain control of the extensive dialogue that happened at Council and I would like to remove it. It states, “The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item made during their testimony, but Councilmembers shall not ask questions that give the testifier a greater opportunity to testify than others. Councilmembers shall not ask testifiers about the substance of their testimony, or comment on testimony or testifiers during the testimony period.” We had a window of time where that got really overwhelming and perhaps unfair, but it did not exist before and I would like to take it back. Sometimes we will have people, like even in this past Council session, the former Mayor of O‘ahu, they might have...in that case we did not need to ask more questions, but sometimes we have people in the public testimony time period that come to the table with a lot of information. It is a valuable opportunity and to be able to ask a few questions is great. There are other testifiers that are important, but maybe they are repeating the same perspective, so we would not ask each single one of them the same thing that the last one did. We lose a big opportunity and I think we alienate sometimes some extraordinary people. I remember we had a four star Army General who was on the Chief of Staff for four United States Presidents and there was almost no questions of him. It just seems like sometimes we should be asking or allowed to ask. I would like to remove that rule.

Councilmember-Elect Kaneshiro: I read it. I will give my feelings and then we can see what everyone else thinks. I would like to leave this rule in. It really sets the expectation for how a Councilmember should be acting towards the testifiers. For us, we need to make the testifiers feel as comfortable as possible testifying. We do not want to intimidate them. The testimony is their opportunity to say what they want to say and I think this sets the framework for it. As a Councilmember, we do not ask questions that prolongs their testimony, because that can be abused where someone that comes up to testify, you agree with them, and maybe some of the other
Councilmembers do not, and you start leading them on to questions that just extends their testimony on and on and on. It is not fair to the other testifiers. For me, I think this rule really sets the precedent on it. I do not think we have been very restrictive on asking people questions or clarifying questions. I do think it is important that when a testifier comes up, it is their responsibility to provide clear testimony on what they want. It should not be a Councilmember to say, “You did not provide clear testimony on whether he is before or against, let me ask him questions to steer him in a certain direction.” The testimony is on the testifier's responsibility for however they want to testify. This sets the tone. “Councilmembers shall not ask testifiers in a certain direction.” The testimony is on the testifier's responsibility for however they want to testify. This sets the tone. “Councilmembers shall not ask questions that give the testifier a greater opportunity”—I am okay with that. The second part of it, “Councilmembers shall not ask testifiers about the substance of their testimony, or comment on testimony or testifiers...”—this is to prevent us from saying, “I do not believe anything the person said.” “Oh, their study is completely wrong.” This is about showing them the respect, we hear their testimony, we take it into consideration, and we make our decisions based on that. I do not think we have prevented people from asking testifiers clarifying questions. Councilmember-Elect Kuali’i.

Councilmember-Elect Kuali’i: I seconded the amendment for the purposes of discussion, but I do not support this. I think it has worked well and I think it is important that we allow individuals who come forward to testify, to testify without being asked questions or even for people who feel intimidated and do not testify, because they do not want to potentially be “grilled” by us. To repeat or clarify what they said, if you limit it to that, then there is no chance for any one of us to start going back and forth. Not only the idea about unfairly giving them more time by asking them more questions so they can expound upon what they were saying, but also maybe making them feel intimidated or people that are watching who are thinking of testifying, they would not want to testify because they do not want to be put on the spot in that way. This was devised very well by a prior Council, probably several Councils ago, and it made things work better. I am afraid without it, we might slip back into the place where the Council was at one time before. This is really important to me to remain.

Councilmember-Elect Kaneshiro: If the rule is not in here...and it is not just me as the Council Chair, all of you are going to be chairing Committee Meetings also, but without this rule, it is going to be very difficult to reel it back in if questions start going down this road, so that is why I like the rule in. We can be flexible. If it gets abused, then the rule is there to reel things back in. Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I support the concept of what Councilmember-Elect Cowden has brought up. It is important to be able to ask clarifying questions, especially when we are talking about...say the driveway bill, which is pretty detailed-oriented. A question like, “Does twenty-feet work for you,” if
the person was testifying against sixteen-feet or something like that, which we, for the most part, do not have the ability to do right now. I think there has been some flexibility on the rule and I would say some abuse, maybe, at times. I can totally understand the other side of it. I was not here when the rule was not here, so I did not see how it was actively abused, more so in the past or even the necessity of it. I hear what you folks are saying though, but I wonder if some type of middle ground would be to allow this type of questioning with permission of the Chair, so that the Chair does have to grant it for that line of questioning to occur and then the Chair could also shut off the line of questioning. That would be my only suggestion.

Councilmember-Elect Chock: I like that.

Councilmember-Elect Kaneshiro: I believe with this Rule in place, the Chair does have that discretion to allow a Member to ask further clarifying question to the testifiers. Councilmember-Elect Chock.

Councilmember-Elect Chock: I am really along those lines there of maybe just a friendly amendment to this rather than an exclusion of the entire Rule. I know where this Rule came from, I know why it came up here to this table, so I would just go back to my previous statement, I do not think we have that same Council. For me, I appreciated the clarification of the questions and what I would like to see is perhaps, with the Chair's discretion, be able to allow Members the flexibility to question in a way that provides more opportunity for some ideas to be put on the table that could be helpful for the Council's decision, rather than...I completely understand the aspect of extending someone's time or putting them down even. We got to really manage that properly. I do not know what the words here...I really like, "The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item," but I feel like it could go a step further. Maybe it is an addition rather than a subtraction, is my only comment.

Councilmember-Elect Kaneshiro: Councilmember-Elect Cowden.

Councilmember-Elect Cowden: I want to follow up on his statement. Sometimes what we have are people who are clearly expert witnesses. We have someone in here who is a retired State Attorney General and they say, "This is in alignment with that rule"—it would be nice to be able to have in the rules, if determined, this testifier is an expert witness. They could be deemed an expert witness, because they might have a deep amount of understanding more than any of us. Six (6) minutes is a very narrow window of time, especially if it is interrupted in the middle to have an important train of thought come through.

Councilmember-Elect Kaneshiro: If we have someone that has that type of technical ability, we could always defer an item, you do not need to vote on the item at that time. If it is in Committee, you can defer and say, "As a Chair, I want to have..."
more conversation with this person and get more input from this expert witness." There are a lot of things we can do besides asking them right here on the floor. You might get better information if you said, "I really want to explore what they have to say a little more...I do not want to put them on the spot and ask them questions here while they are present." You can say, "I want to say we hold off on this vote and defer it so that I can explore more with this expert testifier." If you do feel that they are an expert testifier, you could have them come and present at the Committee Meeting. There are ways to do it. Councilmember-Elect Evslin.

Councilmember-Elect Evslin: As I am thinking it through, I guess my concrete suggestion would be to keep the language up until the first comma and then delete everything after the word "but." If we did keep that, the Chair may allow. It gives the Chair the permission to not allow it in certain situations, if necessary, but he can allow the testifiers, as we have now, to ask their questions, but I feel like just giving more flexibility to ask testifiers about the substance of their testimony, which we do not have right now. It clearly says, "Shall not ask testifiers about the substance of their testimony." That is my only suggestion.

Councilmember-Elect Kaneshiro: It is an Office of Information Practices (OIP) issue also for us to be able to give testifiers more time than other testifiers, so it is a tricky situation. We had it come up before where...when do we give testifiers time? How much time do they get? As people testify, we try to be as fair as possible. If they are an expert, let us pull them out as an expert, let us treat them as an expert. We can bring them up as an expert witness. There is another process to get an expert witness testifier versus a regular public testifier. Councilmember-Elect DeCosta.

Councilmember-Elect DeCosta: It is a gray area, too, when we label someone as an "expert witness." Just because we have a fishing issue and a person is not a Marine Biologist, it does not mean that the kupuna, male or female, who has been fishing moi for generations is not an expert as well as the Marine Biologist. There is a gray area. I think everyone who testifies is an expert, because they are sharing what their mana'o is in that subject matter. I just wanted to put that out there, that we do not get caught up in the term "expert," and we exclude others. That can be discriminatory. Thank you.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.

Councilmember-Elect Evslin: Given what you said about OIP, I am going to offer one more concrete compromise here. The language that I feel is debatable is simply the part that says, "Shall not ask testifiers about the substance of their testimony." The rest of it is appropriate. I sometimes feel that even when we allow questions, we are asking questions about the substance of their testimony. If we are going to delete anything, I would just say to simply delete that, while leaving,
"Councilmembers shall not comment on testimony or testifiers during the testimony period." Deleting, "ask testifiers about the substance of their testimony." Just putting forward, if that is amenable to anyone else or Councilmember-Elect Cowden.

Councilmember-Elect Cowden: It is. It might be that when we have virtual meetings that might be easier. A lot of times we want to get through something quick, there is a deadline, and there is someone here who flew over to give their testimony. They take a lot of time to come over here and do it and if we were to say, "Well, we will talk to you and maybe you can come back in a week after next"—and you have never met them before, sometimes it just seems like it is worthy of a second question. I definitely have been in the room when I watched it be gravely abused and I have been there many times when it was abused. I can stand through it. I have watched people cry when it is abused, so I understand the reasons against it. I do not have a problem with the reasons against it, I have a problem with the positives that can come out when it is constructive, super learning relevant information. When there is the discretion of the Chair and he sees someone cross-examining a witness, that is not why they are here. If there is valuable information, you get a little bit more valuable information, do not waste their time, do not waste our time, we all learn something. But that is a substance issue.

Councilmember-Elect Kaneshiro: If that is all we are taking out, I can say I am fine. We just have to be cognizant of, again, the whole point of it was not to intimidate the testifier. If a testifier comes in and says, "I really believe this," and you start nailing them on the subject, "Why do you believe that, that is not right," that is where it starts to get into the realm of why this is needed. Considering the way Council has been going, I am fine. I definitely do not want to delete the entire thing, because I feel there is value in this language. But if it is regarding the substance of their testimony, if you are asking politely about the substance of their testimony, maybe a little more clarification about what they were trying to say, yes, I am fine. I would be open to just getting rid of that language, "Ask testifiers about the substance of their testimony, or." Councilmember-Elect Chock.

Councilmember-Elect Chock: I want to make sure I understand what we are voting for and if there is anything else. As it is being presented right now, based on Councilmember-Elect Evslin's amendment, I can agree to that, I can support it. I am just curious does this mean that...based on the verbiage, the Chair still has the discretion to stop or let the person...and then does it also allow...it states here, "repeat or clarify their position," but does it still allow or open up the opportunity to ask questions? Is that what this means if we vote for this? Or do we have to add, "To ask testifiers questions and/or report or clarify their position"?

Councilmember-Elect Kaneshiro: The intent of this language is to prevent abuse and we have been more than flexible, we have had this rule in place this entire term, and we have been more than flexible as far as being able to ask
questions. For me, I am comfortable moving forward the way that we have been moving. If we want to get rid of the “Ask testifiers about the substance of their testimony, or,” I am okay with that. Again, we just have to show self-restraint when we are asking questions, what we are doing, and I am fine.

(Councilmember-Elect DeCosta was noted as not present.)

Councilmember-Elect Kaneshiro: It is up to you folks, also, because you folks are going to be chairing Committees and if we start going down this road, you need to be confident enough to reel it back in also. It is not just rules for me. It is rules for every single Councilmember who is chairing a Committee. Councilmember-Elect Cowden.

Councilmember-Elect Cowden: That is one of the things that has made me the least comfortable. I will see this discretion not evenly applied and certain Councilmembers that are deemed as having greater experience are given a lot more latitude. That is an area where I do not feel that I have been able to move outside of these very narrow boundaries. It does not feel that it has been even. That is an area for me that does not feel like it has been even.

Councilmember-Elect Kaneshiro: Do you feel like if we get rid of that language that Councilmember-Elect Evslin proposed, that you would be okay with the amendment?

Councilmember-Elect Cowden: I was a little unclear what he said. “The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item made during their testimony.” We do not want to give people just simply a greater opportunity to testify, but I think it is important that they can add a little depth to the substance, if it is relevant.

Councilmember-Elect Kuali‘i: That is “clarification.”

(Councilmember-Elect DeCosta was noted as present.)

Councilmember-Elect Cowden: Okay. So, maybe it just has not felt that it was evenly applied rule, is what I am feeling.

Councilmember-Elect Kaneshiro: Again, it is usually up to the discretion of whoever is the chair at that time.

Councilmember-Elect Kuali‘i: You are free to speak up.

Councilmember-Elect Cowden: I do. I try. And I give up sometimes.

Councilmember-Elect Kaneshiro: Councilmember-Elect Chock.
Councilmember-Elect Chock: Can I suggest something? Based on what I am hearing, I am okay with the current amendment... it really is up to the Chair. I think there is room for growth here in terms of us practicing how it is we do it, so that we can get the outcome we are looking for. That is something we need to take into consideration. To prepare for it is important, but also to check in with each other as Chair, as it is happening, because sometimes we do not know. We hear something that is coming out and it sounds like it is a push when it may be not. To take the time to check in is really key moving forward.

Councilmember-Elect Kaneshiro: Councilmember-Elect Cowden, are you okay with the friendly amendment (See Attachment 5) to delete that one portion or are you steadfast on the entire...

Councilmember-Elect Cowden: Clarify again what portion is to be deleted?

Councilmember-Elect Kaneshiro: It is from, “ask testifiers about the substance of their testimony, or,” would be deleted.

Councilmember-Elect Cowden: Okay. Yes.

Councilmember-Elect Kaneshiro: Do we have to vote on the friendly amendment? It is not to be deleting the entire section. We are just going to be deleting that portion. Is there any discussion from the Members on that? Councilmember-Elect Kuali‘i.

Councilmember-Elect Kuali‘i: Even though this seems to be about the Chair and the testifier and that by removing this, we are supposedly giving the Chair more leeway, if the Chair does not recognize that something is going wrong according to the rules, and any of the other six of us do, we also have the right to speak up. For example, if by chance a Chair was starting to question the testifier, easily one of us could say, “Chair, I would like to call for a recess” or something just to stop it, because the Rules are for everyone, not just the Council Chair.

Councilmember-Elect Kaneshiro: Many times it might not even be the Chair asking the questions, it might be another Member, the Chair is trying to manage the meeting and be as flexible as possible and feeling like, “I want to let them go, but it might be going too far,” and the other Members may be thinking, “It is going way too far.” Any Member can speak up and say, “Let us cut this out and ask more direct questions that we need and let us move on.” That is always an option. We are always open to that type of thing. Councilmember-Elect Carvalho.

Councilmember-Elect Carvalho: I like the flexibility. What Councilmember-Elect Evslin said is something we should look at and I support that.
It is going to happen both ways, I think, being able to be open and we can decide how to manage that with a little flexibility. That is a good thing.

Councilmember-Elect Kaneshiro: Everyone is going to have to deal with it, because even if you have a question that you want to ask the testifier, you are going to have to think of the Rules and ask yourself, “Am I abusing the Rules or not?” It is not just the Council Chair trying to keep everyone in check. Councilmember-Elect Chock.

Councilmember-Elect Chock: What we have been experiencing this last term is...whoever is chairing is not the one...because they are so intent on what is going on with the testimony, it is like a Councilmember may start to move in a direction, right? Oftentimes we are on questions, but then we move into discussion. We really need to take the time and stop and look at what everyone else is thinking and feeling and it is palpable. I know you see and feel it, but it is not bad to stop in the moment and ask yourself, “Am I going too far?” Check in with the rest of us, because I think we can help each other along the way with that. That will keep us on track. It would also be more favorable for us to say, “Okay, you are back on track, continue.” It is not like, “Oh, you are taking us on this ride that we do not want to go down because it is so off track,” or it could be that it is just not your opinion. That is what happens, honestly. Those are the types of nuances I think we need to figure out how to work through.

Councilmember-Elect Kaneshiro: Is there anyone else? If not, we are all on the understanding that we made a friendly amendment and the amendment is just to delete the portion that states, “ask testifiers about the substance of their testimony, or.” Are you folks okay with that? Okay, and for me, I am okay with that language. We will take a roll call vote.

The motion to amend Council Rule No. 11(c)(10) of the proposed Rules of the Council of the County of Kaua‘i for the Organization of Committees and the Transaction of Business as circulated, which is attached hereto and incorporated herein as Attachment 5 was then put, and carried by the following vote:

FOR MOTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro, Kuali‘i TOTAL - 7,
AGAINST MOTION: None TOTAL - 0,
EXCUSED & NOT VOTING: None TOTAL - 0,
RECUSED & NOT VOTING: None TOTAL - 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.
Councilmember-Elect Kaneshiro: Do we have any other amendments to the Rules? Councilmember-Elect Cowden.

Councilmember-Elect Cowden moved to amend Council Rule No. 6(f) of the proposed Rules of the Council of the County of Kaua‘i for the Organization of Committees and the Transaction of Business as circulated, which is attached hereto and incorporated herein as Attachment 6, seconded by Councilmember-Elect Chock.

Councilmember-Elect Cowden: This amendment came out as a result of the same situation from a given Councilperson. It states, “No member may speak longer than a total of five (5) minutes,” and I have upped it to eight (8) minutes, “on the same agenda item. A member may not speak more than twice,” and I am upping it to three (3), “times on the same question without leave of the Presiding Officer.” We do that regularly. I do not think we had a problem of not having some discussions and many topics that are deep and profound, like we have this agriculture bill that is coming up and it might be something that needs some discussion. This is limiting. Two (2) times for a total of five (5) minutes. If you think of what we all might want to say about how we amend our agriculture policy, it might be a little longer, so if you only have five (5) minutes, and you digress into a story, you and I, than we have exhausted our time, because there is a timer. We, in this last term, have been actually...I feel like we have largely ignored this, but there is a reason to have it, so it does not end up being three (3) hours for a discussion. I just thought to make it a little bigger. We would still have a rule that people can do a point or order, but that there is a little bit more latitude than there was. That is my request.

Councilmember-Elect Kaneshiro: Councilmember-Elect Kuali‘i.

Councilmember-Elect Kuali‘i: I just have a suggestion that it sounds like two (2) different decisions, so maybe we should vote on them separately; the amount of time and then the amount of opportunities to speak. I think five (5) minutes is a lot of time. There are seven of us and if each of us using our five (5) minutes, it can really add up. In those rare instances where maybe you need a little bit more time, you can probably ask the Chair for some discretion. Five (5) minutes has been plenty enough time. It puts the onus on us to organize our thoughts and to be able to get it out in five (5) minutes, total. Whether you do that in two (2) times or three (3) times, I think sometimes you do not use all of your five (5) minutes, you just speak for a minute or two, and then other people say certain things that make you think of something you forgot to say, so you can come back. To me, coming back for a third time is fine as long as you still have your five (5) minutes. I would vote against increasing it to eight (8) minutes and vote for increasing it three (3) times instead of two (2).

Councilmember-Elect Kaneshiro: Councilmember-Elect DeCosta.
Councilmember-Elect DeCosta: I like that, very well-explained. I think we accommodate Councilmember-Elect Cowden’s great suggestion on this three (3) times, but five (5) minutes is quite a bit of time to discuss and carry out your point, so thank you.

Councilmember-Elect Kuali’i: Like in candidate forums, sometimes we have two (2) minutes or one (1) minute, you have to make it quick.

Councilmember-Elect Kaneshiro: Councilmember-Elect Chock.

Councilmember-Elect Chock: I agree it is two separate ideas. I agree with the second suggestion of speaking three (3) times. My compromise is six (6) minutes and the reason is because the testifiers have six (6) minutes, Councilmembers have five. Why do we not make it the same? Six for the testifiers and six for the Councilmembers. That is just my suggestion.

Councilmember-Elect Kaneshiro: Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I fully support the three (3) times. I have actually gone back and forth on this myself. I actually went back and timed myself on when I thought my longest closing speech was, which was the Housing Ordinance, I spoke for six and a half (6.5) minutes. Thank you Committee Chair Kuali’i for not cutting me off at five (5) minutes. For me, that was the only time I had to go long because it was a complex and controversial bill and there were lots to cover. Ninety-five percent (95%) of what we are doing, five (5) minutes is more than adequate. Given all of that, six (6) minutes does sound fair. If the community has six (6) minutes, I think we should also have six (6) minutes. I would support three (3) times to speak and six (6) minutes.

Councilmember-Elect Kaneshiro: I like the fact that the public speaks more than us. It makes us have to be more concise on what we are saying. We have the opportunity to speak on the item many times, at least two (2) times you can speak on it. Usually we do not speak on it at first reading, but when it comes into Committee, we get to speak on that item every single time the item is in Committee, and again when the item is at the full Council. The five (5) minutes have been enough. I really have not seen many people use more than five (5) minutes. I have seen where we get our discussion and questions confused where we start our discussion and then we start asking questions, then the time goes longer. The questions should be before the discussion and if you do have a question that comes up, you can stop and say, “I actually have another question,” we suspend the rules and your time gets stopped. When the public says, “We do not have the opportunity to speak, we are not heard,” no, they have more time to speak on that item than we
do. We really have to be clear on how we put our presentation together and say why we are voting a certain way. Councilmember-Elect Cowden.

Councilmember-Elect Cowden: It might be an understanding issue for me. The final statements, I feel five (5) minutes is fair. Where there is a little of a challenge and where it feels like greater levels of discussions need to happen, what I find that I do is when I have a Parks person in front of us, when I really want to have a discussion with you folks, I have more opportunity when I am talking to that Parks person. I have to put my discussion into the Parks person and where I have seen a big different, like when I have attended Council Meetings for Maui, they actually have a really good discussion, like we are having right now. There might be three (3) questions that we need to ask the Parks person, but you might have some input, you might have some input, and then we learn. But it ends up getting all forced on to the Administration person. They become a defacto place to get the opinion out instead of being able to get it in discussion. When we are having discussion, to me when we are asking each other questions, that is where I feel like we would have a lot of growth. In this time right now, thank you all for doing this, because I realize I am the one who is lengthening this meeting. I am owning it.

Councilmember-Elect Kaneshiro: We are going to limit you to five (5) minutes.

Councilmember-Elect Cowden: But when we have the discussion, then I would love to be able to go back to the Administration, and say, “Who is right?” Unless we have this discussion, I really want to hear from them and they might be able to give us some information and so it is less competitive with us. Right here, what I am just trying to allow for discussion, that is what I am really trying to do—allow for the discussion. Five (5) minutes is more than enough.

Councilmember-Elect Kaneshiro: The five (5) minutes is exactly that. It is to say why you are going to vote a certain way. The questions—I know what you are trying to say. You want to hear more of what everyone has to say and it falls into the question time when we have the Administration up there and then it comes down to being able to formulate your question in a certain way so that you can get what you want out of it. You could ask another Councilmember a question also.

Councilmember-Elect Cowden: While I am talking to them?

Councilmember-Elect Kaneshiro: Yes, because that is the time for questions. “Councilmember-Elect DeCosta, why do you feel that way about this item,” or “Why did you ask that question?” That is the time for that type of discussion, but the discussion has to come in a question. That is the only trick. You have to try and put it in a question form. You do not want to get to a point where you are doing your entire speech in that question time. That is the balance.
Councilmember-Elect Cowden: That is what I feel like I have had to do is to try to ask a Councilmember's opinion, when I am asking the Administration. It puts that person in an awkward position and I just cannot figure out how to flow that well. I need training on how to do it and how we can figure out...because that is when, those points of tension is really...because it is not an overt conversation, it is like a covert conversation.

