COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 9/26/16

Board/Committee:	**CHARTER REVIEW COMMISSION**	Meeting Date	**August 22, 2016**
Location	Mo'ikeha Building, Meeting Room 2A/2B	Start of Meeting: 3:00 pm	End of Meeting: 3:33 pm
Present	Chair Allan Parachini; Members: Michael Perel; Patrick Stack; Russell Wong. Also: Deputy County Attorney Adam Roversi; Boards & Commissions Office Staff: Support Clerks Barbara Davis and Darcie Agaran; Administrator Jay Furfaro		
Excused	Vice Chair Ed Justus. Members: Merilee (Mia) Ako; Cheryl Stiglmeier		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Parachini called the meeting to order at 3:00 pm with 4 Commissioners present which constitutes a quorum.
Approval of Minutes	Regular Open Session Minutes of July 25, 2016 Chair Parachini asked Mr. Perel if the first sentence in the first full paragraph on page 13 needed further clarification. Not recalling what he thought was subsequent Mr. Perel said he would leave it because it was a moot point.	Mr. Wong moved to approve the minutes as circulated. Mr. Perel seconded the motion. Motion carried 4:0
Communication	CRC 2016-16 Memorandum dated 8/22/16 from Allan Parachini, Chair, to Jade Tanigawa, County Clerk, transmitting the County of Kaua'i Charter Amendment Ballot Questions for the 2016 General Election Attorney Roversi explained that after the last meeting and after all of the proposed amendments and ballot questions had been approved a problem was discovered in Article XIV as pertains to the Zoning Board of Appeals. The substance of the dilemma is that in the existing Charter under Article XXIII, §23.02 A it provides generally that all boards and commissions established by the charter shall consist of seven members whereas the Zoning Board of Appeals amendment as proposed, and the Charter Commission approved, calls for five members. Attorney Roversi said he had a discussion with Mike Dahilig of the Planning Department and he had	

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	no objection to altering the proposed charter amendment to call for seven members instead of five. Because time was of the essence in getting things printed and ready to submit we made that change in the documents pending the Commission's final approval. Chair Parachini said there was a conversation at one point about the enumeration of the qualifications of the members. Does changing from five to seven touch that paragraph (§14.12) at all? Attorney Roversi said you would now have 3 members whose qualifications are designated as originally proposed and the remaining members would be members of the general public. Mr. Wong asked if there was different language from what they were reading (in the meeting packet). Attorney Roversi said the only thing that has been changed is instead of saying five (members) it should say seven (members). With the makeup of the membership Chair Parachini said there was some wiggle room with the words "at least one member". Attorney Roversi said that would remain unchanged and provided the Commission approved the change. Mr. Wong asked if the Commission had the ability to approve (the change) at this one meeting to which Attorney Roversi said since it does not substantially change the substance of the proposed amendment it does not require a renewed public hearing. Mr. Stack asked if it was a typographical error to which Attorney Roversi	

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	said it was just a conflict with another section of the Charter that we did not catch. The original intention of proposing five was out of concern for the difficulty in finding volunteers for commissions generally and why a reduced number was selected. But we are not allowed to create a reduced number on a board or commission that is created by Charter – the Charter tells us it has to be seven members. On review it seems there is no choice and electing a board of five is not an option under the current Charter. Chair Parachini asked Mr. Furfaro if at any one time there are commissions and boards that are not up to full strength. Mr. Furfaro said the intent is to always have seven members but it is more about the attendance and vacancies. There are boards right now that do not have seven members. Asked if it impeded their ability to act Mr. Furfaro said as long as they have a quorum during their business and with the intent of there being seven members, but he would refer that to the County Attorney. Attorney Roversi said that would be correct; if there were only five in attendance they would still meet quorum and they could still meet even if they had the intention of ultimately having seven appointed members. Mr. Wong said from decision making on behalf of the public benefit we are probably better off with seven members. If we were doing it as a matter of convenience because it is so difficult to find seven members you are probably going to get a broader decision making if you have seven members and probably have better decisions than if you just had five. Mr. Wong did not see the negativity in making the change to seven other than it becomes more difficult for the County to find seven volunteers than five. Chair Parachini said in a sense when Mr. Dahilig first brought this to us he described the situation as one in which the workload of appeals cases and the need to hire outside hearings officers was starting to get the better of	

