

## SPECIAL MEETING

JULY 7, 2008

The Special Meeting of the Council of the County of Kaua'i was called to order by the Council Chair at the Council Chambers, Historic County Building, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Monday, July 7, 2008, at 9:07 a.m., after which the following members answered the call of the roll:

Honorable Bill "Kaipo" Asing, Council Chair  
Honorable Tim Bynum  
Honorable Jay Furfaro  
Honorable Shaylene Iseri-Carvalho  
Honorable Ronald Kouchi  
Honorable Mel Rapozo  
Honorable JoAnn A. Yukimura

Pursuant to Section 7.07A of the Kaua'i County Charter, as amended, the purpose of this Special Council meeting is to select, by majority vote, one of the members of the Kaua'i County Council to serve as Mayor until December 1, 2008.

### APPROVAL OF AGENDA.

Mr. Rapozo moved to approve the agenda as circulated, seconded by Ms. Iseri-Carvalho.

Ms. Yukimura: Mr. Chair, which agenda is it?

Mr. Nakamura: The special council meeting agenda for today.

Council Chair Asing: Do you have a copy of the agenda?

Ms. Yukimura: Okay, thank you.

Council Chair Asing: Does the public have a copy of the agenda? You want a copy of the agenda? There is only one item, but staff, can you have the agenda passed out to the public?

The motion to approve the agenda was then put, and unanimously carried.

Council Chair Asing: With that, what I'd like to do is explain the purpose of the meeting and the process to be followed. The purpose of today's special council meeting is, according to Section 7.07A of the County Charter, it reads, in the event of a vacancy in the office of the mayor, the council shall select by majority vote one

of its members as mayor to serve until the next general election an assumption of the office in December by the person elected mayor. I am reading straight from the County Charter. The agenda for this meeting is not posted to allow for discussion on filling the vacancy on the council creating...created by selecting the councilmember to serve as mayor. That is not up for discussion today; it is simply the selection process that we are here for.

The process will be: the chair will entertain nominations from councilmembers one name at a time. All nominations must be seconded. After a nomination and a second, there will be council discussion on the nomination. After council discussion, the chair will ask for a roll call vote. If the first nomination receives four (4) votes, the selection will then have been completed. If the first nomination does not receive four (4) votes, the chair will entertain nominations for a second time. So that is the process that will be followed today.

With that, I am going to open it up for public discussion first for public comments. The rules are the normal rules that we have. Speakers will be allowed three (3) minutes. With that, I'd like to open it up to the public for any comments you may have.

Mr. Furfaro: Mr. Chair, may I just raise one question before we open it to the public?

Council Chair Asing: Sure.

Mr. Furfaro: I know today's agenda is very limited, so I would like to raise just one question of clarification on the business that we do today, and that will deal with because we are only dealing with the vacancy, could the county attorney just explain to me, as it says in the charter, when we fill that vacancy, when does the clock start for the purpose of filling the vacancy of the person we choose? That's the only question I would like to get clarification on.

Council Chair Asing: Okay thank you. With that, County Attorney please?

There being no objections, the rules were suspended.

Mr. Furfaro: And more specifically, does that...does the clock start with our vote, or does the clock start with that individual's resignation from the council?

Council Chair Asing: I believe it's the... Well, I'm not the attorney, so I'm going to let the County Attorney...

Mr. Furfaro: But thank you for giving me that opportunity to get that question answered.

HARRISON KAWATE, DEPUTY COUNTY ATTORNEY: Good morning everybody, Council Chair, Councilmembers. Harrison Kawate, Deputy County Attorney. Just so I'm clear, could you restate your question?

Mr. Furfaro: Yes. Since today's agenda that was read is really focusing on the selection of the mayor from one of the council members, there is in the charter a requirement that says, to fill the vacancy created by our choosing one of us to serve, on that particular piece there is a timeframe. The charter says that vacancy should be filled within 30 days. I just want to know, does the clock start when we choose an individual today, or does the clock start when that person resigns and creates the vacancy from the council.

Mr. Kawate: The general rule is when you resign you create the vacancy.

Mr. Furfaro: So it would be with the resignation.

Mr. Kawate: That's the general rule.

Mr. Furfaro: I don't know if it's not agendaed for Wednesday, so I don't believe it'd be appropriate for Wednesday's business. But if the individual doesn't resign from his position, then it is...he has not...and he has not taken the oath and accepted the position of the mayor, then he has not left his position as a...he or she has not left the position as council chair...councilmember.