Councilmember-Elect Kaneshiro: The fact may be that the Councilmember does not want to share anything, they are just ready to vote. We need to be okay with that. The question and answer time is the time where we try to get that discussion out, without using your actual discussion time. There has to be a question at the end. If not, then you will be saying your entire speech on why you are voting for something in the questions and answers and then you get more time during the discussion period with another five (5) minutes to do it. It has always been a tricky thing to do where you are trying to formulate the question to get what you need, but that is how the process goes. Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I just want to briefly say that I basically agree with what Councilmember-Elect Cowden is saying. I also thought it would be good to have more dialogue when the rules are suspended in some capacity. I think we have all been doing it a bit more as this last term has gone on in asking each other questions on where we stand. My only thought on that is sometimes someone will say something and maybe I will want to respond...if it was something that was incorrect or misinformed, but it does not seem appropriate during the time when the rules are suspended to respond to something that is not a question. I do not know how to totally handle that. What I normally end up doing is just putting it in my final closing discussion at the end, which also feels like a weird place to deliver it. I am just putting that out there that I do think it can be appropriate when the rules are suspended for a Councilmember to make a brief statement in response that is not a question.

Councilmember-Elect Kaneshiro: The rules start to slide when we say, "Can you make a brief explanation on why you feel this way," and it goes on forever.

Councilmember-Elect Kuali'i: Process-wise, I think exactly what you were talking about, if you know a Councilmember made a misstatement, then you just ask the Administration—this is what was said, is that untrue, is not this what is correct and then they will answer it. Hopefully, they are the one working on the issue, so they should be able to confirm what you are saying.

Councilmember-Elect Evslin: Sometimes that works, but sometimes, like with Bill No. 2797, it was stated on the floor that the landlord was not contacted about a certain issue. But I knew the landlord was contacted. Is it appropriate for a
Councilmember to jump in and say, "the landlord was contacted," whereas based on our current rule, I do not think it is appropriate, but it does seem like it could be necessary at times.

Councilmember-Elect Kaneshiro: You could be asking that Councilmember to clarify and respond to that.

Councilmember-Elect Cowden: I would have said, "Has not been contacted in the last fifteen (15) hours." It was not that they were never contacted...but had I said, "They were never contacted in the last fifteen (15) hours..."

Councilmember-Elect Chock: It is a weird downward slope where it can get out of hand, so I think what we have been experiencing is we have jumped in from the questions and answers straight to the final discussion, so maybe like what you said Councilmember-Elect Kaneshiro is while we are in the questions and answers, just check in. Get all of that clarity out of the way, so that you do not have, "Well, I am saying this now, because of what they said in their statement," and it is more of a dialogue opportunity in the tail end of it and not let it get too far down that slope, because it can be non-ending. That is the purview of the Chair.

Councilmember-Elect Kaneshiro: Ultimately you can ask the presiding officer, "Can I get a little more clarification from Councilmember so and so for the statement they made?" That being said, looking at the language we have, are we comfortable with the five (5) minutes? I am still comfortable with the five (5) minutes. Councilmember-Elect Evslin, if you spoke for six (6) minutes at your speed, that was probably an eight-minute speech. Five (5) minutes is enough time for us to get our point through. Councilmember-Elect DeCosta.

Councilmember-Elect DeCosta: If one of us seem passionate about finishing our five-minute and thirty-seven second speech, can the chair allow us to do that?

Councilmember-Elect Kaneshiro: It is a tricky situation, because again, if every Councilmember is respecting that five (5) minutes, then you want every Member to respect it. If you start letting someone go five (5) minutes thirty (30) seconds every single time, then every Member will feel like they should have the same time.

Councilmember-Elect DeCosta: Councilmember-Elect Evslin said that he went six (6) minutes and you allowed it.

Councilmember-Elect Kuali‘i: I allowed it.

Councilmember-Elect DeCosta: Okay, thank you.
Councilmember-Elect Kuali‘i: But he was getting in the weeds. When he ended, he even laughed about it...that he knew he was going too far.

Councilmember-Elect DeCosta: That is all I wanted to know, if you are okay with seeing a Councilmember speaking and he or she is passionate, we can allow them to go past the five (5) minutes?

Councilmember-Elect Kaneshiro: You can, but it is a slippery slope because you want to respect the rules. We do not get many huge issues like that. The Housing Bill was a very huge issue. We went over that for almost an entire year, so obviously when it comes time for our vote, there was a lot of misinformation out in the public—you really wanted to get your point clear. That was a big amendment, a lot of information, so yes, that one takes a little longer, it is understandable. At the end of our budget, we allow everyone to speak for ten (10) minutes, because our budget is so big. We give everyone the flexibility. I would say for ninety-seven percent (97%) of every other topic, five (5) minutes is usually more than enough. There are a lot of bills that no one says anything on. If we are receiving grants, usually we just vote on it. But, yes, there is discretion. Again, it is up to the Chair and the body to say, “Chair, I think it is getting abused now, let us try and reel it back to the five (5) minutes.” I can say that I have cut people off at five (5) minutes, but again, it is up to the discretion. Councilmember-Elect Evslin.

Councilmember-Elect Evslin: I will support the five (5) minutes and the three (3) times, but just how Councilmember-Elect Kaneshiro, you mentioned that during budget time you give ten (10) minutes, maybe if something like that like the Housing Bill or the West Kaua‘i Community Plan, these things we go over for a long time, that all Councilmembers could be given eight (8) minutes or something. But really we only had three or four (4) bills like that in the past two (2) years that really deserve that attention.

Councilmember-Elect Kaneshiro: The chair has that discretion. The Councilmembers could vote against the Chair and say, “No, let us follow the rules, we do not want to give eight (8) minutes on this item,” but the Chair does have the discretion to say, “This is a big item, I will give everyone a little more time on it.” Councilmember-Elect Carvalho.

Councilmember-Elect Carvalho: What I am hearing is there is flexibility, because I am sure there will be times when I will need a little bit more, depending on the situation. If that is on the table, we are good.

Councilmember-Elect Kaneshiro: Having chaired a lot of budget meetings, ultimately our first reaction is “let us respect the five (5) minutes,” and it is going to be a very extraordinary situation where we are going over five (5) minutes
and asking. We even make the public stick to the six (6) minutes, so if we started saying that person is passionate and we give him a little more, we end up down a pretty bad slippery slope. Therefore, what I am hearing is we will do a friendly amendment (See Attachment 7) to leave the five (5) minutes, but change the two (2) times to three (3) times. That means on your final discussion, after we have suspended the rules, you have been able to ask the Administration questions, ask everyone your questions, we call the meeting back to order, you have five (5) minutes to say why you are going to vote for the bill and you can say whatever you want. You will have three (3) times to do it, within that five (5) minutes. You can say a little bit in the beginning, someone may say something that will make you want to talk again, but you have a total of three. Once you spoke for three (3) times, you are done. Even if you talked for three one-minutes, you are done. It is three (3) times or a maximum of five (5) minutes. That is how the rules are. I am fine with the three (3) times. I do not think there are many times people have used three (3) times. Are we all on the understanding that the friendly amendment is only to allow a speaker to speak no more than three (3) times? Okay. With that, we will take a roll call vote.

The motion to amend Council Rule No. 6(f) of the proposed Rule of the Council of the County of Kaua’i for the Organization of Committees and the Transaction of Business as circulated, which is attached hereto and incorporated herein as Attachment 7 was then put, and carried by the following vote:

FOR MOTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro, Kuali’i

AGAINST MOTION: None

EXCUSED & NOT VOTING: None

RECUSED & NOT VOTING: None

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

Councilmember-Elect Kaneshiro: Are there any further amendments?

Councilmember-Elect Chock: I do not have an amendment, just a question on clarification. We have been dealing with COVID-19 and online testimony, we have been going six (6) minutes straight for public testimony. Is it flexible to just do that when we come back to regular meetings or do we have to stick to the three...it is up to the chair. I have seen it work well. And we can use our discretion is what we are saying, right? Okay.

Councilmember-Elect Cowden: I like that we can use our discretion. If we had three (3) testifiers sitting in the room and they get six (6) minutes each, I
think that is fine. Obviously, if we had twenty-five (25) testifiers, I think the way it has been where they have to split it up, is more fair.

Councilmember-Elect Kaneshiro: That is where it all came out. You do not want people who have come earlier to have to wait two (2) hours to be able to testify, because everyone has taken their six (6) minutes. It is just to be fair. Again, with the virtual testimony, it is easier to allow them six (6) minutes than to stop them in the middle of their testimony. Functionality-wise, it has worked.

Ms. Fountain-Tanigawa: We just ask that, whomever is staffing, to just let them know what you want to do.

Councilmember-Elect Evslin: The Committee Chair has the authority before we take the testimony just to say, “We will allow you the full six (6) minutes.” I always think it is awkward to cut someone off at three (3) minutes and tell them to come back up.

Councilmember-Elect Kaneshiro: Are there any other questions from the Members? I know if we do go too much longer, we are going to have to take a caption break, but this was our last item. Councilmember-Elect Chock.

Councilmember-Elect Chock: Just one more clarification, going back to the discussion about suspending the rules. Moving forward, what we plan on doing is having some time to ask those questions of each other during the period, is that what we decided? Okay. Thank you.

Councilmember-Elect Kaneshiro: Councilmember-Elect Carvalho.

Councilmember-Elect Carvalho: I know we are wrapping up, like Councilmember-Elect DeCosta, I want to thank Jade and the team for the orientation. They have been really helpful in getting us through it. Mahalo to the team.

Councilmember-Elect Kaneshiro: Councilmember-Elect Cowden.

Councilmember-Elect Cowden: My final comment, I definitely want to thank our really excellent team, our staff. I am happy to be hearing these small adjustments. Having paid attention to Council for a long time before I was elected, I would say the passive/aggressive behavior in this Council is like a tiny simmer. We have basically gotten along whether we agree or do not agree. It has been good, so I do not want it to come out that this has been awful, because I have seen it as a rolling boil during past Councils. Putting these little clarifications or what for me, I consider this a training on how we can have better discussion. I know my tension points come up and you will feel my frustration is where I do not know when I am going to be able
to say something. I want to thank you all for discussing this, taking the time, and making these little adaptations so we will be able to talk. New Council Chair, I look forward to our one-on-ones.

Councilmember-Elect DeCosta: I have a comment. I am glad that you are feeling a little more nurtured. I think that is important and that is what I get from you right now. You are feeling like you belong cohesively to this group and you are feeling more like you spoke and you have been heard. Leadership has taken place.

Councilmember-Elect Evslin: I also want to thank our staff, Jade and Scott and everyone else, you have done a phenomenal job the last two (2) years and I know you will continue to do a huge job supporting us and someone mentioned “not walking off the cliff.” I also want to welcome new Councilmember-Elect DeCosta and Councilmember-Elect Carvalho. I am excited to be working with you folks. I feel this has been a fun productive meeting and I know it is going to be a great year. To our leadership here, Chair Kaneshiro and Council Vice Chair Chock. Thank you to Councilmembers Cowden and Kuali‘i, I am excited to continue to work with you. I am looking forward to the year.

Councilmember-Elect Kaneshiro: Councilmember-Elect Kuali‘i.

Councilmember-Elect Kuali‘i. I just wanted to say, too, congratulations to each of you for the elections and I am very honored to have been elected and to have this opportunity to serve with each of you. I look forward to working with each of you individually as well. My goal for the next two (2) years is to introduce something with each of you, so let us work together, let us get things done for our people, and of course mahalo to our staff. We cannot do it without them.

Councilmember-Elect Kaneshiro: Councilmember-Elect Chock.

