

INAUGURAL MEETING

DECEMBER 3, 2018

The Inaugural Meeting of the Council of the County of Kaua'i was called to order by Chair *Pro Tem* Derek S.K. Kawakami, at the Kaua'i War Memorial Convention Hall, Lihu'e, Kaua'i, on Monday, December 3, 2018 at 12:01 p.m.

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

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

Mayor Kawakami: Madam Clerk, please call the roll.

The following Members answered the call of the roll:

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

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

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

APPROVAL OF AGENDA.

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

PUBLIC TESTIMONY.

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

Mayor Kawakami: During this Inaugural Meeting, we will be taking all public testimony at the beginning of the meeting. Each speaker will have

three (3) minutes for each agenda item, should they wish to use this time. Please specify which agenda item you are speaking on when giving testimony. Madam Clerk, is there anyone signed up to speak during the Public Testimony period?

Ms. Fountain-Tanigawa: Yes, we do have registered speakers. The first registered speaker is Richard Hoepfner, followed by Anne Thurston.

Mayor Kawakami: The rules are suspended.

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

RICHARD HOEPPNER: Councilmembers, thank you very much. There has been a lot of information obtained from our good newspaper, and it appears that the many selections have been made behind closed doors. References have been made about Councilmember Kaneshiro recusing himself on issues concerning Grove Farm. This, in itself, is reason enough for Councilmember Kaneshiro to recuse himself for any consideration to become Council Chair. Thank you very much.

Mayor Kawakami: Madam Clerk, next speaker.

Ms. Fountain-Tanigawa: Anne Thurston, followed by Sylvia Partridge.

ANNE THURSTON: Thank you, Mr. Chairman. We have come out today in quite a large number because we want to wish you very well over the next two (2) years, to thank you for your service and the willingness to serve with us, and to recognize that this small island will only flourish if we can find new ways to support one another and new ways of working together. The challenge is to find solutions to major issues that will inevitably affect all of us, including climate change, housing, infrastructure, water resources, and traffic. What we ask for is openness, transparency, and accountability. I believe that the days of promoting special interests must give way to conserve the whole of the island's population. It is time for genuine leadership. As a sign that a special interest will not dominate over the next two (2) years and to avoid risks that the Council will be divided, let us draw upon the reason of our host culture even as we recognize the contributions of the business community. I ask you to vote today for co-chairmanship of the Council by Arryl Kaneshiro and Mason Chock. Thank you.

Mayor Kawakami: Thank you. Next speaker, please.

Ms. Fountain-Tanigawa: Sylvia Partridge, followed by Ken Taylor.

SYLVIA PARTRIDGE: *Aloha.* Thank you for your service to Kaua'i. I just wanted to express a preference to have Mason Chock as the Chair of the Council. I feel that in order to balance the interests of citizens—like myself, just ordinary, individual citizens—and our environment with the interest of large

corporations that it would be the best thing to have Mason as our Chair. Thank you for your consideration of that thought.

Mayor Kawakami: Thank you for your testimony. Next speaker, please.

Ms. Fountain-Tanigawa: Ken Taylor, followed by Lonnie Sykos.

KEN TAYLOR: Mayor and Council, Ken Taylor. First of all, I want to congratulate each and every one of you for being elected or re-elected for another two-year term to serve the community. I think it is a very nice gesture on your part to give your time to the community. I also appreciate having this legitimate meeting, and not what I believe was an illegal meeting like last Monday. I think you have a couple of years to do a lot of good work for the community. I am looking forward to working with you. On behalf of the community as well, I think it is really important to know and understand that when you make decisions that the decision should be made for the majority of the community, not a single group or a small community group, as your decision should always be weighed as to how this decision makes for the most of all of the people on the island. I think that is really important to know and understand and keep in mind as we look forward to the next two (2) years. Also, on the rules and regulations that govern the Council, there is one thing that I would like to see added next is a fifteen-minute period at the beginning of the meeting that the public can bring up any issue that relates to what you folks deal with and the purpose of this is to be able to raise an issue in a public meeting that is televised for the people that are not in the room that do not have an opportunity to see the issues that are being raised. It does not require any answers from any of you, so it is not a violation of the Sunshine Law and it just gives the person in the community...for instance, if somebody lives on a dead-end street that is not well-traveled and there is a big pothole that seems to be neglected; somebody can come and bring that to your attention as one example where that could be. I think that is really important. I thought the other day when I was reading through here that it talked about a five-day notice if you wanted to take a picture or video of a meeting.

Mayor Kawakami: Excuse me, Mr. Taylor, that is your three (3) minutes.

Mr. Taylor: What?

Mayor Kawakami: That is your three (3) minutes. Thank you for your testimony.

Mr. Taylor: Do I not have three (3) minutes for the other items?

