COUNTY OF KAUA'I
Minutes of Charter Commission Meeting – May 22, 2006

Board/Committee:	CHARTER COMMISSION (CC)	Meeting Date	May 22, 2006		
Location	Council Chambers	Time	4:36 pm	Adjourned	6:35 pm
Present	Mr. Louis Abrams, Chair, Ms. Barbara Robeson, Vice Chair, Members: Mr. Mike Belles, Ms. Linda Moriarty, Mr. Galen Nakamura, Mr. Glen Takenouchi and members of the Public				
Guests	Curtis Shiramizu, Special Counsel				
Excused	Mr. Ramon de la Peña				

SUBJECT	DISCUSSION	ACTION
1. Call To Order	Mr. Abrams, Chair called the meeting to order at 4:36 pm.	
2. Discussion, Deliberation, and Action by Kaua'i County Charter Commission Regarding "Proposed Charter Commission Amendments", which is also Attached and Incorporated by Reference into this Agenda	Mr. Abrams said they have an additional handout on the list that they have and he asked Ms. Robeson to go over that with the Commission. Ms. Robeson said this is the pink list and she made some corrections and additions to it based on their discussion based on from last meeting, however because of Sunshine posting laws, they can only go through item d and items e, f, and g will be on their May 31st meeting. Mr. Abrams suggested that that they go to item d and he asked if they would then need to make a decision as to whether or not these would be moving up on the list. Ms. Robeson said that they can talk about items a through d today and then e, f, and g will have to be on May 31st, so they can continue discussing a, b, c, d. Mr. Abrams said that he thinks the ones they want to go ahead and discuss are the items that are in a right now which are what they have determined as policy matters. Ms. Robeson thinks one of the purposes of this extra meeting was to kind of say yes, this is going to be an amendment or not. Mr. Abrams asked what would be a good way to go down this list on a, should he just put it out for a vote and seek a motion. Mr. Takenouchi asked taking each item at a time. Mr. Abrams said yes, that these would rise to that. Mr. Abrams started with the first one, which is should there be a term limit for the Council. He asked if anybody has a motion to approve to put that on the ballot. *It was moved by Ms. Moriarty and seconded by Ms. Robeson to put term limits for the Council on the ballot*. Mr. Abrams asked if do they want at this point right now send that, that it's going to be on the ballot and they get some feedback from Special Counsel as to the limits or should they just go ahead and decide right now what they think would be appropriate. Ms. Robeson thought they were waiting to have some additional information from other sources about the configuration, the range of configuration, whether it's 3 districts, 4 at-large, 5 and 2, that whole thing. Mr. Abrams said that doesn't do with term limits, that does with districts. Mr. Belles thinks some of the Commissioners at the last couple meetings expressed concern about coupling	

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	several of the Council related issues together and he doesn't know if this is one of those that they can vote on in isolation because he for one would be concerned that if term limits apply to only a 2 year term, then he doesn't know that would be appropriate unless it was very extended. Ms. Robeson said she needs to subtract what she said, she was thinking of something else, and she apologized. Ms. Moriarty said they were looking at this for a 2 year term, and she thinks they also had the discussion about there would be term limits but if the term limit was for four 2 year terms, and if you served your 4 two year terms and reached your term limit, and then went off the Council for say another 2 or 4 years, she asked if you could come back again, would this be a term limit permanently or is the term limit for that term. Mr. Belles thinks they haven't resolved that, that's left open for debate, if it's something that, assuming there was term limit that you would either sit out a full term one year and then you'd be qualified to come back on, but they never had an understanding as to how they were going to deal with that. Ms. Robeson said they are talking about a term limit, not a term of office. Mr. Belles said historically they said there would be term limits only if the term of the Council went from 2 to 4 years, but now he thinks they may be looking at it independently, he's not sure, and asked the maker of the motion what they would like to do. Mr. Takenouchi is a little confused and asked if they are setting the language as they vote on the item. Mr. Abrams said they would be sending it to Special Counsel to prepare ballot language for them to review. Mr. Takenouchi said that they are just doing a clarification of what it means. Mr. Abrams said right, and he guesses they could sort of, if they want bifurcate this, are they in favor of term limits, if so how much and then they can put it together on a ballot language. He is of the opinion, he understands that the term limits that have been discussed with previous Charter amendments dealt with increasing the term of office from 2 to 4 years and limiting it to two 4 year terms. He's frankly of the opinion that 8 years would be a fair term limit period, no matter whether it goes 2 years, four 2 year terms or two 4 year terms and that's his thoughts. Ms. Robeson said that was the earlier discussion too, they talked about an 8 year total or a 10 year total, that was another one. Mr. Abrams said they have a motion for this, which is term limits, he asked if they want to put a number on it and then work the details out where they have a yes or no as to whether or not it should 8 or 4 or 10, he asked if that was fair. So he called for the question on whether or not they should put on the ballot should there be a term limit for the Council. Mr. Belles said he personally has reservations about term limits for Council, especially if it's only going to be only for 2 year terms. He sees a dramatic difference between the Chief Administrator of the County of Kaua'i who has a maximum of 8 years, two 4 year terms, because you don't want to be creating a dynasty, that was the fear of that or a dictatorship. He thinks it's different when you're 1 of 7 members of a County Council legislative branch, he thinks often times they are best served by experience, just as you have people in the House and Senate, in United States Congress where they have unlimited period of terms that they can serve and he just sees it as being different than the Chief Administrator of the County of Kaua'i, for that reason, he'll be voting against term limits for the County Council members. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – no, Takenouchi – aye, Abrams – aye* Term limits for Council will go on the ballot with a vote of 5 to 1 and they will then have a discussion later on with Special Counsel and they can have a discussion later on with Special Counsel and they can come back to	