Councilmember-Elect Chock: Thank you to our staff, to everyone who showed up and got elected, I look forward to working with you. I am really excited about working together. The next two (2) years will be tough and even more so, I think it is going to be a smooth Inauguration, now that we had this meeting, and I ask that the community support and trust the Council on us moving forward. Trust that we are going to do the best we can for them and work with what we have to work with.

Councilmember-Elect Kaneshiro: Councilmember-Elect DeCosta.

Councilmember-Elect DeCosta: I only closed with Councilmember-Elect Cowden, but I did not get a chance to close. Now, I would like to close. By far, I need to thank Jade, Scott, and the rest of the staff. Like what former Mayor Carvalho said, it is an amazing tutorial orientation by them, hands down. Most
professional team I had to deal with. I want to thank you six. I am overjoyed to work with you. Councilmember-Elect Kuali‘i, you right way took me under your wing. I have had some friendship conversations with Councilmembers-Elect Evslin and Chock and I am excited. Councilmember-Elect Cowden, you are a part of this team. Councilmember-Elect Kaneshiro, thank you for your excellent leadership and former Mayor Carvalho, thank you. That is my closing.

Councilmember-Elect Kaneshiro: I will hold any statements I have and give our captioner some time to relax. Thank you and I appreciate each one of you. I am glad at the way this meeting went and it will make for a very smooth Inauguration and I look forward to serving with all of you. With that, we still need to take a vote on the Rules, as amended.

The motion to accept the proposed Rules of the Council of the County of Kaua‘i for the Organization of Committees and the Transaction of Business, as amended, which is attached hereto and incorporated herein as Attachment 8 was then put, and carried by the following vote:

FOR MOTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro, Kuali‘i TOTAL – 7,
AGAINST MOTION: None TOTAL – 0,
EXCUSED & NOT VOTING: None TOTAL – 0,
RECUSED & NOT VOTING: None TOTAL – 0.

ADJOURNMENT.

There being no further business, the Council-Elect Meeting adjourned at 11:37 a.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc
Jade Tanigawa

From: Felicia Cowden
Sent: Tuesday, November 17, 2020 2:14 PM
To: Jade Tanigawa; Scott Sato
Subject: Discussion notes for Wed council meeting intended to be printed and shared

Ideas, suggestions, request for a more Pro-active council

Rationale: Our council and last has been largely re-active, responding to a request or asking for a briefing when a problem is reported or is seems to be happening. Being Pro-Active is more constructive and is consistent with our council's role for checks and balances.

We have been unsuccessful at finding an appropriate auditor; we agreed the council essentially holds the auditor role in addition to contracting detailed reports.

Pro-Active strategy:

- **Department briefing reports** A "dashboard" of business indicators from each department to sent to all council members through their committee chair every other month. Department briefing to be presented to committee roughly every four months along this defined business indicator structure; this can happen in alignment with a requested appearance for an agenda item, simply adding perhaps an additional 15 minutes. This would rotate over the committee meetings. This helps the entire council have an accurate understanding of the major accomplishments and challenges of the departments. Our budget window is then based on accurate understanding and less reporting is required in the spring budget exercise. This encourages shared operations understanding across the departments by all council members. (example at end of email)
- **More fluid discussion during council** - Maui Council is remarkably more interactive and inclusive in discussion with admin.
- **One-on-one meeting availability between chair and council members**
- **Stronger training** - availability of on-line training regarding ethics, sexual harassment, and system information, particularly new council members.

Example:
Public works would rotate different departments across the 4 month period for their briefing and business indicator package: Solid Waste - committee meeting A, Roads - committee meeting B, Sewage treatment - committee meeting C... and so forth.

Creating a holistic and shared understanding of county operations across the council.

Essentially, council has a running awareness of the operations of each department. Currently, we have surprises like discovering the repurposing of the Adolescent Drug Treatment Facility, a lawsuit, overtime abuse, or unbalanced bank accounts, or a failed contract at the landfill, for example. If we are in summary conversation three times a year, there is no excuse for surprises. This places a layer of transparency that should be comfortable for admin. The Dashboard of Business Indicators would be analysis that the department needs to have in their awareness. It does not represent extra work. It helps council's accuracy when we are aware of the challenges of the maintenance department as we discuss bus purchases. It is our job to have broad, group awareness. This reduces questions that require adding broad context to a question on a narrow agenda item. This helps to overcome the limitations created by the sunshine law and limited agendas from sharing information with other members.
PUBLIC WORKS & VETERANS SERVICES COMMITTEE
Bill DeCosta, Chair
Felicia Cowden, Vice Chair
Bernard P. Carvalho, Jr., Member
Mason K. Chock, Member
Luke A. Evslin, Member
KipuKai Kuali‘i, Ex-Officio Member
Arryl Kaneshiro, Ex-Officio Member

PARKS & RECREATION / TRANSPORTATION COMMITTEE
Bernard P. Carvalho, Jr., Chair
Bill DeCosta, Vice Chair
Felicia Cowden, Member
Luke A. Evslin, Member
KipuKai Kuali‘i, Member
Mason K. Chock, Ex-Officio Member
Arryl Kaneshiro, Ex-Officio Member

PLANNING COMMITTEE
Mason K. Chock, Chair
Luke A. Evslin, Vice Chair
Bernard P. Carvalho, Jr., Member
Bill DeCosta, Member
KipuKai Kuali‘i, Member
Felicia Cowden, Ex-Officio Member
Arryl Kaneshiro, Ex-Officio Member

HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE
KipuKai Kuali‘i, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr., Member
Felicia Cowden, Member
Bill DeCosta, Member
Luke A. Evslin, Ex-Officio Member
Arryl Kaneshiro, Ex-Officio Member

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE
Felicia Cowden, Chair
Bernard P. Carvalho, Jr., Vice Chair
Mason K. Chock, Member
Luke A. Evslin, Member
KipuKai Kuali‘i, Member
Bill DeCosta, Ex-Officio Member
Arryl Kaneshiro, Ex-Officio Member

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE
Luke A. Evslin, Chair
KipuKai Kuali‘i, Vice Chair
Mason K. Chock, Member
Felicia Cowden, Member
Bill DeCosta, Member
Bernard P. Carvalho, Jr., Ex-Officio Member
Arryl Kaneshiro, Ex-Officio Member

COMMITTEE OF THE WHOLE
Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr., Member
Felicia Cowden, Member
Bill DeCosta, Member
Luke A. Evslin, Member
KipuKai Kuali‘i, Member
DRAFT RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I

Disclaimer: This is the Draft Unofficial Rules of the Council of the County of Kaua'i and as such, MAY NOT represent the Rules in its current form (no warranties are made regarding its accuracy or completeness).

This information is provided as a courtesy and public service. Users should confirm the accuracy of the information with the hardcopy available at the Office of the County Clerk. While the County of Kaua'i will strive to keep this material accurate and up-to-date, those people needing an official, accurate, and up-to-date edition of the Rules of the Council of the County of Kaua'i will be able to obtain hard copies of those documents and other pertinent information from the Office of the County Clerk.
# RULES OF THE COUNCIL OF THE COUNTY OF KA'U'A'I

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RULE NO. 1
MEETINGS

(a) Recommended Procedure for Initial Convening of the Council.

(1) When the time specified by law arrives for the first convening of the newly-elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary Clerk.

(2) The Mayor, as the temporary Chair, shall appoint a Credentials Committee of not less than three (3) members. The Credentials Committee shall immediately examine the credentials of the members elected. If the credentials are in order, the Credentials Committee shall so report and the oath of office shall be administered to the Councilmembers-elect by someone duly qualified to administer oaths.

(3) The oaths having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the Charter of the County of Kaua'i.

(4) The Chair shall assume the chair of the Presiding Officer immediately after being elected and the Council shall then appoint the County Clerk; adopt the Rules of the Council; and appoint the Chair, Vice Chair, and members of the several Standing Committees by resolution.

(b) Regular Council Meetings; Relocation. Regular meetings of the Council shall be held in the Historic County Building or Lihu'e Civic Center in Lihu'e, County of Kaua'i, State of Hawai'i, or other location designated by the Council, at 8:30 a.m., or other time designated by the Council, at least twice a month on a Wednesday, or other day designated by the Council. The Council by majority concurrence of its members may designate other locations, times, or days for its meetings.

(c) Standing Committee Meetings. When Standing Committees meet, they shall meet on Wednesday in the week after the regular meeting date, or on another day if such Wednesday is untimely. The Public Works & Veterans Services Committee shall convene first, followed by the Parks & Recreation / Transportation Committee, the Planning Committee, the Housing & Intergovernmental Relations Committee, the Public Safety & Human Services Committee, the Finance & Economic Development Committee, and the Committee of the Whole.

(d) Special Meetings. Pursuant to the Charter and Chapter 92, Hawai'i Revised Statutes, special meetings may be called at any time by the Mayor, the Chair, or by five (5) or more members of the Council. Written public notice shall be given as required by Chapter 92, Hawai'i Revised Statutes.
(e) **Executive Sessions.** All Council and Committee meetings shall be open to the public, except as provided by the Charter or Chapter 92, Hawai‘i Revised Statutes. The Council or Committee may hold an executive session closed to the public pursuant to Section 92-4, Hawai‘i Revised Statutes, upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the Council, to:

1. Consider the hire, evaluation, dismissal, or discipline of an officer or employee, or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

2. Deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of these negotiations;

3. Consult with the Council’s attorney on questions and issues pertaining to the Council’s powers, duties, privileges, immunities, and/or liabilities;

4. Investigate proceedings regarding criminal misconduct;

5. Consider sensitive matters relating to public safety or security;

6. Consider matters relating to the solicitation and acceptance of private donations; and

7. Deliberate or decide a matter requiring the consideration of information that shall be kept confidential pursuant to a state or federal law, or a court order.

(f) **Emergency Meetings.** If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Chapter 92, Hawai‘i Revised Statutes, the Council may hold an emergency meeting, provided that:

1. The Council states in writing the reasons for its findings;

2. Two-thirds of all members agree that the findings are correct and an emergency exists;

3. An emergency agenda and the findings are filed with the Office of the County Clerk; and
(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

"Emergency" is generally confined to natural disasters where immediate relief is needed.

(g) **Workshops.** Committee Chairs, with the approval of the Council Chair, may schedule workshops to encourage increased dialogue among County representatives, technical experts, and the general public regarding a bill or resolution that is pending on the Council’s or the Committee’s agenda. The Committee Chair shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Chapter 92, Hawai‘i Revised Statutes. The workshop agenda may include participants, presentations, and discussion of critical issues relating to a bill or resolution before the Council or Committee.

(h) **Meetings by Interactive Conference Technology.** Any meeting may be held by interactive conference technology. The technology shall allow for the interaction among all Councilmembers and the public attending the meeting. Notice shall be as required by law.

(i) **Adjournment.** The Council or Committee Chair may adjourn the meeting at any time unless the majority of the members present at the Council or Committee meeting object. Every adjournment shall be deemed to be to the next regular meeting of the body.

**RULE NO. 2**

**QUORUM AND VOTE: EXCEPTIONS LISTED**

(a) **Council.** A physical majority (4) of the entire membership of the Council shall constitute a quorum and the affirmative vote of the majority (4) of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds (5) of the Council shall be required to:

1. Authorize the issuance of general obligation bonds;
2. Override the Mayor’s veto;
3. Suspend without pay for not more than one (1) month any member for disorderly or contemptuous behavior or for personal vilification in its presence;
4. Authorize, after consultation with the County Attorney, the public release of legal opinions that have been requested by the Council and rendered by the Office of the County Attorney;
(5) Hold an emergency meeting; and

(6) Authorize the employment of special counsel.

