

MINUTES

**COMMITTEE OF THE WHOLE  
May 7, 2008**

A meeting of the Committee of the Whole of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Ronald Kouchi, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, May 7, 2008, at 1:36 p.m., after which the following members answered the call of the roll:

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

The Committee proceeded on its agenda items as follows, and as shown in the following Committee reports which are incorporated herein by reference:

**CR-W 2008-2:** on BILL NO. 2262      A BILL FOR AN ORDINANCE TO AMEND CHAPTER 26 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SPECIAL IMPROVEMENT FINANCING BY COMMUNITY FACILITIES DISTRICTS  
[Approved.]

**CR-W 2008-3:** on W-2008-2      Communication (4/30/2008) from Committee Chair Ronald D. Kouchi, requesting authorization for County Legal Consultant Scott Ruby to proceed on matters relating to the formation of Community Facilities District No. 1 and other matters relating to community facilities district, as provided for in Section 26-1.13, Kaua'i County Code 1987, pursuant to Consultant Contract No. 7708.  
[Approved.]

There being no objections, the Committee recessed at 2:28 p.m. The Committee reconvened at 10:38 p.m., and proceeded as follows:

**W 2008-3**      Communication (5/1/2008) from Councilmember Iseri-Carvalho, requesting the Prosecuting Attorney and Director of Finance be present to discuss and clarify the policies regarding using County funds to pay court imposed sanctions.  
[This item was deferred.]

**BILL "KAIPO" ASING, COMMITTEE VICE CHAIR:** I'd like to recommend that we defer this item.

Ms. Iseri-Carvalho:      Well, unless there is further discussion.

Mr. Asing: Yeah, I'm sorry. I didn't want to stop discussion first if members want to do some discussion, that's fine. Otherwise, I really would like to defer it.

Ms. Iseri-Carvalho: I guess I would go on to say that I do have a PowerPoint presentation that I've prepared. I had some discussions with the Finance Director. They need to do further research and information, and so in light of that I'll be supporting the motion for deferral. I would also ask at the next time if the issue isn't resolved that it be taken up sooner than 11 o'clock p.m. So, I would ask that this item have some consideration to be taken during the daytime hours as opposed to midnight almost.

Mr. Asing: Okay. Was there a second?

Mr. Furfaro: I have some words too. Your goal is actually to get some clarity to the existing policy.

Ms. Iseri-Carvalho: One, we don't know if there is a policy.

Mr. Furfaro: Existing policy, okay. Okay, so I understand it now. Okay.

Mr. Rapozo: You know, and just for the public information, you know, the court has sanctioning authority and they sanction attorneys for being late. They sanction attorneys for missing court dates. They sanction attorneys, pretty much, for anything they want, and the sanction comes with a fine. In these specific situations, our Prosecutor's Office has been sanctioned on three occasions and the fines were paid out of a line item in the budget, which really wasn't specified to pay fines or sanctions, and that was what this was about.

Mr. Furfaro: I'm clear with the concerns now.

Mr. Rapozo: Okay, so it's really what is...

Ms. Iseri-Carvalho: There is no policy.

Mr. Furfaro: What is the definition...

Mr. Rapozo: ...and we're trying to figure out what the policy is.

Mr. Furfaro: ..in the narrative for the budget line itself.

Ms. Iseri-Carvalho: Mm-hm.

Mr. Furfaro: Okay.

Ms. Iseri-Carvalho: That's it.

Mr. Rapozo: And the bottom line question is, "Is the taxpayer responsible for paying a court-ordered sanction on an attorney that works for the County?" That's what this boils down to.

Mr. Furfaro: Understood (inaudible).

Mr. Asing: Thank you.

Upon motion duly made by Councilmember Furfaro, seconded by Councilmember Iseri-Carvalho, and unanimously carried, W 2008-3 was deferred.

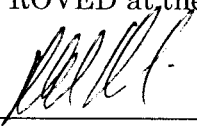
There being no further business, the meeting was adjourned at 10:41 p.m.

Respectfully submitted,

*Wilma Akiona*

Wilma Akiona  
Secretary

APPROVED at the Committee Meeting held on May 20, 2008:



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RONALD KOUCHI  
Chair, Committee of the Whole