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	the Planning Department. This was really about workload distribution as much as it was about anything else, so if there are seven members on the commission then the workload distribution would be easier to effect than harder if they are going to be hearing appeals. Mr. Stack said he thought they were all in agreement that seven is the right and proper number and asked who made the singular decision to print the word five instead of the proper word seven and was that an intention. It is important to not only be doing the right thing but appear to be doing the right thing. Mr. Furfaro said originally the Planning Director in his proposal had proposed five and not seven. The discussion as recorded was always on five. It was fortunate for us that in the review process the County Attorney found out there is a conflict with a five member board when it relates to the verbiage that is in the Charter. Mr. Stack said no one has a problem with just arbitrarily saying it is seven, or negating the five is a better way of saying it. Mr. Furfaro said he did not necessarily think it is arbitrarily negating the five – the fact of the matter is we need to follow the Charter. If we are not following the Charter we have a bigger problem to which Mr. Stack agreed and said that cleared it up for him. Mr. Perel said with five (members) there were three folks with expertise in various fields that affect zoning and two at-large citizens which meant the three experts would hold a certain amount of sway and power over the decision making. Now it would be four (at-large) and three and asked if that had an impact. Mr. Furfaro said as expressed by the County Attorney with three experts we have the majority of the at-large to be able to be listening to the expert testimony about a bill (sic) and perhaps the individuals making those proposals should have an understanding from testimony from the three experts on the rationale behind the change or an	Mr. Perel moved to approve the change to seven members. Mr. Wong seconded the motion.

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	appeal or a review. There is nothing that says the fourth at-large commissioner could not be skilled with one of the three; it says "at least" one member…….. Attorney Roversi informed the Commission that he had that discussion with the Planning Director who proposed this amendment and as the proposing entity he had no issues with the qualifications remaining only for the three. Chair Parachini said it has been moved and seconded to change the word five to seven in the proposed section 14.12 so it reads "The board shall consist of seven members appointed by the mayor with the approval of the council."	Motion carried 4:0
Business	<u>CRC 2016-10 Final review of Voter Education explaining the County Charter Amendments Proposed in the 2016 General Election (Ongoing)</u> <u>CRC 2016-14 Update on outreach for public education to include distribution points and media outlets (Ongoing)</u> Mr. Furfaro noted that he and Chair Parachini visited with Hoʻike and he will let the Chair report on that. Mr. Furfaro did meet again with For Kauaʻi newspaper and looked at the pricing associated with the centerfold in their September issue that would allow us 4 pages of narrative of the pros and cons of each particular bill (sic) and it seems to fit our budget. There is another portion about a run-off print in 3,000 increments with a shopping list of locations that we could provide that general information list to such as public libraries and our senior centers on educational background on each of these particular amendments. We are clear financially to get that printed once we have the final approval from the County Attorney on the verbiage that was proposed. There are the radio spots in addition to Hoʻike but we should have some additional dialogue	

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	about using the radio station on the North Shore and who would be doing the particular piece so that it does not end up in a Q&A type session. The deadline for us For Kaua‘i newspaper would be September 10th. Mr. Furfaro said he would leave the representatives for Ho‘ike up to the Commission as to who would be able to do the television piece. Chair Parachini said they did meet with J Robertson at Ho‘ike and they are more than willing to bend over backwards to help us out. They offered to produce an in-studio panel discussion in which we would be able to describe all of the charter amendments – we could even throw a County Clerk piece in reminding people about registration requirements, polling places, early voting and all of that. A great solution since our ability of sitting Commissioners to discuss the merits, the advantages and disadvantages of each amendment would be if the moderator was someone who knows the material and knows the Commission and has some media experience. That person could be Jan TenBruggencate. There was a further discussion about whether there should be another person on the panel and Commissioner Stiglmeier's name came up because she has some television experience and is known to Ho‘ike producers as someone who has been on their air before, knows the drill, and knows how the studio works. Everyone would be welcome to join in but at the moment the taping would be in one hour-and-a-half or two hour block sometime in mid-September with the air date……it was interesting when the election results came in to see that the early and absentee ballot totals exceeded the walk-in polling place totals which further underscores how the reality has changed. We are no longer talking about anything that peaks for election day – we have to have all the information we are going to have out for people by the time the first absentee ballots are due and that is three weeks before election day. Our air date target needs to be late September, very early October at the latest. It all seems doable. There was a meeting with us and two from For Kaua‘i and they seem to be very open to giving us	

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	everything we could possibly want for a very reasonable amount of money. In terms of KKCR they have to ask us (to participate) – it is not unlikely they will want to have some segment and he would guess that it would be Felecia Cowden's program but we can't assume anything. If there was such an invitation from KKCR Chair Parachini said he supposed the most logical person to do it would be him although that could be a challenge. The issue with KKCR is that their call-ins are unfiltered and you do not know who is going to call or what they are going to say or what they are going to ask you, so it is potentially challenging. Mr. Furfaro added that it is very challenging simply because there are 7 amendments and the Q&As are going to come in on everything and we need to deliver information on both sides rather than open a discussion about things that weren't approved by the Charter Commission. Chair Parachini asked the Commissioners for other thoughts that had not been put on the table yet of things they could or should do to get the word out. Mr. Wong said when they were talking about the educational piece were they going to provide pros and cons or just the amendment and the reasons why we voted to approve the amendment. Is it normal to have charter amendments giving the reasons it should pass and the reasons it shouldn't pass. Chair Parachini said it has happened both ways in the past but our clear consensus was we wanted to stick with the language developed by the Public Information Office. In the meeting with the For Kaua'i people the conversation came back to what if people want some examples of these minor changes. If they were randomly selected we might be able to work with them with a little bit of imagination to pick two or three examples of those minor changes so people could understand what we are talking about. The language we have now someone could still reasonably say give me a for instance and we would be better off if we did.	

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	Mr. Wong said he did not know what the thoughts of the educational objectives are but for example the fire chief is going to report to the fire commission. If you are going to present pros and cons to that someone may say if you want the fire chief to continue to report to the mayor then vote no. We should not be educating them in that manner. When you say pros and cons Mr. Wong did not know how deep they would get into explaining what this means and what this doesn't mean in each example. Chair Parachini said they have received and approved the language that was drafted by Sarah Blane. Mr. Wong said when they say they are going to present pros and cons in the article it is not pros and cons – we are just going to present the language that was approved to which the response was correct. Chair Parachini said the challenge on the one amendment that relates to typographical non-substantive changes people could reasonably be expected to want to be given some examples of what we are talking about, which the public education materials at this point don't include. A way to defensively select two or three of those at random would be a disinterested party such as someone working at For Kaua'i who could close his or her eyes and page through that amendment stopping wherever their finger stopped on the page - that would be example number one. Ms. Davis explained that their meeting packet contains the information that will be going to the County Clerk and what they will be printing in The Garden Island newspaper; it does contain the first three Articles showing these examples. On the last sheet of the mass media distribution it lists the County's website of which there are 5 locations on that website that will have links back to the entire full changes in the Charter. Ms. Davis further confirmed that the educational material that goes into the	

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	voting locations will be handled by the Elections Office. Mr. Stack asked if the Commission needs to discuss the proposed appointment of Jan TenBruggencate as a spokesperson for this body. The Chair did not think he would be the spokesperson but rather the moderator of the Ho‘ike program. Mr. TenBruggencate was asked but only because we needed to find out if he was available. Mr. Stack said he holds Mr. TenBruggencate in the highest regard. He is often times in awe of Jan’s ability and his friendship has been steadfast so he personally would endorse that selection. However, it seems pretty arbitrary when there are a lot of other people who could do the job. Mr. Stack was Chair of this Commission in the last election and they went through a similar situation. The last thing he wanted to do was go on television with the Mayor and answer questions but as the Chair he felt the obligation to do that. He is simply saying there are other people besides Jan who might be equally qualified and who comes to mind immediately is Sherman Shiraishi. Mr. Shiraishi has been Chair of this body; he is also an attorney who is well liked and respected in the community. In short Mr. Stack wondered if it was not the Chair’s responsibility to be the de facto spokesperson for this action. Chair Parachini said he intends to be involved in that program. The dilemma is that no sitting member of the Commission can respond to some questions about what pros and cons are, why should I or should I not vote for this whereas a disinterested moderator can have that expository role that a sitting Commissioner probably can’t. Chair Parachini said the reason he had thought of Mr. TenBruggencate is that he is aware of all of the issues voted to go on the ballot this year and would not need any time or effort to come up to speed on all of them. The Chair said he did not have any investment in who it is but given there is no Mayor’s show anymore there needs to be someone who is the moderator who is not a Charter Commission member so those who are members can’t be accused of playing a “sales role”.	

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	Mr. Furfaro said he knows Mr. Shiraishi fairly well and it is possible to raise the question with him and it is possible to consider the two gentlemen. Mr. Furfaro said long-time kamaainas really relate to the Shiraishi name as it relates to the charter. (Sherman's) dad was very instrumental in the draft of the charter from the very beginning. It was agreed that Mr. Furfaro should make the query. Mr. Perel said based on the Chair's brief comment was he saying they should not be advocating in favor of these charter amendments even though they passed them. Chair Parachini said they have had this conversation and the understanding he got was our ability to be advocates is very limited. We have said what we can say by voting them onto the ballot. Can we make a marketing case why someone should vote yes or no on any of them – that gets much murkier.	
Announcements	Next Meeting: Monday, September 26, 2016 – 3:00 p.m.	
Adjournment		Mr. Wong moved to adjourn the meeting at 3:33 p.m. Mr. Perel seconded the motion. Motion carried 4:0

Submitted by: _____ Reviewed and Approved by: _____
Barbara Davis, Support Clerk Allan Parachini, Chair

( ) Approved as circulated.
( ) Approved with amendments. See minutes of _____ meeting.