(b) **Absence of Council Quorum.** In the absence of a quorum during any official meeting of the Council, the Council shall:

(1) Recess its meeting to seek out a quorum; or

(2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) **Committee.** A physical majority of the membership of a Committee shall constitute a quorum, and the affirmative vote of a majority of the membership entitled to vote shall be necessary to take any action.

(d) **Absence of a Committee Quorum.** In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

(1) Recess its meeting to seek out a quorum; or

(2) Adjourn its meeting for lack of a quorum to a specified time and place.

**RULE NO. 3**

**OFFICERS AND THEIR DUTIES**

(a) **Council Chair.** The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the absence or disability of both the Chair and Vice Chair, the Chair of the Housing & Intergovernmental Relations Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Planning Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer to:

(1) Convene all meetings of the Council at the appointed time by functioning as the role of the Chair and calling the Council to order;

(2) Call for the approval of the minutes of the preceding meeting(s) when a quorum is present;

(3) Maintain order and proper decorum;
(4) Announce the business before the Council in the order prescribed by these rules;

(5) Receive and determine for disposition all matters properly brought before the Council, call for votes, and announce the results;

(6) Set the salary of the County Clerk in accordance with the applicable salary resolution;

(7) Make known all Rules of Order when so requested and decide all questions of order, subject to an appeal to the Council;

(8) Announce the result on any matter voted on by the Council, and in case of a tie vote, order that the matter be made the special order of the day at the next regular meeting;

(9) Act as the Council's liaison in dealing with the Office of the County Clerk; provide for the coordination of all administrative activities in the legislative branch, Office of the County Clerk, and Office of the County Auditor, to see that they are honestly, efficiently, and lawfully conducted; sign all instruments requiring execution or agreement by the Council; act as chief procurement officer of the legislative branch pursuant to Chapter 103D, Hawai‘i Revised Statutes; and perform other duties as may be required by law, or as may properly pertain to such office;

(10) Approve Councilmembers' travel requests;

(11) Receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various governmental agencies or departments, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chair(s). All communications addressed to the Council shall be properly recorded and made available to the public upon request, except as otherwise provided by law; and

(12) Hold a Chair's meeting, as needed, with the Clerk or Council Services Staff, to informally discuss scheduling, operational, or procedural matters that are within the decision-making authority of the Chair and do not require Council approval.

(b) Council Vice Chair. It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair.
(c) **Committee Chair.** The Chair of each Committee may call any meetings or hearings of the Committee, and shall preside at such meetings or hearings. The Vice Chair of the Committee shall perform the duties of an absent Committee Chair.

(d) **County Clerk.** It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law, to:

1. Read bills, resolutions, and other matters to the Council, if so required;

2. Immediately forward to the proper parties all communications and other matters, either directly or through a Committee;

3. Deliver to the appropriate Committee all petitions, resolutions, bills, or other matters as may be duly referred to the Committee;

4. Note all points of order with the ruling thereon and append them to the minutes;

5. Make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates;

6. Have charge of and be responsible for all records of the Council;

7. Be responsible for the administration of the Office of the County Clerk;

8. Advertise digests of all bills passed on first reading in accordance with law;

9. Enter objections of the Mayor in the minutes of the Council on receipt of bills vetoed and place the objections related to bills on the agenda as directed by the Chair;

10. Certify ordinances;

11. Authenticate by signature all acts of the Council as may be required by law; and
(12) Serve in all matters as Clerk of the Council and to perform all clerical duties and offices pertaining to the position as the Council may direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or as properly pertain to the position.

RULE NO. 4
COMMITTEES

There shall be four (4) kinds of Committees, namely: (a) Standing Committees, (b) Joint Committees, (c) Sub-Committees, and (d) Special Advisory Committees.

(a) Standing Committees. There shall be seven (7) Standing Committees consisting of five (5) voting members and two (2) ex-officio members, except for the Committee of the Whole, which shall consist of seven (7) voting members. Ex-officio members of a Committee shall have a voice, but no vote, in all Committee proceedings, and are not counted in determining the number required for a quorum. Ex-officio members also shall not have a right to make or second motions. The purpose of the Standing Committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other matters referred to the Standing Committee by the Council.

(1) A Committee on Public Works & Veterans Services consisting of five (5) voting members and two (2) ex-officio members. The Public Works & Veterans Services Committee shall consider matters relating to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, Veterans services, military issues, and legislation relating to the Committee.

(2) A Committee on Parks & Recreation / Transportation consisting of five (5) voting members and two (2) ex-officio members. The Parks & Recreation / Transportation Committee shall consider matters relating to parks, beaches, recreational areas, stadiums, neighborhood centers, the Kaua'i War Memorial Convention Hall and its services, all recreational facilities, the Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, public transportation, and legislation relating to the Committee.

(3) A Committee on Planning consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider matters relating to land use, the General Plan and related plans, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, the Department of Water, and legislation relating to the Committee.
(4) **A Committee on Housing & Intergovernmental Relations** consisting of five (5) voting members and two (2) ex-officio members. The Housing & Intergovernmental Relations Committee shall consider matters relating to housing, homelessness, the Hawai‘i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(5) **A Committee on Public Safety & Human Services** consisting of five (5) voting members and two (2) ex-officio members. The Public Safety & Human Services Committee shall consider matters relating to Police, Fire, the Office of the Prosecuting Attorney, the Kaua‘i Emergency Management Agency, Liquor Control, the Department of Human Resources, the Agency on Elderly Affairs, and legislation relating to the Committee.

(6) **A Committee on Finance & Economic Development** consisting of five (5) voting members and two (2) ex-officio members. The Finance & Economic Development Committee shall consider matters relating to finances, revenues, taxes, real property tax, economic development programs and initiatives relating to tourism, the visitor industry, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, other economic development areas, and legislation relating to the Committee.

(7) **A Committee of the Whole** consisting of all members of the Council. The Committee of the Whole shall consider matters relating to establishment of new Committees, policies of the Council, goals and objectives of the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving the Office of the County Auditor, the Office of the Mayor, appointments to boards and commissions, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.

(b) **Joint Committees.** The Council may, through motion duly adopted, refer items to Joint Committees. A referral shall be sufficient to establish a Joint Committee. Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first-named Standing Committee. Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.
(c) **Sub-Committees.** Sub-Committees shall report to a Standing Committee as required, serving until discharged after final reporting on the special matter referred to it.

(d) **Special Advisory Committees.** Special Advisory Committees may be created as needed by the Council.

   (1) Special Advisory Committees shall consist of at least one Councilmember and may include members from the private and nonprofit sectors, and representatives from other political subdivisions and other government agencies.

   (2) Special Advisory Committees shall engage in fact-finding and evaluation of issues, and shall make recommendations to the Council. To avoid duplication, only one Special Advisory Committee may be appointed to study and evaluate an issue.

   (3) All communications from a Special Advisory Committee shall be made to the Council.

   (4) Special Advisory Committees shall serve until discharged via motion by the Council.

(e) **Formation by Resolution.** Sub-Committees and Special Advisory Committees shall be established by resolution, which shall state:

   (1) The purpose of the Committee;

   (2) The members of the Committee;

   (3) The Committee’s scope of work; and

   (4) The timetable by which the Committee will complete its work.

(f) **Committee Reports.** Committees shall report on all matters referred to them.

   (1) Whenever any matter is referred to a Committee it shall be the duty of the Committee to make diligent inquiry into all of the facts as deemed necessary by the Committee and circumstances connected with the matter. If necessary, the County Attorney may be consulted, witnesses may be summoned and examined, and documents and records searched.
(2) The report of a Committee on a bill or resolution shall state clearly the amendments proposed, if any. If an amended bill or resolution is in place of the one referred to the Committee, the Committee shall agree with the subject of the one returned to the Council.

(3) Whenever a Committee fails to agree, the report of the majority of voting members shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, “I (or we) do not concur.”

RULE NO. 5
VOTING, ATTENDANCE, AND ABSENCE

(a) Voting Methods. There shall be four (4) methods of determining the decision of the Council or Committees regarding any matter:

(1) A call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken;

(2) Voice vote;

(3) Rising; and

(4) Unanimous consent.

(b) Silent Vote. Unless a member is formally excused or recused pursuant to Rule Nos. 5(c) or 5(d), respectively, the member’s silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the minutes and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) Voting Required. No member shall refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Charter Section 20.04B and Rule No. 8 of these Rules. The member shall make full disclosure of the member’s conflict of interest, shall not participate in the matter, shall leave the meeting room while the matter is being considered, and shall be deemed recused.

(d) Attendance. No member may be absent from a meeting of the Council or a Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting, and has been deemed excused by the respective Chair.
(e) **Council Absence or Recusal.** At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence or recusal of a member, the item shall be made the special order of the day at the next regular Council meeting.

(f) **Committee Absence or Recusal.** At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion, or if there are insufficient votes to carry any main motion because of the absence or recusal of a voting member, the item shall be referred to the next meeting of the Committee for disposition.

(g) **Explaining Vote; Changing Vote.** Whenever the ayes and noes are called, no one, without the unanimous consent of the members present, shall be permitted to explain their vote; and after the announcement of the result, no one shall be permitted to vote or to change their vote without unanimous consent of the members present.

**RULE NO. 6**

**MOTIONS**

(a) No motion may be considered until it has been seconded.

(b) After a motion is stated by the Presiding Officer, it is deemed in the possession of the body and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any issue is under discussion, the motions relative thereto shall be to:

1. Lay on the table (no debate);
2. Postpone or defer to a certain time (no debate);
3. Commit or refer;
4. Amend; or
5. Postpone indefinitely (no action may be taken on the issue at any subsequent meeting for the remainder of the calendar year).

The motions shall have precedence in the order named. The first two (2) motions shall be decided without debate and shall be put as soon as made.
(d) When any motion is decided in the negative, it shall not be revived at the same meeting relative to the main question under discussion. If all are negative, the only remaining question shall be the approval or receipt of the bill, resolution, or other main question. If a motion to approve a matter fails in Committee, the recommendation to the Council shall be to receive the matter. If a motion to receive a matter fails in Committee, the matter shall remain in Committee. An affirmative vote to recommend either receipt or approval of the matter shall be taken before the Committee makes its recommendation to the Council.

(e) When any matter before the Council or Committee is postponed or deferred to a certain time, the period of postponement or deferral shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than a total of five (5) minutes on the same agenda item. A member may not speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.

(g) **Motion to Adjourn.** A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) **Call For The Question.** The purpose of the motion to call for the question is to end debate. It shall always be in order and shall require a two-thirds vote of the members present to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) **Reconsideration.** When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider the motion. The motion for reconsideration shall take precedence over all other questions except a motion to adjourn; provided that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of twenty-four (24) hours.

(j) **Point of Order.** A point of order may be raised at any stage of the proceedings, except while a vote is being taken.

(1) When the Chair or any member believes the rules are being violated, the Chair or member may raise a point of order (or “raise a question of order”), thereby calling on the Chair for a ruling and enforcement of the rules. The question shall be ruled on by the Chair, without debate, subject to an appeal to the Council. In addition, the Chair may call for the judgment of the body on any point of order.
(2) When a member is called to order while speaking, that member shall be in possession of the floor after the point of order is decided, and may proceed with the matter under discussion within the parameters of the ruling made on the point of order.

RULE NO. 7
APEAL

The Council or Committee may, by a majority vote, overrule the ruling of the Chair upon a motion of appeal that is duly seconded.

RULE NO. 8
DISCLOSURE OF INTEREST

Whenever a possible conflict of interest regarding any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to the body.

RULE NO. 9
GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS, MOTIONS, AND AMENDMENTS

(a) Introduction. Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer.

(b) Manager. Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of the legislation including the securing of all pertinent information regarding the matter.

