

SPECIAL MEETING

SEPTEMBER 27, 2006

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 Wednesday, September 27, 2006 at 8:22 a.m., after which the following members answered the call of the roll:

Honorable Jay Furfaro
Honorable Daryl W. Kaneshiro
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Bill "Kaipo" Asing, Council Chair

Excused: Honorable Shaylene Iseri-Carvalho, from 8:53 a.m.
Honorable James Kunane Tokioka

Others: Mike Matsukawa, Deputy County Attorney
James Itamura, Deputy County Attorney, from 8:49 a.m.

APPROVAL OF AGENDA:

Mr. Furfaro moved for approval of the agenda as circulated, seconded by Mr. Kaneshiro, and unanimously carried.

EXECUTIVE SESSION:

ES-222 Pursuant to Haw. Rev. Stat. Sections 92-4 and 92-5(a)(4) the purpose of this executive session is for the Council to consult with legal counsel regarding Bills Nos. 2150 (relating to provision of lateral public access within the Resort District), 2151 (relating to the provision of lateral public access within subdivisions), and 2152 (relating to the prohibition of gates and/or guard stations on new subdivision developments). The briefing and consultation involves consideration of the powers, privileges, immunities, and/or liabilities of the Council and the County as they relate to Bills Nos. 2150, 2151, and 2152. (*Deferred 04/12/2006 pending scheduling a meeting with the County Attorney's Office.*)

Chair Asing: We're going to move into executive session now. Anybody have any questions? Yes, go ahead.

Mr. Rapozo: I have a question is...my question is, why are we going into executive session and not...the discussion...not have a discussion out in the open I guess that's my question.

Chair Asing: We will most likely have it in the open.

Mr. Rapozo: Oh, okay, I just thought you wanted to move to executive session.

Chair Asing: No, but we'll move into executive session first. Yea, so, let's just move into executive session.

Ms. Yukimura: Um, I think the rationale for moving into executive session is what Councilmember Rapozo is asking.

Mr. Rapozo: Right.

Ms. Yukimura: And I believe the questions are regarding the liabilities of the County, because we're talking about what's legal, but that may not be true of all the questions that...

Chair Asing: Of all the questions that you want answered.

Ms. Yukimura: Yea, yea.

Chair Asing: Well, why don't we just move into executive session? Okay. With that, let me have a motion to move into executive session.

Ms. Yukimura: Um...

There being no objections, the rules were suspended.

MIKE MATSUKAWA, DEPUTY COUNTY ATTORNEY: So you want to make a request?

Ms. Yukimura: But Mister...yea.

Chair Asing: Yes, go ahead.

Mr. Matsukawa: Mr. Chairman, if I might, pursuant to Hawai'i Revised Statutes 92-7(a), in anticipation of discussion of some of the legal issues surrounding these bills, I'd like to have an executive session with the Council on item ES-222 on the calendar.

Chair Asing: Okay, thank you.

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

Chair Asing: With that, can I have a motion to move into executive session.

Ms. Yukimura moved to go into executive session on ES-222, seconded by Mr. Furfaro and unanimously carried.

The Chair called a recess at 8:25 a.m. to go into executive session.

The meeting was called back to order at 9:03 a.m. and proceeded as follows:

Mr. Rapozo moved to receive ES-222 for the record, seconded by Mr. Kaneshiro and unanimously carried.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:03 a.m.

Respectfully submitted,



PETER A. NAKAMURA
County Clerk

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