Mayor Kawakami: We are giving the public three (3) minutes to testify.

Mr. Taylor: I have three (3) minutes for the first item and three (3) minutes for the second item.

Mayor Kawakami: Mr. Taylor, we are giving you three (3) minutes. Go ahead, Mr. Taylor.

Mr. Taylor: Thank you.

Mayor Kawakami: Please clarify the next item that you are testifying on.

Mr. Taylor: What?

Mayor Kawakami: What is the next item that you are testifying on?

Mr. Taylor: The second item that I wanted to talk about was the rules and regulations that govern the Council. In here, it talks about having to make a five-day notice in order to take a picture or video of a meeting or a section of a meeting and I think that is wrong. This is a public meeting. You are there to carry on public work. You do not relinquish our efforts because we elect you to do the hard work and I think it is only fair to allow any member from the community some photograph or video, provided they are not interrupting the meeting. They are off to the backside taking a picture, video camera, or whatever, quietly, and I do not see any reason for a five-day notice on that. It does not really say what happens or if it is automatically approved for a five-day request or put a request in for taping with a video camera for the next six (6) months if you are there every week. Is that accepted? That is my request to require five (5) days. Anyway, those are the issues. Again, congratulations. Thank you for your time. I am looking forward to the next two (2) years of good, hard work. Thank you.

Mayor Kawakami: Thank you, Mr. Taylor. Madam Clerk, next speaker.

Ms. Fountain-Tanigawa: Lonnie Sykos, followed by Anne Walton.

LONNIE SYKOS: Good afternoon, Mayor and the Council. For the record, Lonnie Sykos. Right now, I would like to address the appointment of the Council Chair. It has been contentious in the public. I see no reason why the Council should not talk to the members. The incoming members of the Council should not have met in private to discuss the business that we are here today for. Our law allows for that and common sense says that you have to talk to each other sooner or later about how to make these decisions. What I would like to comment on is the matter of ethics and conflict of interest. So for the public—who I am always amazed at how little many people understand their civics, rights, and their responsibilities as a

citizen—ethics violations, if they occur, are civil and criminal matters. The point of having an ethic’s rulings is to prevent that from occurring, so the public does not have to demonstrate that there is a conflict of interest; it is whether or not the facts on face raise the possibility of conflict of interest. I really like Arryl. He is a really sharp guy. If I was in business, I would certainly be interested in hiring him, but he does have an inherent conflict of interest. So how that is to be addressed by the Council remains to be seen. There was a letter in today’s newspaper talking for a co-council, which to me, is absurd, but even to give it its due credence, the Charter does not allow us to have a co-council. So today, you will be selecting your Council Chairman and I hope that it is Mr. Chock, but I would be fully supportive of whoever it is. Thank you.

Mayor Kawakami: Thank you, Mr. Sykos. Next speaker, please.

Ms. Fountain-Tanigawa: The next speaker is Anne Walton, followed by Sandra Herndon.

ANNE WALTON: *Aloha*, Mayor and Councilmembers. Congratulations to each of you who has been elected to the County Council. To those of you who are new to the County Council, and who worked so hard on the campaign trail, thank you for your willingness to run for all of your personal sacrifices. With this new 2018-2020 County Council, many of us are hoping for a less divided Council than we have experienced over the last several terms, that the barrier between us and them will be breached, that we will have a Council that moves away from a factual approach to addressing issues, to one of collaboration, finding common ground on a number of different interests, and working towards solutions to our most challenging issues. Then for every discussion, proposal, or decision brought before the Council, each one of you will have a contribution to the problem-solving task at hand, that you will show willingness to find a way forward, rather than positioning yourself based on what you think of another Councilmember or whether they are in your camp or not, where instead of an automatic “yes” or “no” response to new ideas, the common response becomes, “That is an interesting idea, tell us more,” or “I have an idea of how we could make this even better,” for mutual respect out of your decision-making. We also need a Council that reaches out and embraces input from the community, realizing that you are serving at the pleasure of all community members, not just your own base and interest groups. We encourage you to acknowledge and make use of the fact that there is a lot of technical expertise, traditional knowledge, and creative thinkers all around this island, many willing and able to work with the Council on our most challenging issues. The time has come for you to really listen to and embrace the wisdom of the community and make us a part of your process and to please let us know that we are actually being heard. As you begin your term as the new Council, this has been a disappointing start, if not, an unlawful one; however, there is still time to make a course correction. One way is by building a bridge between previous factions within the Council; to not stack the leadership of the Council with two (2) people who have a history of voting as part of a block; to bring more diversity into the leadership by creating a different kind of excellent leadership and making room in your thinking for new accommodations like

Mason and Arryl, Felicia, KipuKai, or even Luke and Ross. What if today you actually had a discussion about these new possibilities instead of just taking a pro forma vote on that which has already been negotiated and decided behind closed doors? What if today is the day and you take the time to do it right, to consider all possible combinations for Council leadership while also honoring the interest of the community, including us in the process? We have already spoken through the paper, through testimony, and a poll taken by *The Garden Island* on the preferred chair. Now we want to know if we have been heard. Thank you. Just as a footnote to Felicia, as we have seen in the past, how even the strongest of women have been disrespected on the Council. I stand with many other women and I assure men as well, that you will not sit on the Council unsupported. Thank you all.