(c) Placement on Agenda. All bills and resolutions shall be initialed by the Council Chair or, in the Chair’s absence, the Vice Chair (or other designated Presiding Officer as stated in Rule No. 3) in order to be placed on the agenda.

(d) Amendment of Bills and Resolutions. No bill or resolution may be amended so as to change its original purpose. Every bill or resolution, as amended, shall be in writing before final passage.

(e) Motions and Amendments. Motions and amendments may be verbal, but shall be reduced to writing if requested by the Presiding Officer, and shall be read by the County Clerk by request of any member.
(f)  **Bill Readings.** Pursuant to the Charter, bills shall be passed only after two (2) readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers (4), or by at least five (5) Councilmembers when so required.

(g)  **Resolution Readings.**

   (1) Except as otherwise provided by the Charter, resolutions may be adopted on one (1) reading by the affirmative vote of a majority of the entire membership of the Council.

   (2) Eminent Domain Resolutions. Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen (14) days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen (14) days before adoption by the Council. Copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen (14) days prior to the adoption thereof.

(h)  **Full Readings Waived.** Full oral readings of bills and resolutions are waived and may be by title and/or number only unless a full reading is requested by any of the members present.

(i)  **Publication of Bills.** Bills embracing: (1) the fixing of special assessments for the costs of improvements, (2) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven (7) days before final reading by the Council. Copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven (7) days prior to the final reading thereof.

(j)  **Submission to Mayor.** Every bill, or resolution authorizing proceedings in eminent domain, which has passed the Council and which has been duly authenticated by the County Clerk and the Presiding Officer, shall be presented to the Mayor for approval. Thereafter, action shall be governed by the procedures set forth in Charter Section 4.03.

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**RULE NO. 10**

**CERTIFICATES**

Certificates are non-legislative in nature and intended to recognize people or organizations for outstanding achievements, offer thanks, honor retirees, offer condolences, or support the observance of time periods in recognition of certain causes.
(a) Certificates are approved upon signing and require no other Council action.

(b) The sponsoring Councilmember(s) shall be responsible for securing the signatures of the other Councilmembers.

(c) Any conflicts such as sponsorship, duplicate requests, or whether the subject-matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council.

RULE NO. 11
TESTIMONY

(a) At a Council or Committee meeting, or at a public hearing, written or oral testimony shall be accepted.

(b) Written testimony. Written testimony shall be received for the record on any agenda item. The testifier shall provide fifteen (15) copies of the testimony to the Clerk for distribution to the Council and staff.

(c) Oral testimony.

(1) Persons wishing to testify are requested to register with the Clerk prior to the Chair calling the meeting to order.

(2) Testifiers are entitled to the floor only when recognized by the Chair.

(3) Testifiers may state their name and whom they represent, and shall disclose if they are a registered lobbyist, in compliance with Chapter 97, Hawai'i Revised Statutes. Registered lobbyists shall file the requisite forms with the Office of the County Clerk pursuant to Ordinance No. 999.

(4) Testifiers shall testify only on the subject-matter under consideration, shall refrain from questioning Councilmembers and staff, and shall direct any remarks or questions to the Chair.

(5) Persons with written testimony may be given priority at the discretion of the Chair.

(6) Oral testimony shall be limited to three (3) minutes per person. The Chair shall have the prerogative to set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of speaking time thirty (30) seconds before such expiration. The Chair may allow an additional three (3) minutes to provide further testimony after all persons have had an opportunity to speak.
(7) The Chair shall grant time to testify to persons who have not registered, following the registered testifiers, in same manner as registered testifiers.

(8) Testifiers shall restrict themselves to the issues and avoid discussion of personalities.

(9) The Chair may restrict or terminate a testifier's opportunity to speak for intemperate or abusive behavior or language.

(10) The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item made during their testimony, but Councilmembers shall not ask questions that give the testifier a greater opportunity to testify than others. Councilmembers shall not ask testifiers about the substance of their testimony, or comment on testimony or testifiers during the testimony period.

RULE NO. 12
PUBLIC HEARINGS

(a) Committee Hearings. Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) Council Hearings. Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council, or by the respective Chair or Vice Chair of the Committee to which the matter has been referred.

(c) Action Following Public Hearings. Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations, or disposition.

(d) Location of Hearings. All public hearings of the Council or Committees shall be held in the Historic County Building, Līhuʻe Civic Center, or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) Conduct of Public Hearings.

(1) Public hearings are held to receive testimony from the public. Councilmembers shall reserve their opinions, questions, and arguments for the appropriate Council or Committee meeting.

(2) The Council Chair or Committee Chair shall be the Presiding Officer and shall be responsible for conducting a fair, expeditious, and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.
RULE NO. 13
ORDER AND DECORUM

(a) No person may sit at the desk of the Presiding Officer of the Council or the County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer or any member is speaking, no one may entertain a private discourse, nor while a member is speaking shall anyone pass between that Councilmember and the Chair.

(c) When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding discussion of personalities.

(d) No unauthorized person shall enter the floor of the Council or Committee except by permission of the Presiding Officer.

RULE NO. 14
ORDER OF BUSINESS FOR COUNCIL MEETINGS

After roll call and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

(a) Consent calendar;
(b) Items made the special order of the day;
(c) Messages from the Mayor;
(d) Reports and communications from County officers;
(e) Reports and communications from non-County parties;
(f) Reports of Standing Committees;
(g) Reports of Other Committees;
(h) Introduction of bills and resolutions;
(i) Unfinished business;
(j) Order of the Day, including adoption of resolutions and second reading of bills;
(k) Miscellaneous business; and
(l) Public hearings may be held at the time set in previous meetings of the Council.
RULE NO. 15
AGENDA AND PRIORITY OF BUSINESS

(a) All communications submitted to the Council shall be time-stamped on receipt and presented to the Council Chair for disposition.

(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council's agenda. All communications to be placed on the agenda shall be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two (2) weeks preceding the day of the regular or Committee meeting, unless otherwise allowed by the Council Chair.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be received without presentations, clarifying questions, or debate. All items on the consent calendar may be received by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any removed item shall be considered after the vote on the consent calendar. The Council Chair shall determine the appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with Chapter 92, Hawai'i Revised Statutes. Notices and agendas for all regular, committee, special, and executive session meetings shall be posted on the County of Kaua'i online calendar. Failure to post notices and agendas on the Kaua'i County Council website shall not invalidate any action taken by the Council or its Committees if the notice or agenda was posted in accordance with Chapter 92, Hawai'i Revised Statutes.

(e) Pursuant to Chapter 92, Hawai'i Revised Statutes, neither the Council nor Committees shall change the agenda, once filed, by adding items without a two-thirds recorded vote of all members to which the body is entitled; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council Chair may direct that any matter shall be made a special order of business.

(g) All questions relating to the priority of business are to be acted on by the Council Chair or Committee Chair, and shall be decided without debate.

RULE NO. 16
MINUTES

(a) Pursuant to Section 92-9, Hawai'i Revised Statutes, written minutes of all meetings and public hearings shall be kept.

(b) The written minutes shall provide a true reflection of the matters discussed and the views of the participants.
(c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.

(d) Upon approval of the written minutes, the recording may be erased.

**RULE NO. 17**
**RESTRICTION ON EMPLOYMENT OF RELATIVES**

(a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote, or advance; or advocate for the appointment, employment, promotion, or advancement; in or to an appointed, non-civil service position in the legislative branch of County government; any individual who is his or her relative or domestic partner, or is a relative of the public officer’s domestic partner.

(b) For the purpose of this rule, “relative” means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) For the purpose of this rule, “domestic partner” means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A “relative of the public officer’s domestic partner” means the father, mother, brother, sister, son, or daughter of the domestic partner of the public officer.

(d) For the purpose of this rule, “public officer” means members of the County Council, the County Clerk, and the County Auditor.

(e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

**RULE NO. 18**
**COMMUNICATIONS WITH THE COUNTY ATTORNEY**

Requests for legal opinions made by individual Councilmembers to the County Attorney shall be made in writing and signed by the Councilmember seeking the opinion. Opinions received pursuant to those requests shall be confidential communications between the Councilmember making the request and the County Attorney. If the subject-matter of the request has been placed on a Council or Committee agenda, the opinion received shall be circulated concurrently to all Councilmembers, but shall remain a confidential communication with regard to other parties.
RULE NO. 19
NEWS REPORTERS

News reporters wishing to take notes of the business of the Council may be located in a designated area determined by the Presiding Officer without interfering with the business of the Council or its Committees. Requests to film the Council proceedings with the use of video or still photography shall be submitted to the Office of the County Clerk in writing within five (5) days prior to the meeting.

RULE NO. 20
NEW RULES AND AMENDMENTS

No rule of the Council may be altered or rescinded, nor may any new rule be adopted, without the affirmative vote of at least four (4) Councilmembers. All amendments shall be by resolution.

RULE NO. 21
SUSPENSION OF THE RULES

None of these rules may be suspended, except by the affirmative vote of at least five (5) Councilmembers.

RULE NO. 22
WHEN RULES ARE SILENT

The rules of parliamentary practice as set forth by the current edition of “Robert’s Rules of Order, Newly Revised” shall govern the Council where not inconsistent with these rules.
Repeal Council Rule No. 11(c)(10) as follows:

[(10) The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item made during their testimony, but Councilmembers shall not ask questions that give the testifier a greater opportunity to testify than others. Councilmembers shall not ask testifiers about the substance of their testimony or comment on testimony or testifiers during the testimony period.]
Amend Council Rule No. 11(c)(10) as follows:

(10) The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item made during their testimony, but Councilmembers shall not ask questions that give the testifier a greater opportunity to testify than others. Councilmembers shall not [ask testifiers about the substance of their testimony, or] comment on testimony or testifiers during the testimony period.

*Incorporates friendly amendment*
Amend Council Rule No. 6(f) to read as follows:

“(f) No member may speak longer than a total of [five (5)] eight (8) minutes on the same agenda item. A member may not speak more than [twice] three times on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.”
Amend Council Rule No. 6(f) to read as follows:

“(f) No member may speak longer than a total of five (5) minutes on the same agenda item. A member may not speak more than [twice] three times on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.”

*Incorporates friendly amendment
DRAFT RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I

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## RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I

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RULE NO. 1
MEETINGS

(a)  Recommended Procedure for Initial Convening of the Council.

(1) When the time specified by law arrives for the first convening of the newly-elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary Clerk.

(2) The Mayor, as the temporary Chair, shall appoint a Credentials Committee of not less than three (3) members. The Credentials Committee shall immediately examine the credentials of the members elected. If the credentials are in order, the Credentials Committee shall so report and the oath of office shall be administered to the Councilmembers-elect by someone duly qualified to administer oaths.

(3) The oaths having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the Charter of the County of Kaua'i.

(4) The Chair shall assume the chair of the Presiding Officer immediately after being elected and the Council shall then appoint the County Clerk; adopt the Rules of the Council; and appoint the Chair, Vice Chair, and members of the several Standing Committees by resolution.

(b)  Regular Council Meetings; Relocation.  Regular meetings of the Council shall be held in the Historic County Building or Līhu'e Civic Center in Līhu'e, County of Kaua'i, State of Hawai'i, or other location designated by the Council, at 8:30 a.m., or other time designated by the Council, at least twice a month on a Wednesday, or other day designated by the Council. The Council by majority concurrence of its members may designate other locations, times, or days for its meetings.

(c)  Standing Committee Meetings.  When Standing Committees meet, they shall meet on Wednesday in the week after the regular meeting date, or on another day if such Wednesday is untimely. The Public Works & Veterans Services Committee shall convene first, followed by the Parks & Recreation / Transportation Committee, the Planning Committee, the Housing & Intergovernmental Relations Committee, the Public Safety & Human Services Committee, the Finance & Economic Development Committee, and the Committee of the Whole.