Ms. Yukimura: I think people can't hear.

Council Chair Asing: You want to pull the mike a little closer?

Mr. Kawate: Not really.

Council Chair Asing: Please.

Mr. Kawate: I need a bull horn, excuse me. The general rule is when the councilmember is appointed by the nomination process here, that person is still a councilmember until that person accepts the appointment, and the acceptance of the appointment is generally when...upon taking of the oath. And in order to create a vacancy, the councilmember would resign initially, and then take the appointment by taking the oath presumably on the same day. So there is no vacancy...generally speaking, there is no vacancy until the councilmember resigns from his or her position as a councilmember.

Mr. Furfaro: Thank you very much.

Council Chair Asing: Thank you.

Ms. Iseri-Carvalho: And so will it be simply... The question I would have would be, if the person resigns and there is not an oath of office...taken for the new position, the mayor, when would that be effective? On the oath of office or upon resignation? Does there have to be a formal recognition of that position in order for it to become effective?

Mr. Kawate: You're talking about the vacancy in the council?

Ms. Iseri-Carvalho: No. When a person...when the council person resigns from the council...

Mr. Kawate: That's when the vacancy begins.

Ms. Iseri-Carvalho: The vacancy exists at that point...

Mr. Kawate: Correct.

Ms. Iseri-Carvalho: But does that person become mayor at that point, or is there a formal process that has to take place in order for that to occur.

Mr. Kawate: Generally, the mayor is...would be required to take an oath of office prior to taking the office. So absent...generally speaking, taking the oath of office, the individual has not accepted the office of the mayor.

Ms. Iseri-Carvalho: And is there any timeframe that is set for that person to take office?

Mr. Kawate: The Charter is silent with regard to any timeframe for this body to act, and therefore, it would not...it would be... There is no timeframe therefore for the individual to accept the office if the person would want to accept the office by taking the oath of mayor.

Ms. Iseri-Carvalho: Alright. Thank you Mr. Kawate.

Council Chair Asing: Thank you. I'd like to call the meeting back to order now... Okay, the rules are suspended. Anyone from the public wants to speak? Going once, going twice...I'll do it even three times.

MARGE DENTE: Good morning ladies and gentlemen. Thank you ladies and gentlemen, and thank you for having this meeting for us to participate. I would like to acknowledge all of you as being really total servants to this county, and appreciate all and respect all that you have done for us in the previous years, and particularly your Chair who has been here probably longer than anyone, thank you very much. It's a huge responsibility, as is our next mayor's position, who conceivably could be in this position for 10 years if this person is appointed today

and then runs for the office in November, and then could be re-elected again. Ten-year term. This is really important time for Kaua'i, and demands everybody's consideration, considering my point. At this time, I would like to recommend JoAnn Yukimura. She has been mayor before, and even with a terrible hurricane during her administration, she was able to administer very carefully, very selectfully, and with the island completely in her hands at a very tender time. She really executed a lot of stuff, which I can't name now, but I do remember when she was mayor, she really pulled a lot of stuff off, including starting our bus service. She was really responsive to that at that time a long time ago, and it happened, and look how wonderful it is for us.

One of the big things I appreciate about JoAnn is that she listens and carefully considers new ideas that come up that this county must address. The other thing I appreciate about her is that she takes care of her health. This is a really important issue for this county. Sadly we just lost a person who did not have very good health, and I'm looking at you folks and I'm looking at JoAnn; she is a very valuable in more ways than one candidate for this office, and I would hopefully consider that you will consider electing her for the position. Thank you.

Mr. Furfaro: I don't recall her introducing herself for her testimony.

Mr. Nakamura: For the record...

Mr. Furfaro: But you need to do that for the record.

Ms. Dente: My name is Marge Dente, and I live in the Waipouli ahupua'a.

Council Chair Asing: Thank you. Is there anyone else?