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	deciding on some of the clarifications that some of them may want and what would that be. Ms. Robeson said what would be the difference and advantages, pros and cons for her for 8 years or 10 years since that's what they already discussed. Ms. Moriarty said another option is after you reach term limit, can you come back, but the other point is if you take a hiatus can you come back and that would address the issue of having a very outstanding person on the Council that has been, it would give them an opportunity to run again and thereby add to the County government. Mr. Nakamura would like to add one more thought, one of the thoughts why there are term limits at least at the State level, and he's talked to some Legislators and asked why is there a term for the Governor but no term limits for House and Senate and one of the responses he got, which he thought was some legitimacy to it was that there's less of a concentration of power amongst the Legislators in the Legislative body than there is in the Executive branch, so that's why, because there's less of a concentration of power that's why there's not much of a pressing necessity for term limits in the Legislative branch, he said that's something to consider. Mr. Abrams asked if there is any prohibition of setting a limit that they can come back after or has anybody heard of anything like that. Mr. Belles suggested that their legal counsel could look into that for them just to make sure they don't want to follow that, right off hand he doesn't remember any, he thinks you can put an absolute limit on people's ability to serve people. Mr. Nakamura has a question for Curtis, he doesn't know if under their current retirement laws, whether or not you vest after 10 years as a Councilmember or Legislator. Mr. Belles added as a practical consideration. Mr. Nakamura said he would be interested in knowing that, that might influence if it's 8 or 10 years for himself anyway. Mr. Abrams said the second one is should there be districts for the Council. He knows that there are a number of different items that still need to be considered with that, but if they, his suggestion at this point right now is number 2 if they vote for this, then they will have districts and then the question will be how many and in what form does it take and that will be addressed later on. Ms. Robeson said so this will be for the concept of districts, with the details to be decided. Mr. Abrams said yes. *It was moved by Ms. Robeson and seconded by Ms. Moriarty to approve proposed amendment number 2 to be put on the ballot.* Mr. Belles said that again he'll be the lone wolf, he doesn't know that it's the appropriate time for this with Kaua'i still being a rural community for the most part, he thinks that people pretty much knows what's happening throughout the island, most of the Council members in his experience have been fully accessible to all of the electorate wherever they've lived so again he'll probably be singular in his vote in this, but he'll oppose it for those reasons. Ms. Robeson said in looking at the past times or elections where this had been on the ballot, there seemed to be quite a bit of interest in districts and she thinks as a matter of either the ballot wording or configuration, that those could be the reasons that perhaps it didn't pass but it's been very close in years past and there's been a lot of discussion about it recently, so she'd like to offer it to the public. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – no, Takenouchi – aye, Abrams – aye* Mr. Abrams said that passes and they will be putting this on the ballot.	