(d)  Special Meetings.  Pursuant to the Charter and Chapter 92, Hawai'i Revised Statutes, special meetings may be called at any time by the Mayor, the Chair, or by five (5) or more members of the Council. Written public notice shall be given as required by Chapter 92, Hawai'i Revised Statutes.
(e) **Executive Sessions.** All Council and Committee meetings shall be open to the public, except as provided by the Charter or Chapter 92, Hawai'i Revised Statutes. The Council or Committee may hold an executive session closed to the public pursuant to Section 92-4, Hawai'i Revised Statutes, upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the Council, to:

1. Consider the hire, evaluation, dismissal, or discipline of an officer or employee, or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

2. Deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of these negotiations;

3. Consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and/or liabilities;

4. Investigate proceedings regarding criminal misconduct;

5. Consider sensitive matters relating to public safety or security;

6. Consider matters relating to the solicitation and acceptance of private donations; and

7. Deliberate or decide a matter requiring the consideration of information that shall be kept confidential pursuant to a state or federal law, or a court order.

(f) **Emergency Meetings.** If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Chapter 92, Hawai'i Revised Statutes, the Council may hold an emergency meeting, provided that:

1. The Council states in writing the reasons for its findings;

2. Two-thirds of all members agree that the findings are correct and an emergency exists;

3. An emergency agenda and the findings are filed with the Office of the County Clerk; and
(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

“Emergency” is generally confined to natural disasters where immediate relief is needed.

(g) **Workshops.** Committee Chairs, with the approval of the Council Chair, may schedule workshops to encourage increased dialogue among County representatives, technical experts, and the general public regarding a bill or resolution that is pending on the Council's or the Committee's agenda. The Committee Chair shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Chapter 92, Hawai‘i Revised Statutes. The workshop agenda may include participants, presentations, and discussion of critical issues relating to a bill or resolution before the Council or Committee.

(h) **Meetings by Interactive Conference Technology.** Any meeting may be held by interactive conference technology. The technology shall allow for the interaction among all Councilmembers and the public attending the meeting. Notice shall be as required by law.

(i) **Adjournment.** The Council or Committee Chair may adjourn the meeting at any time unless the majority of the members present at the Council or Committee meeting object. Every adjournment shall be deemed to be to the next regular meeting of the body.

**RULE NO. 2**

**QUORUM AND VOTE: EXCEPTIONS LISTED**

(a) **Council.** A physical majority (4) of the entire membership of the Council shall constitute a quorum and the affirmative vote of the majority (4) of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds (5) of the Council shall be required to:

1. Authorize the issuance of general obligation bonds;
2. Override the Mayor’s veto;
3. Suspend without pay for not more than one (1) month any member for disorderly or contumacious behavior or for personal vilification in its presence;
4. Authorize, after consultation with the County Attorney, the public release of legal opinions that have been requested by the Council and rendered by the Office of the County Attorney;
(5) Hold an emergency meeting; and

(6) Authorize the employment of special counsel.

(b) Absence of Council Quorum. In the absence of a quorum during any official meeting of the Council, the Council shall:

(1) Recess its meeting to seek out a quorum; or

(2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) Committee. A physical majority of the membership of a Committee shall constitute a quorum, and the affirmative vote of a majority of the membership entitled to vote shall be necessary to take any action.

(d) Absence of a Committee Quorum. In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

(1) Recess its meeting to seek out a quorum; or

(2) Adjourn its meeting for lack of a quorum to a specified time and place.

RULE NO. 3
OFFICERS AND THEIR DUTIES

(a) Council Chair. The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the absence or disability of both the Chair and Vice Chair, the Chair of the Housing & Intergovernmental Relations Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Planning Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer to:

(1) Convene all meetings of the Council at the appointed time by functioning as the role of the Chair and calling the Council to order;

(2) Call for the approval of the minutes of the preceding meeting(s) when a quorum is present;

(3) Maintain order and proper decorum;
(4) Announce the business before the Council in the order prescribed by these rules;

(5) Receive and determine for disposition all matters properly brought before the Council, call for votes, and announce the results;

(6) Set the salary of the County Clerk in accordance with the applicable salary resolution;

(7) Make known all Rules of Order when so requested and decide all questions of order, subject to an appeal to the Council;

(8) Announce the result on any matter voted on by the Council, and in case of a tie vote, order that the matter be made the special order of the day at the next regular meeting;

(9) Act as the Council's liaison in dealing with the Office of the County Clerk; provide for the coordination of all administrative activities in the legislative branch, Office of the County Clerk, and Office of the County Auditor, to see that they are honestly, efficiently, and lawfully conducted; sign all instruments requiring execution or agreement by the Council; act as chief procurement officer of the legislative branch pursuant to Chapter 103D, Hawai'i Revised Statutes; and perform other duties as may be required by law, or as may properly pertain to such office;

(10) Approve Councilmembers' travel requests;

(11) Receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various governmental agencies or departments, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chair(s). All communications addressed to the Council shall be properly recorded and made available to the public upon request, except as otherwise provided by law; and

(12) Hold a Chair's meeting, as needed, with the Clerk or Council Services Staff, to informally discuss scheduling, operational, or procedural matters that are within the decision-making authority of the Chair and do not require Council approval.

(b) **Council Vice Chair.** It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair.
(c) **Committee Chair.** The Chair of each Committee may call any meetings or hearings of the Committee, and shall preside at such meetings or hearings. The Vice Chair of the Committee shall perform the duties of an absent Committee Chair.

(d) **County Clerk.** It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law, to:

1. Read bills, resolutions, and other matters to the Council, if so required;
2. Immediately forward to the proper parties all communications and other matters, either directly or through a Committee;
3. Deliver to the appropriate Committee all petitions, resolutions, bills, or other matters as may be duly referred to the Committee;
4. Note all points of order with the ruling thereon and append them to the minutes;
5. Make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates;
6. Have charge of and be responsible for all records of the Council;
7. Be responsible for the administration of the Office of the County Clerk;
8. Advertise digests of all bills passed on first reading in accordance with law;
9. Enter objections of the Mayor in the minutes of the Council on receipt of bills vetoed and place the objections related to bills on the agenda as directed by the Chair;
10. Certify ordinances;
11. Authenticate by signature all acts of the Council as may be required by law; and
(12) Serve in all matters as Clerk of the Council and to perform all clerical duties and offices pertaining to the position as the Council may direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or as properly pertain to the position.

RULE NO. 4
COMMITTEES

There shall be four (4) kinds of Committees, namely: (a) Standing Committees, (b) Joint Committees, (c) Sub-Committees, and (d) Special Advisory Committees.

(a) **Standing Committees.** There shall be seven (7) Standing Committees consisting of five (5) voting members and two (2) ex-officio members, except for the Committee of the Whole, which shall consist of seven (7) voting members. Ex-officio members of a Committee shall have a voice, but no vote, in all Committee proceedings, and are not counted in determining the number required for a quorum. Ex-officio members also shall not have a right to make or second motions. The purpose of the Standing Committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other matters referred to the Standing Committee by the Council.

1. **A Committee on Public Works & Veterans Services** consisting of five (5) voting members and two (2) ex-officio members. The Public Works & Veterans Services Committee shall consider matters relating to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, Veterans services, military issues, and legislation relating to the Committee.

2. **A Committee on Parks & Recreation / Transportation** consisting of five (5) voting members and two (2) ex-officio members. The Parks & Recreation / Transportation Committee shall consider matters relating to parks, beaches, recreational areas, stadiums, neighborhood centers, the Kaua'i War Memorial Convention Hall and its services, all recreational facilities, the Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, public transportation, and legislation relating to the Committee.

3. **A Committee on Planning** consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider matters relating to land use, the General Plan and related plans, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, the Department of Water, and legislation relating to the Committee.
(4) A Committee on Housing & Intergovernmental Relations consisting of five (5) voting members and two (2) ex-officio members. The Housing & Intergovernmental Relations Committee shall consider matters relating to housing, homelessness, the Hawai‘i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(5) A Committee on Public Safety & Human Services consisting of five (5) voting members and two (2) ex-officio members. The Public Safety & Human Services Committee shall consider matters relating to Police, Fire, the Office of the Prosecuting Attorney, the Kaua‘i Emergency Management Agency, Liquor Control, the Department of Human Resources, the Agency on Elderly Affairs, and legislation relating to the Committee.

(6) A Committee on Finance & Economic Development consisting of five (5) voting members and two (2) ex-officio members. The Finance & Economic Development Committee shall consider matters relating to finances, revenues, taxes, real property tax, economic development programs and initiatives relating to tourism, the visitor industry, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, other economic development areas, and legislation relating to the Committee.

(7) A Committee of the Whole consisting of all members of the Council. The Committee of the Whole shall consider matters relating to establishment of new Committees, policies of the Council, goals and objectives of the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving the Office of the County Auditor, the Office of the Mayor, appointments to boards and commissions, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.

(b) Joint Committees. The Council may, through motion duly adopted, refer items to Joint Committees. A referral shall be sufficient to establish a Joint Committee. Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first-named Standing Committee. Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.
(c) **Sub-Committees.** Sub-Committees shall report to a Standing Committee as required, serving until discharged after final reporting on the special matter referred to it.

(d) **Special Advisory Committees.** Special Advisory Committees may be created as needed by the Council.

(1) Special Advisory Committees shall consist of at least one (1) Councilmember and may include members from the private and nonprofit sectors, and representatives from other political subdivisions and other government agencies.

(2) Special Advisory Committees shall engage in fact-finding and evaluation of issues, and shall make recommendations to the Council. To avoid duplication, only one (1) Special Advisory Committee may be appointed to study and evaluate an issue.

(3) All communications from a Special Advisory Committee shall be made to the Council.

(4) Special Advisory Committees shall serve until discharged via motion by the Council.

(e) **Formation by Resolution.** Sub-Committees and Special Advisory Committees shall be established by resolution, which shall state:

(1) The purpose of the Committee;

(2) The members of the Committee;

(3) The Committee's scope of work; and

(4) The timetable by which the Committee will complete its work.

(f) **Committee Reports.** Committees shall report on all matters referred to them.

(1) Whenever any matter is referred to a Committee it shall be the duty of the Committee to make diligent inquiry into all of the facts as deemed necessary by the Committee and circumstances connected with the matter. If necessary, the County Attorney may be consulted, witnesses may be summoned and examined, and documents and records searched.
(2) The report of a Committee on a bill or resolution shall state clearly the amendments proposed, if any. If an amended bill or resolution is in place of the one referred to the Committee, the Committee shall agree with the subject of the one returned to the Council.

(3) Whenever a Committee fails to agree, the report of the majority of voting members shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, “I (or we) do not concur.”

RULE NO. 5
VOTING, ATTENDANCE, AND ABSENCE

(a) Voting Methods. There shall be four (4) methods of determining the decision of the Council or Committees regarding any matter:

(1) A call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken;

(2) Voice vote;

(3) Rising; and

(4) Unanimous consent.

(b) Silent Vote. Unless a member is formally excused or recused pursuant to Rule Nos. 5(c) or 5(d), respectively, the member's silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the minutes and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) Voting Required. No member shall refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Charter Section 20.04B and Rule No. 8 of these Rules. The member shall make full disclosure of the member's conflict of interest, shall not participate in the matter, shall leave the meeting room while the matter is being considered, and shall be deemed recused.

(d) Attendance. No member may be absent from a meeting of the Council or a Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting, and has been deemed excused by the respective Chair.
(e) **Council Absence or Recusal.** At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence or recusal of a member, the item shall be made the special order of the day at the next regular Council meeting.

(f) **Committee Absence or Recusal.** At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion, or if there are insufficient votes to carry any main motion because of the absence or recusal of a voting member, the item shall be referred to the next meeting of the Committee for disposition.