Mayor Kawakami: Thank you for your testimony. Next speaker, please.

Ms. Fountain-Tanigawa: The next speaker is Sandra Herndon, followed by Marj Dente.

SANDRA HERNDON: Good afternoon, Mayor and Council. First of all, congratulations to all of you. I know some of you worked really, really hard to sit in this position today and I honor and appreciate all of the work that went in to reaching out to the entire County, not just parts of it, but working for all of the people. I hope that is the tone that is made with this Council as it moves forward into the many, many decisions that our County is facing. I reiterate the concern about conflict of interest. I understand that this is a brand-new moment right now and that what has gone on in the past, is the past, and that you have the opportunity right here, right now, to look into a new direction. I ask you to please do that to consider that it takes someone who is naturally building bridges as the way they live their life, reaching out, and not speaking for particular interests, special interests. I also would like to recommend that Councilmember Mason Chock be your leader for the Council. Thank you sincerely, from the bottom of my heart, for taking a moment to consider that. *Aloha*.

Mayor Kawakami: Thank you. Next speaker, please.

Ms. Fountain-Tanigawa: The next speaker is Marj Dente, followed by Paul Massey.

MARJ DENTE: Good morning and *aloha* and *aloha* to all the people who have come here to witness this great event. We are on the brink of a faster technology system than any of us can ever imagine, and because of that, we are going to be watching you more closely than ever before. I am sure you are aware of that and take that into consideration of the rules of the Charter and our State Constitution. The Sunshine Law was not invented just in some crazy thing—it is one of the most important laws that we have in the entire United States. Secrecy and corruption cannot further occur here. Secrecy and corruption cannot further be

accepted as *pono* here on Kaua‘i. Too many things have been swept under the rug for too long. That is corruption. I, as a taxpayer for almost thirty (30) years, will not stand for that any longer, by the new Council or staff departmental heads that got sworn-in earlier. It has to stop. We are in a new era of integrity. Just look at our national government—are we putting up with that? Why are we putting up with that kind of behavior? We have to stop here on Kaua‘i. We cannot continue our federal behavior. Arryl, I really like you, you are from a legacy family and I know your family, but boy, you have a big platter on your plate. You not only have a full-time job, you have a full-time family, and a full-time responsibility as Chair. I do not know how you are going to manage everything. That is why I present to you to appoint Mason Chock as co-chair. He can help you. You are going to need his help, not Ross Kagawa. Good luck to you and good luck to all of you. Thank you all for running for office. It is an admiral thing to do. Thank you, Mayor, for being our Mayor. I look forward to working with you peacefully. Thank you.

Mayor Kawakami: Thank you for your testimony. Madam Clerk, next registered speaker.

Ms. Fountain-Tanigawa: The last registered speaker is Paul Massey.

PAUL MASSEY: *Aloha*, Mayor and Council. Thank you for hearing our testimony today. I am a twenty-year resident of Kīlauea and twenty (20) years on Kaua‘i. So I was not here for the hurricanes, but I was here for the hurricane that was Bill No. 2491, the pesticide bill, and it broke our community apart, and unlike Hurricane ‘Iniki, which brought the community together, we are still feeling this pain, this separation, and we hope that can be healed, we know that can be healed. I think there was a brilliant suggestion that in either a co-chair situation or a chair and a co-chair situation, Mason Chock and Arryl Kaneshiro can come together to help lead the Council and that could help to bring our whole community together, something we need so much. I want to make an invitation to you—if you are making a different choice than this unity when you cast your vote today, I invite you to simply explain to us and the community why you are making a different choice. We just want to know what you are thinking and how you feel about this sense of unity that could come together. Thank you so much.

Mayor Kawakami: Thank you for your testimony. That is the end of people that have signed up for public testimony. Does any member of the public want to testify on any agenda item? Seeing none, the public testimony is closed. Madam Clerk, can we go to the next item on the agenda?

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

APPOINTMENT OF THE COUNCIL CHAIRPERSON.

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

Councilmember Kualii nominated Arryl Kaneshiro as Council Chairperson, seconded by Councilmember Brun.