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	Mr. Abrams went on to the next one, number 4 which is can only residents in the districts vote for the candidate seeking to represent the district. Ms. Robeson said to mention again, she thinks that they thought that Maui has districts but all Council people are elected at-large. Mr. Nakamura said it's a residency requirement. Mr. Abrams said it's a residency requirement for the district. Ms. Robeson thinks this means pure districting. Mr. Abrams said no, that doesn't mean pure districting because it only says that the candidate shall represent the district that the residents are in, it still allows for at-large. Mr. Nakamura guesses that's a question they have to would have to wrestle with. Mr. Abrams said that's a sub question there so it doesn't completely rule out, he believes League of Women Voters had suggested the 5 district and 2 at-large or 4/3 or 3/4 so it would still allow that and they would have to evaluate that and they will be getting more information on those breakdowns. Ms. Moriarty asked so they will be making the motion here, there is still the possibility that they will be some by district and some at-large, it's just that those by district would be represented. Mr. Abrams said right, those can just the residents in that district vote for the candidate that runs in that district and that's all this is saying, it doesn't say anything else. He guesses if they voted against this, and they approved the one for districts then would be almost walking themselves into the Maui form of districting. Mr. Belles thinks they have to reserve the right to come back to this. Mr. Abrams asked if they want to pass this right now or do they put this as one of the things and then they decide that goes. *It was moved by Ms. Robeson and seconded by Mr. Nakamura to approve proposed amendment number 4 to be put on the ballot.* Ms. Robeson thinks they need to move it forward but she thinks that they'll need to revisit it too based on what they get from Special Counsel. So it might come off later but she thinks it's part of the bigger package of the Council, term limits, districting, that whole thing. Mr. Abrams said it's sort of a conditional approval whether it would go in with the whole thing. Ms. Robeson said for now she'd like to move it forward. Mr. Belles thinks the understanding is that anything voted on today, it's not binding on them in the perpetuity they have the ability to revisit things and change the vote at the final day of destiny. Mr. Abrams said they will call this a conditional, which will go into the package for consideration that Special Counsel will be giving them. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Abrams went on to number 6, he asked if this is something they want to have more information on or is this something at this point right now they want to put off – shall Council members be required to serve full time. Mr. Belles asked if anyone has the will to pursue this. Mr. Nakamura said his only thought was that this is something that can be accomplished under the current Charter and Ordinance scheme, so that's why it doesn't rise to the level of necessity of a Charter amendment in his mind. *It was moved by Ms. Robeson and seconded by Mr. Belles that they take proposed amendment number 6, shall the Council members be required to serve full time and move it to the section D of their pink list amendments that did not move forward.*	

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	Voting: *Robeson – aye, Moriarty – aye, Nakamura - aye, Belles – aye, Takenouchi – aye, Abrams – no* Mr. Abrams said that one got moved off. Mr. Abrams moved on to number 8 which is the question, if Council members have a conflict of interest, must they recuse themselves from debate and voting on the measure. *It was moved by Ms. Moriarty and seconded by Ms. Robeson to approve proposed amendment number 8 to be put on the ballot.* Ms. Robeson said that she'd like them to revert to the former language, this was changed from the procedure where they couldn't vote on a measure where they had a conflict of interest and her comment would be arguing that, if there is a quorum which is the reason that they changed this procedure is, they could always defer action on that item. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – no, Takenouchi – aye, Abrams – aye* Mr. Abrams said they are on number 12 which is the question, shall there be an Office of Commissions & Boards Administrator. *It was moved by Ms. Moriarty and seconded by Mr. Belles to approve proposed amendment number 12 to be put on the ballot..* Mr. Nakamura wanted to clarify, he asked if they are voting for creation of an office or for an administrative position. Mr. Belles said let's leave that for a later date, depending on the staffing right now for one, and maybe if they want to keep it as loose as they have in some other provisions, such staffing may be approved. *Voting:* *Robeson - aye, Moriarty - aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Abrams went on to number 13, shall all Boards & Commissions consist of a minimum of 7 members, excluding ex-officio members. *It was moved by Mr. Belles and seconded by Ms. Robeson to approve proposed amendment number 13 to be put on the ballot..* Mr. Takenouchi asked for clarification, this is brought up to make the Boards & Commissions pretty much standard as to the amount of people. Mr. Belles said that he was correct, coupled together with individual	