(g) **Explaining Vote; Changing Vote.** Whenever the ayes and noes are called, no one, without the unanimous consent of the members present, shall be permitted to explain their vote; and after the announcement of the result, no one shall be permitted to vote or to change their vote without unanimous consent of the members present.

**RULE NO. 6**

**MOTIONS**

(a) No motion may be considered until it has been seconded.

(b) After a motion is stated by the Presiding Officer, it is deemed in the possession of the body and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any issue is under discussion, the motions relative thereto shall be to:

1. Lay on the table (no debate);
2. Postpone or defer to a certain time (no debate);
3. Commit or refer;
4. Amend; or
5. Postpone indefinitely (no action may be taken on the issue at any subsequent meeting for the remainder of the calendar year).

The motions shall have precedence in the order named. The first two (2) motions shall be decided without debate and shall be put as soon as made.
(d) When any motion is decided in the negative, it shall not be revived at the same meeting relative to the main question under discussion. If all are negative, the only remaining question shall be the approval or receipt of the bill, resolution, or other main question. If a motion to approve a matter fails in Committee, the recommendation to the Council shall be to receive the matter. If a motion to receive a matter fails in Committee, the matter shall remain in Committee. An affirmative vote to recommend either receipt or approval of the matter shall be taken before the Committee makes its recommendation to the Council.

(e) When any matter before the Council or Committee is postponed or deferred to a certain time, the period of postponement or deferral shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than a total of five (5) minutes on the same agenda item. A member may not speak more than three times on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.

(g) Motion to Adjourn. A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) Call For The Question. The purpose of the motion to call for the question is to end debate. It shall always be in order and shall require a two-thirds vote of the members present to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) Reconsideration. When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider the motion. The motion for reconsideration shall take precedence over all other questions except a motion to adjourn; provided that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of twenty-four (24) hours.

(j) Point of Order. A point of order may be raised at any stage of the proceedings, except while a vote is being taken.

(1) When the Chair or any member believes the rules are being violated, the Chair or member may raise a point of order (or “raise a question of order”), thereby calling on the Chair for a ruling and enforcement of the rules. The question shall be ruled on by the Chair, without debate, subject to an appeal to the Council. In addition, the Chair may call for the judgment of the body on any point of order.
(2) When a member is called to order while speaking, that member shall be in possession of the floor after the point of order is decided, and may proceed with the matter under discussion within the parameters of the ruling made on the point of order.

RULE NO. 7
APPEAL

The Council or Committee may, by a majority vote, overrule the ruling of the Chair upon a motion of appeal that is duly seconded.

RULE NO. 8
DISCLOSURE OF INTEREST

Whenever a possible conflict of interest regarding any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to the body.

RULE NO. 9
GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS, MOTIONS, AND AMENDMENTS

(a) Introduction. Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer.

(b) Manager. Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of the legislation including the securing of all pertinent information regarding the matter.

(c) Placement on Agenda. All bills and resolutions shall be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated Presiding Officer as stated in Rule No. 3) in order to be placed on the agenda.

(d) Amendment of Bills and Resolutions. No bill or resolution may be amended so as to change its original purpose. Every bill or resolution, as amended, shall be in writing before final passage.

(e) Motions and Amendments. Motions and amendments may be verbal, but shall be reduced to writing if requested by the Presiding Officer, and shall be read by the County Clerk by request of any member.
(f) **Bill Readings.** Pursuant to the Charter, bills shall be passed only after two (2) readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers (4), or by at least five (5) Councilmembers when so required.

(g) **Resolution Readings.**

(1) Except as otherwise provided by the Charter, resolutions may be adopted on one (1) reading by the affirmative vote of a majority of the entire membership of the Council.

(2) **Eminent Domain Resolutions.** Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen (14) days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen (14) days before adoption by the Council. Copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen (14) days prior to the adoption thereof.

(h) **Full Readings Waived.** Full oral readings of bills and resolutions are waived and may be by title and/or number only unless a full reading is requested by any of the members present.

(i) **Publication of Bills.** Bills embracing: (1) the fixing of special assessments for the costs of improvements, (2) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven (7) days before final reading by the Council. Copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven (7) days prior to the final reading thereof.

(j) **Submission to Mayor.** Every bill, or resolution authorizing proceedings in eminent domain, which has passed the Council and which has been duly authenticated by the County Clerk and the Presiding Officer, shall be presented to the Mayor for approval. Thereafter, action shall be governed by the procedures set forth in Charter Section 4.03.

**RULE NO. 10**

**CERTIFICATES**

Certificates are non-legislative in nature and intended to recognize people or organizations for outstanding achievements, offer thanks, honor retirees, offer condolences, or support the observance of time periods in recognition of certain causes.
(a) Certificates are approved upon signing and require no other Council action.

(b) The sponsoring Councilmember(s) shall be responsible for securing the signatures of the other Councilmembers.

(c) Any conflicts such as sponsorship, duplicate requests, or whether the subject-matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council.

RULE NO. 11
TESTIMONY

(a) At a Council or Committee meeting, or at a public hearing, written or oral testimony shall be accepted.

(b) Written testimony. Written testimony shall be received for the record on any agenda item. The testifier shall provide fifteen (15) copies of the testimony to the Clerk for distribution to the Council and staff.

(c) Oral testimony.

(1) Persons wishing to testify are requested to register with the Clerk prior to the Chair calling the meeting to order.

(2) Testifiers are entitled to the floor only when recognized by the Chair.

(3) Testifiers may state their name and whom they represent, and shall disclose if they are a registered lobbyist, in compliance with Chapter 97, Hawai'i Revised Statutes. Registered lobbyists shall file the requisite forms with the Office of the County Clerk pursuant to Ordinance No. 999.

(4) Testifiers shall testify only on the subject-matter under consideration, shall refrain from questioning Councilmembers and staff, and shall direct any remarks or questions to the Chair.

(5) Persons with written testimony may be given priority at the discretion of the Chair.

(6) Oral testimony shall be limited to three (3) minutes per person. The Chair shall have the prerogative to set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of speaking time thirty (30) seconds before such expiration. The Chair may allow an additional three (3) minutes to provide further testimony after all persons have had an opportunity to speak.
(7) The Chair shall grant time to testify to persons who have not registered, following the registered testifiers, in same manner as registered testifiers.

(8) Testifiers shall restrict themselves to the issues and avoid discussion of personalities.

(9) The Chair may restrict or terminate a testifier's opportunity to speak for intemperate or abusive behavior or language.

(10) The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item made during their testimony, but Councilmembers shall not ask questions that give the testifier a greater opportunity to testify than others. Councilmembers shall not comment on testimony or testifiers during the testimony period.

RULE NO. 12
PUBLIC HEARINGS

(a) Committee Hearings. Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) Council Hearings. Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council, or by the respective Chair or Vice Chair of the Committee to which the matter has been referred.

(c) Action Following Public Hearings. Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations, or disposition.

(d) Location of Hearings. All public hearings of the Council or Committees shall be held in the Historic County Building, Līhu'e Civic Center, or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) Conduct of Public Hearings.

(1) Public hearings are held to receive testimony from the public. Councilmembers shall reserve their opinions, questions, and arguments for the appropriate Council or Committee meeting.

(2) The Council Chair or Committee Chair shall be the Presiding Officer and shall be responsible for conducting a fair, expeditious, and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.
RULE NO. 13
ORDER AND DECORUM

(a) No person may sit at the desk of the Presiding Officer of the Council or the County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer or any member is speaking, no one may entertain a private discourse, nor while a member is speaking shall anyone pass between that Councilmember and the Chair.

(c) When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding discussion of personalities.

(d) No unauthorized person shall enter the floor of the Council or Committee except by permission of the Presiding Officer.

RULE NO. 14
ORDER OF BUSINESS FOR COUNCIL MEETINGS

After roll call and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

(a) Consent calendar;
(b) Items made the special order of the day;
(c) Messages from the Mayor;
(d) Reports and communications from County officers;
(e) Reports and communications from non-County parties;
(f) Reports of Standing Committees;
(g) Reports of Other Committees;
(h) Introduction of bills and resolutions;
(i) Unfinished business;
(j) Order of the Day, including adoption of resolutions and second reading of bills;
(k) Miscellaneous business; and
(l) Public hearings may be held at the time set in previous meetings of the Council.
RULE NO. 15
AGENDA AND PRIORITY OF BUSINESS

(a) All communications submitted to the Council shall be time-stamped on receipt and presented to the Council Chair for disposition.

(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council’s agenda. All communications to be placed on the agenda shall be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two (2) weeks preceding the day of the regular or Committee meeting, unless otherwise allowed by the Council Chair.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be received without presentations, clarifying questions, or debate. All items on the consent calendar may be received by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any removed item shall be considered after the vote on the consent calendar. The Council Chair shall determine the appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with Chapter 92, Hawai‘i Revised Statutes. Notices and agendas for all regular, committee, special, and executive session meetings shall be posted on the County of Kaua‘i online calendar. Failure to post notices and agendas on the Kaua‘i County Council website shall not invalidate any action taken by the Council or its Committees if the notice or agenda was posted in accordance with Chapter 92, Hawai‘i Revised Statutes.

(e) Pursuant to Chapter 92, Hawai‘i Revised Statutes, neither the Council nor Committees shall change the agenda, once filed, by adding items without a two-thirds recorded vote of all members to which the body is entitled; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council Chair may direct that any matter shall be made a special order of business.

(g) All questions relating to the priority of business are to be acted on by the Council Chair or Committee Chair, and shall be decided without debate.

RULE NO. 16
MINUTES

(a) Pursuant to Section 92-9, Hawai‘i Revised Statutes, written minutes of all meetings and public hearings shall be kept.

(b) The written minutes shall provide a true reflection of the matters discussed and the views of the participants.
(c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.

(d) Upon approval of the written minutes, the recording may be erased.

RULE NO. 17
RESTRICTION ON EMPLOYMENT OF RELATIVES

(a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote, or advance; or advocate for the appointment, employment, promotion, or advancement; in or to an appointed, non-civil service position in the legislative branch of County government; any individual who is his or her relative or domestic partner, or is a relative of the public officer's domestic partner.

(b) For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A "relative of the public officer's domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of the public officer.

(d) For the purpose of this rule, "public officer" means members of the County Council, the County Clerk, and the County Auditor.

(e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

RULE NO. 18
COMMUNICATIONS WITH THE COUNTY ATTORNEY

Requests for legal opinions made by individual Councilmembers to the County Attorney shall be made in writing and signed by the Councilmember seeking the opinion. Opinions received pursuant to those requests shall be confidential communications between the Councilmember making the request and the County Attorney. If the subject-matter of the request has been placed on a Council or Committee agenda, the opinion received shall be circulated concurrently to all Councilmembers, but shall remain a confidential communication with regard to other parties.
RULE NO. 19
NEWS REPORTERS

News reporters wishing to take notes of the business of the Council may be located in a designated area determined by the Presiding Officer without interfering with the business of the Council or its Committees. Requests to film the Council proceedings with the use of video or still photography shall be submitted to the Office of the County Clerk in writing within five (5) days prior to the meeting.

RULE NO. 20
NEW RULES AND AMENDMENTS

No rule of the Council may be altered or rescinded, nor may any new rule be adopted, without the affirmative vote of at least four (4) Councilmembers. All amendments shall be by resolution.

RULE NO. 21
SUSPENSION OF THE RULES

None of these rules may be suspended, except by the affirmative vote of at least five (5) Councilmembers.

RULE NO. 22
WHEN RULES ARE SILENT

The rules of parliamentary practice as set forth by the current edition of “Robert’s Rules of Order, Newly Revised” shall govern the Council where not inconsistent with these rules.