ROB ABREU: My name is Rob Abreu, Wailua Homesteads. From myself reading the County Charter, in my interpretation accepts you seven (7) members appoint a mayor by a four...by a majority vote. It doesn't say that person has to accept it. That person's appointed. As the oath for the county council, you seven (7) members knew this was a possibility. So you guys appoint a mayor. If that person...that person immediately comes mayor when you guys vote that four (4) or more majority...the four (4) majority. The person would have to resign from the mayor's office at that point. It's clear cut in the...there's nothing about the person accepting it, there's nothing about the person resigning from the council. In that whole article, it says you guys appoint the mayor by a majority vote. That's it. That person immediately becomes mayor. If he doesn't want the position, then they have to resign from mayor...and then you guys need to go through the process again by a majority vote, then you would need four (4) members to vote. If that one doesn't want it...that's my interpretation. It doesn't say anything about that

person...you know, because you guys already took an oath of office to fulfill the duties of the council person. This is a duty of the council person. It's my opinion.

Council Chair Asing: Thank you. Is there anyone else who wants to speak? Going once, going twice, I'll do it three times again. Nobody wants to speak. Thank you very much. I'd like to call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Ms. Yukimura: Mr. Chair?

Council Chair Asing: With that, Councilmember Yukimura.

Ms. Yukimura: Thank you. First of all, I want to thank Ms. Dente for her gracious comments, which were totally unexpected. But I'd like to make one thing clear—it makes it more important that I do. It is my intention to run for mayor in the special election that will determine who will complete the remaining two (2) years of Mayor Baptiste's term, and I feel it would be inappropriate to present myself as a candidate for the interim appointment of mayor, the position which would serve until December 1 of this year. The public deserves someone who can focus on running the county well for the next four (4) months, rather than someone who is running for mayor, and it's all about... It's also about fairness in not giving any mayoral candidate in the special election an advantage. And so I appreciate the encouragement, but I intend instead to run for the special election, and I do want to encourage you, Mr. Chair, to consider the position of the appointment because of your decades of service to the council and your background as a respected manager of the telephone company.

Council Chair Asing: Thank you. Councilmember Kouchi?

Mr. Kouchi: Thank you Mr. Chairman, and you know, we're all here with heavy hearts and wishing that this wasn't something that we had to do, but the Charter has spelled out a succession process and anticipates dealing with adversity. And so having heard the opinion from the county attorney, I hope after I cast my vote for one of the members of this body to fill the position of mayor of the county that we all discharge our duty as the Charter prescribes with haste. The people of Kaua'i have been concerned about who's going to be in the leadership position for the county. Gary has done a great job in very trying circumstances in the interim. We as individuals and not councilmembers have tried to be respectful to the memory of our Mayor Bryan Baptiste and his family, and felt it wasn't appropriate to go through the selection process until they had the service and an appropriate time of mourning has passed. But unfortunately, no matter how badly we feel, that time has passed and it's time for us to get back to going about running the people's business and the county, so I hope that whoever is selected will quickly submit that letter of resignation and have the clerk administer the oath of office so that we can send the message to the people of Kaua'i that the Council has quickly

now gone about doing its business as it should, the person selected is not ready to step in and start doing the job of the mayor, and you know, that the county's going to do our best to continue to provide quality service for our residents and our visitors. Thank you.

Council Chair Asing: Thank you. Councilmember Carvalho.

Ms. Iseri-Carvalho: Yes, I also want to echo the sentiments of Councilmember Kouchi.

Mr. Rapozo: Can somebody fix her mike?

Ms. Iseri-Carvalho: Again, I'd like to echo the sentiments of Councilmember Kouchi, and my question was directed specifically to that point that it appears, based on the county attorney's...the first deputy county attorney's opinion that that process could take place as early as today, and I would hope that that would be the case. So based on that, unless there's any misunderstanding from the county attorney said, and I...and he appears to be agreeing with me that this process can take place immediately after this meeting, and I would advocate, since all the councilmembers are here, we have a body in place here, that that would take place today.

Mr. Rapozo: I just...real quick, and then it goes to Mr. Abreu's comments that, you know, I would hope that as the nominations are made today, if the nominee is not willing, that they would make mention and state I don't want the nomination. Not to go through the process, take the vote, and then after being appointed, saying I'm not interested. I don't anticipate that happening. I don't think that will happen with any of us here. So that's my only comment for now. So I'll reserve my comments after I make my nomination. Thank you.

Council Chair Asing: Thank you. Any further discussion?  
Councilmember Bynum.

Mr. Bynum: I certainly am here with a heavy heart today, and but I understand our responsibilities, and I appreciate the statement that Councilmember Yukimura made, and I think it is a good intention that interim...people nominated for an interim period not be running in the election for the same position. I think that's a good sentiment that I agree with, and I think, too, as a matter of fairness, to give an individual that kind of opportunity is probably not a good idea, so I appreciate Councilmember Yukimura's statement.

