

SPECIAL EMERGENCY COUNCIL MEETING

JANUARY 18, 2024

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Thursday, January 18, 2024, at 2:38 p.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Ross Kagawa
Honorable KipuKai Kuali'i
Honorable Mel Rapozo

(Note: No one from the public testified on any agenda item via oral testimony via the Zoom remote technology platform.)

Council Chair Rapozo: Before we consider the motion to approve the agenda, I want to give us an overview of why we are here today because this is highly uncommon. In fact, I think I may have been involved, in all my years, may have been involved in one (1) special council meeting and it was because of a hurricane or some disaster. The purpose of this is Sunshine Law requires us to give six (6) days' notice before we have a meeting. Well, on January 16th, I was on O'ahu at the time for a meeting, Councilmember DeCosta received what I believe is a credible threat in the way of a letter or poster or big paper with a threat. Councilmember DeCosta found it on January 16th at 2:00 p.m., we do not know when it was put in there or we do not know by who. I consider this a credible threat because of what was on it. There is an active Kaua'i Police Department (KPD) investigation currently. There is also an active Federal Bureau of Investigation (FBI), as well as a Fusion Center investigation, which is Homeland Security at the State level. I take this very seriously because it is a breach of security. I believe in transparency; I believe in open government. One of my first directives to the County Clerk when I took office last December, was to open this building. This building was closed. One of my first directives to the County Clerk was to open the building, because I believe the people should be here, but because of what has occurred, and we are not going to get into specifics here, we will in Executive Session, is that I am not comfortable with an open building. I am not comfortable not just because of Councilmember DeCosta and the other councilmembers, more about our staff. I do not know who this person is, I do not know how he got in, and it scares me that someone can come in and make that threat. I am concerned about our employees' safety. The reason for this discussion is because I am going to propose some changes that will happen in this office until this matter gets resolved. That is the purpose of this meeting, in open session. In Executive Session, I can tell you that I, as the Council Chair, will initiate an internal investigation to see how this has happened and what can be done to prevent this from

happening again. By law, we need five (5) votes to even have this meeting, to discuss the proposals that I have. With that, I will entertain a motion to approve the agenda.

APPROVAL OF AGENDA (Council approval of this agenda constitutes Councilmembers' agreement that the findings are correct and an emergency exists).

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

Council Chair Rapozo: When I received a call yesterday, I asked the County Clerk to lock all the doors and start the process of getting security here. My plan is to have this building secure until we get to the bottom of this. Sign-in sheets for everyone entering the building, even if you are coming in to use the restroom. We will know who comes in and out of this building going forward, until we resolve this issue. The way this building is set up, and some of you may know, we have our, what we call our "common areas"—the lobby, conference rooms that we all share, we also have secured areas, such as where our staff is, the Records Division is, and we have secured areas downstairs where four (4) of the councilmembers have their offices, in addition to other staff members, those are all secured areas that the public has absolutely no reason to be in. Effective immediately no unauthorized people will be allowed in secured areas, in other words all meetings that we schedule will be done in conference rooms, not in the secured areas, until we figure out how this occurred. We are working on getting full-time security personnel in our building from 7:45 a.m. to 4:30 p.m. daily. Not a roving patrol person, no. We are going to have someone present that will be monitoring who comes in and who leaves, making sure everyone signs in. Some may think I am overacting and maybe I am, but you know what, we hear about it all the time. We do not know what is on the minds of these people that are not happy or could be suffering from mental illness, and I am not going to take that chance. A little bit of an inconvenience, for a short time until we can figure out how this occurred, and then we will take the appropriate action. Is there any discussion or any comments? Is there anyone in the public wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for approval of the agenda, as circulated, was then put, and carried by the following vote:

FOR APPROVAL:	Bulosan, Carvalho, Cowden, DeCosta,	
	Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

CONSENT CALENDAR:

C 2024-17 Communication (01/17/2024) from the County Attorney, requesting on behalf of Council, for an emergency meeting as an imminent peril to the public health and safety exists. Specifically, a threat was made against a Councilmember that affects the safety of all councilmembers, supporting staff, and the public.

Councilmember Kagawa moved to receive C 2024-17 for the record, seconded by Councilmember Kualii.

Council Chair Rapozo: I will just reiterate what I just stated, I think while transparency, accessibility, open government, open offices is cool, and very important, I believe that the safety of our staff is paramount to anything. I am asking for some patience and some understanding of the constituents that do come to this building. There may be an extra step, you will need to sign-in, but I am not going to allow any threat to happen over here to our staff, to our councilmembers, to our custodians, to anyone in this building—I take this very seriously and we will get to the bottom of it. Are there any comments? No comments.

Councilmember Kualii: I appreciate your actions, Chair. I think this is a serious matter and so I support you.

Councilmember Carvalho: I support the effort, the purpose, and the reason. I want to move forward and make sure we can address this.

Council Chair Rapozo: Thank you. With that, the motion is to receive.

The motion to receive C 2024-17 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Can you read us into Executive Session?

EXECUTIVE SESSION:

ES-1117 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-8, 92-5(a)(4), 92-5(a)(6), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney on behalf of Council requests an Executive Session to discuss an imminent threat made against a councilmember that affects the safety of all councilmembers, supporting staff, and the public. This consultation involves consideration of sensitive matters related to public safety and security.

Councilmember Kagawa moved to convene in Executive Session for ES-1117, seconded by Councilmember Kualii.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none. Roll call.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to convene in Executive Session for ES-1117 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, DeCosta Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: We will reconvene in Executive Session Chambers and then upon completion, we will be out here of the adjournment.

There being no objections, the Council recessed at 2:47 p.m. to convene in Executive Session.

The meeting reconvened at 3:52 p.m., and proceeded as follows:

Council Chair Rapozo: Mr. Matt Bracken.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. In regard to ES-1117, everything that was already said in open session is what can be disclosed at this point, as there is an active investigation. Everything else will remain confidential.

Council Chair Rapozo: Thank you. Let me make it easy for the media, there are active criminal investigations going on at the moment. As I have instructed or advised our councilmembers, any inquiries from the media, we will have no comment because of the active investigation. If anyone has any questions, feel free to call our office and I will address all questions.

ADJOURNMENT.

There being no further business, the Special Emergency Council Meeting adjourned at 3:53 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc