



## CHARTER REVIEW COMMISSION

COTY TRUGILLO, CHAIR  
JACLYN KAINA, VICE CHAIR

BRONSON BAUTISTA, COMMISSIONER  
REID KAWANE, COMMISSIONER  
LORI KOGA, COMMISSIONER  
MARISSA SANDBLOM, COMMISSIONER  
JAN TENBRUGGENCATE, COMMISSIONER

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24 FEB 20 P1 58

Meetings of the Charter Review Commission will be conducted as follows until further notice:

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Commission's website upon completion and approval.

### Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
  - Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to [akuwamura@kauai.gov](mailto:akuwamura@kauai.gov) or mailed to the Charter Review Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
  - Written testimony received by the Charter Review Commission at least 24 hours prior to the meeting will be distributed to all Charter Review Commission Members prior to the meeting.
  - Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Board during the meeting and added to the record thereafter.
  - Any late testimony received will be distributed to the members after the meeting is concluded.
- **Oral testimony** will be taken during the public testimony portion of the meeting.
  - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing [akuwamura@kauai.gov](mailto:akuwamura@kauai.gov) or calling (808) 241-4881. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
  - Per the Charter Review Commission's and Chairs practice, there is three-minute time limit per testifier per agenda item.
  - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speaker.

### SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, CONTACT THE OFFICE OF BOARDS AND COMMISSIONS AT (808) 241-4917 OR [ADAVIS@KAUAI.GOV](mailto:ADAVIS@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

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CRC REGULAR SESSION NOTICE AND AGENDA

Monday, February 26, 2024

3:00 pm or shortly thereafter

Boards & Commissions Conference Room, Pi'ikoi Building, STE. 300

24 FEB 20 P1:59

**Microsoft Teams Conferencing Information**

Click on the link below or enter the url in your network browser to join on your computer or mobile app by

**VIDEO:**

<https://bit.ly/3HZ2Sc1>

Meeting ID: 236 628 518 030

Passcode: uUFMZT

Or

Dial phone number and enter conference ID to call in and join by **AUDIO:**

Phone: [+1 469-848-0234](tel:+14698480234) United States, Dallas

Phone Conference ID: 943 824 23#

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

E. UBLIC TESTIMONY

F. COMMUNICATION

G. BUSINESS

1. **CRC 2024-01** Discussion and possible action on ballot question, purpose, and background on proposed Charter Amendments to Section. 11.03 (C) as proposed by the Police Commission.
2. **CRC 2024-02** Discussion and possible action on ballot question, purpose, and background on proposed Charter Amendments Section 28.05 as proposed by the Cost Control Commission.
3. **CRC 2024-03** Discussion and possible action on ballot question, purpose, and background on proposed Charter Amendments to Article XIX, Section 19.15(C) as proposed by the Public Access, Open Space and Natural Resources Preservation Fund Commission.

4. **CRC 2024 -04** Discussion and possible action on proposed Charter Amendments to Section 24.03 proposed by the public to create an ex-officio position on the Charter Review Commission for youth.
5. **CRC 2024 -05** Discussion and possible action on County Attorney's proposal RE: Removal of Requirement for Surety Bonds in Charter Section 19.17
6. **CRC 2023-09** Discussion and possible action on proposed Charter amendments for 2024 ballot.

**H. ANNOUNCEMENTS**

Next Meeting: Monday, March 25, 2024, at 3:00 pm.

**I. ADJOURNMENT**

**NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawaii Revised Statutes §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Charley Foster, Deputy County Attorney

## **Ballot Question on Police Commission investigations, Charter Section 11.03**

Shall the Police Commission's 90-day window for reporting written investigation results start at the end of the actual investigation?

### **Background**

The language of the Charter currently requires that the Commission, on receiving public charges against the department or its staff, complete its consideration and investigation, and file a written report to the Police Chief, all within 90 days. The Commission suggests that some investigations may take longer, and some may require the hiring of outside investigators. Some investigations can be completed within the current deadline, in other cases this may be difficult to achieve. The language of the Charter (Kaua'i County Charter, section 11.03.C.) currently says the Police Commission must, "Receive, consider, and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the chief of police within ninety days." This language is unclear, and this amendment would clarify that the Commission shall submit a written report of its finding once the investigation has been completed. This measure would separate the investigation and the reporting, allowing the investigation to proceed until its results are reported to the Commission. The Commission would then have 90 days to prepare and file its report to the Police Chief.

### **Purpose**

This Charter Amendment would provide the Police Commission with adequate time to conduct thorough investigations when members of the public bring charges against the Police Department or its members.



## Ballot Question on Cost Control Commission, Charter Section 28.05

Shall the Cost Control Commission be authorized to recommend increased costs if they are expected to generate **future** cost savings or efficiencies ~~later~~?

### Background

The County Cost Control Commission is currently only authorized to recommend measures that eliminate programs and services and reduce costs (Kaua'i County Charter, Section 28.05.) The commission has concluded that in some cases, an increase in spending may result in longer term efficiencies or savings. ~~(As an example, consolidating certain functions at one agency could increase the budget at that agency while reducing budgets by a larger amount at others.)~~ A change in the language of the charter would grant the commission the additional flexibility it requires to achieve its mission of reducing the cost of government while maintaining a reasonable level of public services. **Note: Any commission recommendations would require both County Council and Mayoral approval before enactment.**

### Purpose

This amendment would grant the Cost Control Commission greater flexibility in recommending improving the efficiency of government and in achieving long-term reductions in the cost of providing government services. ~~Note: Any commission recommendations would require both County Council and Mayoral approval before enactment.~~

**Ballot Question on Public Access, Open Space and Natural Resources Preservation Fund,  
Charter Section 19.15.C**

Shall up to 5% of the County's Open Space Fund be available for the maintenance of lands, property entitlements, or improvements that were ~~funded~~ **paid for** by the Fund.

**Background**

The County's Public Access, Open Space and Natural Resources Preservation Fund (Kaua'i County Charter, Section 19.15.C.) is primarily aimed at acquiring lands for the purposes specified in its title, **ensuring public access, open space and preserving natural resources**. However, ~~over time,~~ the county has had difficulty arranging for volunteer groups or non-profit entities to take on long-term maintenance and stewardship for the properties and improvements. This is particularly true with the preservation of ecologically and culturally sensitive projects. This measure would allow a small portion of the Fund to be used to support stewardship. As an example, it could be used to provide ~~financial resources~~ **to purchase lumber or maintenance supplies** to help volunteer stewards with costs they may otherwise be unable to raise.

**Purpose**

Charter Amendment seeks to ensure that properties protected by the Public Access, Open Space and Natural Resources Preservation Fund have resources ~~for~~ **to provide some** ~~their~~ stewardship **support**.

**Ballot Question on creating an ex-officio position for youth on the county Charter Review Commission, Charter Section 23.02**

**Option #1:**

Shall the Charter be amended to establish an ex-officio position for youth, to be filled by a Kaua'i resident aged 17-18?

**Background**

To provide a voice for youth on a County commission as well as an educational opportunity for students, the charter will be amended to create a seat for a 17-18-year-old on the Charter Review Commission **by amending** Kaua'i County Charter, Section ~~23.02~~ **24.03**. ~~Candidates for this position will be selected through a process determined by the Office of Boards and Commissions.~~ This will be an ex-officio position to be filled by a Kaua'i resident. Such members may participate in commission discussions but will not vote, will not count toward quorum, and will not participate in executive sessions. ~~Notwithstanding language elsewhere in this Charter, youth commissioners will serve not more than a one-year term.~~

**Purpose**

This amendment would allow a Kaua'i student to learn government and civics through participating as an ex-officio member of the Charter Review Commission.

**Charter Amendment (red font – are additions to the 12-4-23 version)**

Section 24.03. Charter Review. The mayor with the approval of the council shall appoint, with appropriate staffing, a charter commission composed of seven members who shall serve in accordance with section 23.02C of this charter to study and review the operation of the county government under this charter. Additionally, the mayor **with the approval of the council** may appoint one ex-officio **high school** student member, **aged** seventeen to eighteen, to serve on the Charter commission. **This ex-officio member will not be required for quorum or voting or included in executive sessions.** In the event the commission deems changes are necessary or desirable, the commission may propose amendments to the existing charter or draft a new charter which shall be submitted to the county clerk. The county clerk shall provide for the submission of such amendments or new charter to the voters at any general or special election as may be determined by the commission. The commission shall publish summaries of any such amendments or new charter not less than thirty days before any election at least once in a newspaper of general circulation within the county and the entire text of the amendments or new charter by electronic or online publication on the official website of the County of Kaua'i. (Amended 2006, 2014, 2016)

## **Option #2**

Shall the Charter be amended to establish ex-officio positions for youth on Boards and Commissions, to be filled by a Kaua'i resident aged 17-18?

### **Background**

To provide a voice for youth on Boards and Commission as well as an educational opportunity for students, the charter will be amended to create seats for 17-18-year-old students on boards and commissions by amending Kaua'i County Charter, Section 23.02, and adding a new subsection O.

The ex-officio student positions are to be filled by a Kaua'i resident. Such members may participate in commission discussions but will not vote, will not be counted toward quorum, and will not participate in executive sessions.

### **Purpose**

This amendment would allow a Kaua'i student to learn government and civics through participating as an ex-officio member of the boards and commissions.

### **Charter Amendment**

Section 23.02. Boards and Commissions. O. A student member of each board or commission may be appointed and may be removed by the mayor, with the approval of the council. The student member shall be at the time of appointment 17-18 years of age and a high school student. The student member will be an ex-officio member will not be necessary for quorum, will not vote or be a party to any executive session.



### **Ballot Question on Requirement for Surety Bonds, Charter Section 19.17**

Shall the Charter be amended to allow insurance ~~policies~~ policy coverage for all employees to protect the County against financial loss?

#### **Background**

Currently (Kaua'i County Charter, Section 19.17), certain officers and employees are required to be bonded and insured. Surety bonds generally provide a financial guarantee against loss or theft specifically that the official duties of an office will be faithfully and legally performed during a specific term. Surety bonds are bought individually for specific officers or employees. Insurance can provide the same protection for all employees at a lower cost. Amending a portion of section 19.17 would give the County the flexibility to buy policies with the best coverage, benefits, and cost whether it is surety bonds, insurance, or both. The goal of this charter amendment would be to obtain the best policies for the County, for all employees and to better manage overall costs.

#### **Purpose**

This amendment would give the County flexibility in purchasing either insurance or surety bonds to cover county employees.