Council Chair Asing: Thank you. Councilmember Furfaro?

Mr. Furfaro: Yes. First of all, Mr. Chair, I wanted to thank you for letting me ask that question of the county attorney, because as we go farther down in this process today, the other thing I just want to point out is when that

decision is made for the selection, and I know it's not part of the agenda, but it is tied to the process, is it was important to know when the clock would start, because the Charter also specific that if we cannot reach agreement on the seventh member, whoever we acknowledge as the interim mayor would have that privilege on the thirty-first day. So thank you for letting me ask that question.

Council Chair Asing: Thank you. Any further discussion? If not, I'm going to withhold my comments at this time and entertain a motion on the selection.

Mr. Rapozo: Mr. Chair?

Council Chair Asing: Yes? Councilmember Rapozo.

Mr. Rapozo: I... Can I preface my nomination with some comments? You know, I don't think it's a secret that everyone here has a heavy heart today. It's tough, and we coming off the mayor's services yesterday, which was extremely well done, I must say, and congratulations to the administration for putting that together and properly recognizing Mayor Baptiste for what he did for this island, and I...and continue to say that, you know, there's not too many people that loved Kaua'i and its people more than he did. But as soon as I heard of the news, I was in California with my son, and immediately called back home and found out what was going on, what the process was, and it came apparent to me that the council chair should be the one appointed. I mean it just made sense that...in fact, in my mind, that was the normal succession in the chain of command, if you will, and once I got in touch with Kaipo and asked Kaipo if he would consider it, and he said that he did, my mind had been made up at that point. You know, most of the things here on this table, really, you go around and you lobby for votes. And you get four (4) votes, you can get what you want done. In this case, it just seemed like a no-brainer that in fact Kaipo had a relationship with the administration as well as the council with his years of service. I mean aside from I guess Councilmember Kouchi, I don't know who served more time on the council; I believe it is the Chair. And of course, you know, for what Mr. Asing has done for me and my career since being on the council, for me it made total sense that Kaipo would take on the temporary position of mayor. Now, as far as the discussion about, you know, you cannot run for mayor, or...the Charter makes no mention of that. In fact, if you were able to gain the confidence of the members of this council, whether you run for mayor or not is irrelevant, I think. And it's a fairness issue. If you can go out there and do...take an advantage in five (5) months of trying to keep a ship that is pretty unstable right now. The uncertainty across the street is there, and one of the things Kaipo assured me was that he was not intending to do any drastic changes across the street. That was important to me, to make sure that the stability across the street was going to be there, so that nobody would go across the street and automatically change direction. Also, Mr. Asing, in my opinion, has always tried to move the administration's projects, and I don't see him trying to stop any of Mayor Baptiste's initiatives. I think all in all, I have a lot of respect for all my colleagues

on this council, and you know, I think any one of us could go across there and do the job for five (5) months. But I think in the situation where we're at, because of the unexpected circumstances, not something there was any plan for. It just makes real clear sense to me that the appropriate person from this body to be the mayor would be Mr. Asing, and with that said, Mr. Asing, I would nominate the Council Chair...

Ms. Yukimura: Second.

Mr. Rapozo: ...Asing as the appointee to the mayor.

Mr. Rapozo nominated Mr. Asing to serve as mayor until December 1, 2008, seconded by Ms. Yukimura.

Council Chair Asing: Thank you. Boy, I think I need some water.  
Thank you.

Mr. Kouchi: I was going to second. I heard Councilmember Yukimura offer a second as well. So whether it says a second or as expression of how I will vote, I want you to know that I offer my unconditional support to your nomination. And whether you choose to run in the special election or not has no bearing on my support of you, and I want you to clearly understand that I am simply voting on who I believe should go across the street and fill out the term, and whatever you choose to do once you get across the street, you know, feel free as far as my support is concerned, to carry out the best way you see fit, and to do what you see is the right thing for you as you go forward. Thank you.

Council Chair Asing: Thank you. Any further discussion?  
Councilmember Furfaro.