Mayor Kawakami: Are there any further nominations? If not, nominations are now closed. Is there any discussion? Seeing none, can I please get a roll call vote for the appointment of Councilmember Arryl Kaneshiro as Council Chair?

The motion to nominate Arryl Kaneshiro as Council Chairperson was then put, and carried by the following vote:

FOR MOTION:	Brun, Evslin, Kagawa, Kaneshiro, Kualii	TOTAL – 5,
AGAINST MOTION:	Chock, Cowden	TOTAL – 2,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Mayor Kawakami: Congratulations.

Mayor Kawakami, the Chair *Pro Tem*, relinquished Chairmanship to Arryl Kaneshiro.

(Mayor Kawakami was noted as not present.)

APPOINTMENT OF THE COUNCIL VICE CHAIRPERSON.

Council Chair Kaneshiro: The floor is now open for nominations for Council Vice Chairperson.

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

Council Chair Kaneshiro: Are there any further nominations? If not, nominations are now closed. Is there any further discussion? May I please get a roll call vote on the appointment of Councilmember Ross Kagawa as Council Vice Chair?

The motion to nominate Ross Kagawa as Council Vice Chairperson was then put, and carried by the following vote:

FOR MOTION:	Brun, Kagawa, Kualii, Kaneshiro,	TOTAL – 4,
AGAINST MOTION:	Chock, Cowden, Evslin	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Four (4) ayes.

Council Chair Kaneshiro: Councilmember Kagawa is elected as Council Vice Chair. Clerk, can we have the next item?

RESOLUTIONS:

Resolution No. 2019-01 – RESOLUTION APPOINTING THE COUNTY CLERK OF THE COUNTY OF KAUA'I: Councilmember Chock moved for adoption of Resolution No. 2019-01, seconded by Councilmember Brun.

Council Chair Kaneshiro: It has been moved and seconded to approve Resolution No. 2019-01, which appoints Jade K. Fountain-Tanigawa as the County Clerk for the term commencing December 3, 2018. Is there any discussion? If not, roll call vote.

The motion for adoption of Resolution No. 2019-01 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: Motion passes. Resolution No. 2019-01 is approved. The County Clerk has also submitted a Communication which will be addressed later, appointing Scott K. Sato as the Deputy County Clerk. The Chair will now call for a recess for the swearing-in of our County Clerk and Deputy County Clerk.

There being no objections, the meeting recessed at 12:30 p.m.

The meeting reconvened at 12:31 p.m., and proceeded as follows:

Council Chair Kaneshiro: We are back from recess. Clerk, could you read the next item please?

Resolution No. 2019-02 – RESOLUTION ADOPTING THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS: Councilmember Kagawa moved for adoption of Resolution No. 2019-02, seconded by Councilmember Cowden.

Council Chair Kaneshiro: It has been moved and seconded to approve Resolution No. 2019-02, which are the Council Rules that the Council will follow for this term. Is there any discussion? If not, roll call vote, please.

The motion for adoption of Resolution No. 2019-02 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: Resolution No. 2019-02 is approved. Clerk, next item, please.

Resolution No. 2019-03 – RESOLUTION RELATING TO THE APPOINTMENT OF THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUAI: Councilmember Kualii moved for adoption of Resolution No. 2019-03, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: It has been moved and seconded to approve Resolution No. 2019-03, which provides the Committee structure, Chairs, Vice Chairs, and members of each of the Council’s Committees for this term. Is there any discussion? If not, roll call vote.

The motion for adoption of Resolution No. 2019-03 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: Resolution No. 2019-03 is approved. Clerk, next item, please.

COMMUNICATIONS:

C 2019-01 Communication (11/27/2018) from the County Clerk-Designee submitting for Council informational purposes, the re-appointment of Scott K. Sato as the Deputy County Clerk: Councilmember Evslin moved to receive C 2019-01 for the record, seconded by Councilmember Brun.

Council Chair Kaneshiro: It has been moved and seconded to receive Communication C 2019-01 for the record. Is there any discussion?

The motion to receive C 2019-01 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Seeing no objection, motion carries. Clerk, please read our last item.

C 2019-02 Communication (11/26/2018) from Mayor-Elect Derek S.K. Kawakami, submitting for Council confirmation, the appointment of Matthew Martel Bracken as the County Attorney: Councilmember Brun moved to approve C 2019-02, seconded by Councilmember Kualii.

Council Chair Kaneshiro: It has been moved and seconded to approve the appointment of Matthew Bracken as the County Attorney. Any discussion? If not, Clerk, can I get a roll call vote?

The motion to approve C 2019-02 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: Motion carried. There being no further business and hearing no objections, this meeting stands adjourned.

ADJOURNMENT:

There being no further business, the Council Meeting adjourned at 12:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal flourish extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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