Mr. Furfaro: Yes. Mr. Asing, I want you to know that I'm very pleased with the nomination of you to fill the unfortunate vacancy across the street, and I think you are a excellent candidate for that. Because...as many of us here on the council, I've been on the council five and a half years, and you have provided mentoring on history and issues here because of your decades of service. And I also want to say that I think there's a very capable staff that is appointed by the administration. We just went through a very thorough process. The mayor set up his vision and some of his objectives, with most recently the upcoming tax task force, but I know of your service here on the council, I know of your past working relationship with Mr. Heu who is committed to the continuity and the initiatives set by Mayor Baptiste, the late Mayor Baptiste, and you know, I feel confident that the best way we can honor him is to provide the mentorship in the temporary mayor's term and someone who can help support those department heads who have committed themselves to those pieces. And I think you are the right person to provide that kind of guidance with your service to this county, and so I will be supporting your being made mayor. Thank you Mr. Asing, thank you for your years of service here as well, and help that you've given me.

Council Chair Asing: Any further discussion? Councilmember Yukimura.

Ms. Yukimura: Yes Mr. Chair. I've already stated that I deeply respect the length of service and your leadership over the years. I want to say that I'm voting for you with the understanding that you will not be running in the special election, but I would like to have you perhaps clarify that to everyone. Can you hear me? Okay, I'm voting with the...I would be voting with the understanding that you will not be running in the special election, and I think the public and everyone needs to know your intentions.

Council Chair Asing: Okay. Any other comments? Discussion? Councilmember?

Ms. Iseri-Carvalho: I guess, again, I would be echoing the sentiments of Councilmember Kouchi. For me it is irrelevant. I think in order to select the best person to run the government for the next...or the mayoral office for the next five (5) months is one who is the most qualified. It has, again, always been my position that you are the most qualified to do the job. And that, again, was made irrespective of whether or not you were going to want to continue to run in the special election or not. I think it is very clear that for the past three (3) years that I have been here, you have been able to capture unanimously the votes of all seven (7) Councilmembers in order to be the Council Chair. That is an enormous feat. It is clear that despite our differences on the table, there was one position that we all agreed on is that you should be the Chair to run the Council. That was on the first term that I sat on and that was also on the second. I also remember quite vividly the statements that were made by all Councilmembers here about your exceptional leadership and the way that you respect the values, the Hawaiian values, and how you utilize those Hawaiian values in administering your leadership here as Council Chair. To me, that was a unique aspect of how you ran this government, this Council table, and I know that you will continue to utilize these kinds of Hawaiian values as being the interim Mayor. So I wholeheartedly support and would humbly ask you to consider taking that position.

Chair Asing: Thank you.

Mr. Rapozo: Mr. Chair, I want to make a comment because I think it is unfair to ask you to state your position on what you may do. I think that if this body feels that you are the most qualified, and in three (3) months, four (4) months, if you are able to garner the support of the community and you feel that you want to continue the journey as mayor, then you should have that opportunity. I believe that is in the best interest of the people. I mean the people ultimately decides, not us seven (7). I think that...I am just going to say it. I think that it is pretty selfish to ask you to commit to not running, and I would ask that you not answer that, because...Mr. Chair, if, in fact, you are able to move this County in a

positive fashion in the next few months, realizing that the deadline for filing is only a few weeks away, you should be given that opportunity, and I would not...and if Councilmembers feel that is the condition, then they just need to vote "no," but to require you to commit to not running for mayor, I think is totally, totally unfair. Not just to this body, but to the people who... I mean we are trying to replace that seat with someone that's qualified and competent, and Kaipō, in my opinion, does that. Whether or not he wants to run for mayor is irrelevant today for this position. So I just wanted to make that comment Mr. Chair that you can count on my support regardless, and I would encourage you not to answer that question. That is entirely up to you, but my vote is already done whether or not you decide to run for mayor. That, today, is irrelevant, makes no difference to me, and I think the responsibility of this body here is to put someone in that office that we feel can run the County whether it is for five (5) months or two (2) years. If you are not qualified to run it for five (5) months, then you are not qualified to run it for two (2) years. If you are not qualified to run it for two (2) years, you sure as heck not qualified to run it for five (5) months in my opinion. So with that, Mr. Chair, please consider not locking yourself into a statement that you may regret later, and that is just my personal opinion as a colleague and as a friend.

Chair Asing: Thank you. Any further discussion?

Ms. Yukimura: Yes, Mr. Chair.

Chair Asing: Yes, go ahead.

Ms. Yukimura: I have no qualms about you running for mayor if that is your choice. I am only...that is certainly your choice, but I am only basing it on an understanding that I had and only out of a guideline of fairness that I thought was appropriate.

Chair Asing: Thank you Councilmember Yukimura. Let me do this. You know, it is almost like my integrity is at stake, and I am not really pleased that...the question that you pose. I do not believe that it is fair for you to pose that statement for me to answer a question like that. And the reason I say my integrity is at stake is that knowing full well what has happened with the passing of the mayor. Prior to that point, I had considered making one more attempt to run for Council, and then I feel that should I get elected, I will have served the community well and that was my goal. Knowing that, even after the Mayor passed away and there was a possibility that I could move to the Mayor's Office on the five (5) month interim period and then run for Mayor after that, even with that knowledge, I chose to...about a week ago, file my nomination papers for the Council. It is there today. I had intended to run for Council for one more term and then fulfill what I felt was my service to the community. So I am going to leave it there and you make your judgment and interpretation of what I have told you today. I feel that is fair, that is just, and I feel a little uneasy that I am put in that position

of making that kind of statement to all of you here on the table and all of you in the community. So with that, any further discussion?

Mr. Kouchi: Can I vote for you twice Mr. Chairman? I want to just commend you on how you handled this. I just asked the Chairman if I could vote for him twice. Based on the comments he made, I am even firmer in my conviction that I am making the right choice.

Mr. Furfaro: Mr. Chair, I want to say that your comments a few minutes ago are exactly the kinds of insight that led to your election as Chair. Also, I want to reemphasize my support for you. I think you can provide the kind of continuity with your decades of service there, your past working relationship with Mr. Heu who has been doing a wonderful job for us in these difficult times as Acting Mayor. I think you have good dialogue with him. I want to re-visit my sense of confidence in the Department Heads across the street that I know you work well with, and I just want to thank you for stepping forward.

Chair Asing: Thank you. Any further discussion?  
Councilmember Bynum?

Mr. Bynum: I just want to say that I certainly didn't make a decision regarding...this decision quickly because there are a number of capable people around this table that could fulfill that role. I do, however, have deep respect for the service that Mr. Asing has given the community. I have faith in his ability to do a good job in terms of providing stewardship in this interim period, and I hear his intention to not make significant changes in the short period of time, but to bring his capable skills to service the community as he has done for many years. So my vote will be based on those realities.

Chair Asing: Thank you. Any further discussion?  
Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: I guess for me it is quite unfortunate that Councilmember Yukimura's statement was made. I think that, you know, after she had announced her candidacy for Mayor, to require elimination of competition for that position, even though you may be the best candidate that there is, is simply to me self-serving and unjust. And so, again, I am going to ask that that decision on you pursuing the Mayoral term is one that is still open. I believe Councilmember Rapozo has also filed nomination papers for the Office of Councilmember. That may change is my understanding, and I am hoping that option is still available to the people of Kaua'i because they deserve to have all of the best candidates put on the plate, and they deserve an option of all of the persons, especially in light of your skills, in light of your experience, and the fact that you have worked both in the private sector and the public sector in leadership roles. But, again, I wholeheartedly offer you my support and would likewise like to offer my vote twice based on your statement. Again, it simply shows the type of leader you are that is

very unique, and I can see those kinds of leadership skills be of benefit in the administrative process where you will be working with all the people that we worked with for the past 20 or so years. So thank you so much Mr. Asing, and I would also like to offer my thanks to Mr. Gary Heu. It was simply amazing what he was able to do in the time of the Mayor's passing. He was faced with extremely dire circumstances, totally unexpected, and he did an extremely excellent job in assuring that the Councilmembers were made aware. Of course, there are Sunshine laws, and so he had to individually contact each Councilmember all the time to advise us. I was off-island and I got a call consistently throughout the whole two (2) week period on what was going on, on Kaua'i, as if I was here.

He did that with everyone individually, totally abiding by the Sunshine laws, as we are required to do. So it was very impressive...you know, that kind of communication and the kind of collaboration that took place in those two (2) weeks. So, again, my wholehearted thanks to the Administrative Gary Heu, because he is also very capable of running that Mayor's Office, especially under the most extreme circumstances that there were.

Chair Asing: Thank you. Any further discussion?

Ms. Yukimura: Yes Mr. Chair. I want to offer my apologies to you and to the public and to the Councilmembers. I think I was trying to show that we need to follow certain guidelines, and it was never my intention to call any question on your integrity. And it was never my intention to try to stop you from running for any office that you desire to run for. And you and I go back a long ways and share many values, and I do honor you for your very dedicated service and your very special way of leadership and have never wanted to call that into question. And I just want you and the public to know that.

Chair Asing: Thank you. I appreciate that. Any further discussion? If not, roll call.

FOR NOMINATION:	Bynum, Furfaro, Iseri-Carvalho, Kouchi, Rapozo, Yukimura, Asing	TOTAL - 7,
AGAINST NOMINATION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0.

Chair Asing: Motion is carried. Before I close, I just want to make one comment. I want to thank all the Councilmembers here for their vote of confidence and I offer only one promise. The promise is that we will all work together for the benefit of all of the people of Kaua'i, Ni'ihau, and the State of Hawai'i. That is my promise to you. Thank you.

Mr. Rapozo: Mr. Chair, can I have a moment of personal privilege if possible?

Chair Asing: Yes.

Mr. Rapozo: And I would assume everyone will take this time because now it is official. I was just thinking...and Gary Heu is here as well I think. Where is Gary? Is he hiding? Oh right there, I am sorry, you blend well. I know that Gary used to work with Kaipō at the telephone company and I don't know what happened when one left, retired, or whatever happened, and I don't know if Gary, you said, good riddance or... but you guys will be working together again and I know Councilmember Iseri-Carvalho commended you on your performance as an Administrative Assistant. You and Kaipō, in my opinion, are so much alike. You guys should be called firefighters, you know, for putting out fires. You on that side and Kaipō on this side and you guys do that extremely well. I can only imagine what you folks will be able to do together in the next five (5) months. We got some pressing issues that I hope will continue to flow, that will not be put on the side, but... So I want to thank you for that Gary and sincerely.

In Kaipō's case, I was in the Police Department for 12 years and you come across...every so often you come across someone that is willing to share, willing to mentor for no other reason but to improve the organization, and that is what Kaipō has done with this body in the last 6 or 5 ½ years that I have been here. Kaipō has always offered help to me personally and I am sure to the others. Kaipō gets accused a lot of secrecy. You know, he is the Chair with the most executive sessions and I know all of that stuff, but I got to tell you that Kaipō is pretty strict on Sunshine law. I mean he is pretty strict about us having illegal meetings and it just doesn't happen. I know some of you will laugh and giggle and chuckle, but I can tell you, if in fact that wasn't the case, this meeting would have been about five (5) minutes long. This meeting had issues come up today that I think we did not envision, so I think it just speaks to his character. I know, Gary, yesterday you said something at the service that your comments spoke volumes, his actions spoke volumes, Mayor Bryan Baptiste on the person that he was. And I think how Kaipō handles the meetings and how Kaipō handled himself today speaks volumes on his character and on his ability. Kaipō has been like, for me, almost like a Dad, but he has pulled the reigns at times and says, Mel, relax, settle down, and with no other reason but to help and to make this organization a better organization to move us forward, not backward.

Sometimes I listen, sometimes I didn't, but even when I didn't, he didn't hold it against me. He didn't scold me. You know, he said, Mel, you do what you do. And I will never forget my first term. I was Mister 6-1. I always lost the votes. Every time we had an issue on the table, most of the time, I was the one lone "no" vote or maybe the one lone "yes" vote. And I remember one day I was sitting out there on the bench and Kaipō came up and I said, this is frustrating, and he said, boy, no worry about it, I used to be 6-1 all the time, and that meant a lot. So you know, I think Kaipō...as far as qualifications and ability, I don't think anybody can dispute that Kaipō has that to take the helm across the street. And I think more importantly, with Gary there as his assistant, I am really excited of what is going to

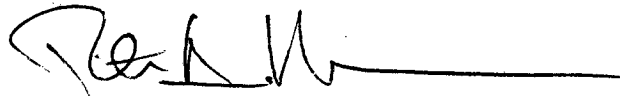
happen in the next few months. I really am, and Kaipo, I just want to say that whatever you need from us as far as support, you got my support 100% on whatever we can do to get some of these issues resolved, that we're there for you, and congratulations and thank you.

Chair Asing: Thank you. With that, the meeting is adjourned.  
Thank you very much everybody.

ADJOURNMENT.

There being no further business, the Chair adjourned the meeting at 9:57 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter A. Nakamura', with a long horizontal line extending to the right.

PETER A. NAKAMURA  
County Clerk

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