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	requests like the Police Commission where they said a standing membership of 5 in their opinion was sufficient to do business. Mr. Abrams said the only other one he wasn't sure about, did they not get told that the Liquor Commission is only 5 also, so they would go to 7 anyway that analysis would come with rationale. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams - aye* Mr. Abrams moved on to number 14, shall all Boards & Commissions have staggered terms. *It was moved by Ms. Robeson and seconded by Mr. Belles to approve proposed amendment number 14 to be put on the ballot.* Mr. Abrams thinks it's a really good idea although Councilmember Furfaro brought up a few things in regards to split appointments and other ways and that caused him to start to think a little bit about it but he does feel that certainly with the majority of them maybe the Cost Control & Salary or maybe Salary at least, there should be some longevity there where they don't have to get up to speed and he's sure in regards to Cost Control & Revenue & Cost Control as to whether or not that would be appropriate, but he thinks they should move ahead with it and they can delve with the nuances of the differences there. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Nakamura said they may need to take a look at with respect to Salary Commission, Section XXIX, maybe not, there's a provision that says no change in Salary or Council members shall be effective during the term in which is enacted, he's assuming that they are referring term of Council members and not term of the Salary Commissioners. Mr. Abrams moved on to number 15, shall all members of Boards & Commissions be appointed by the Mayor and approved by the Council. *It was moved by Ms. Robeson and seconded by Mr. Belles to approve proposed amendment number 15 to be put on the ballot.* Ms. Robeson said proposed amendment number 12, 13, 14, and 15 are all related to one another and they relate with the idea of trying to approve the operations and the appointments and the efficiency of Boards & Commissions. To her they need to have greater continuity and the buck needs to stop someplace in terms of their appointment and their training and education and all that so she is hoping that all 4 of those pass and they all work together. Ms. Moriarty asked if they put something like this on the ballot, and also in the Charter the other requirements for appointments for the Open Space and Preservation Committee which is 3 by the Mayor, 3 by the Council and then the 7th by the body itself, she asks what happens to that in the Charter, does that automatically change? Mr. Abrams said that enabling language below it would show probably a change to that	

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	particular Ordinance he guesses. Mr. Belles said as he understands it, any Board or Commission created by Charter, the intent is to have uniformity and have them all treated basically the same in terms of number of membership, terms, how they're appointed, so this would accomplish that, that would be to have all Boards & Commissions brought into line unless somebody disagrees with that. Ms. Moriarty so that would automatically clean up the Charter. Mr. Belles said they'll have to make that as part of the public education to make it clear of all the Boards & Commissions that would be included in this revision or amendment. Mr. Nakamura said if the Charter amendment should pass, then what the Council would then do is go through the Ordinances and then conform those that are in conflict to the Charter provision. Mr. Belles said if the intention is to go. Mr. Nakamura said if the intention is to pick up all the Boards & Commissions, even those that are created by Ordinance. Ms. Robeson said from Curtis they need to know when he is developing of the language on this which ones are created by Ordinance so that they are aware of what they are intending to do. Mr. Belles added don't overlook anything unintentionally. Mr. Abrams seems to recollect there was a couple of them that were done by Ordinance that they were not even familiar with, one was something that the Mayor can get together the Department Heads for some sort of Cost Control review, there was another one in the Personnel. Mr. Belles it's more like advisory Boards & Commissions, they need to make sure. Mr. Abrams said that they are not standing Commissions; they only last for the term. Mr. Belles added whatever the assignment is and continued that it is important that they have this discussion to make sure that they know what Boards & Commissions are being affected by this proposed amendment. Mr. Shiramizu asked on that one, some Boards & Commissions are appointed by Charter or created by Charter, some by Ordinance, so the proposal would be to make all of those Boards & Commissions. Mr. Nakamura said whether created by Charter or Ordinance is his understanding. Mr. Shiramizu continued, to be appointed by the Mayor and approved by the Council, what about all the rest of the – 13, 14, and 15 as well apply to. Mr. Belles said that's what they have to see, what are all the Boards & Commissions because the terms are not always uniformly used throughout the Charter and all the various pieces of enabling legislation sometimes these entities are called committees, so they need to make sure they know what they are talking about so they have to have a complete list of that, when he went into this he personally thought it was just going to apply to all Chartered Boards & Commissions but if it's going to filter on down to all Boards & Commissions, even those created by Ordinance, let's look and see what those are before. Ms. Robeson said they need a matrix. Mr. Takenouchi asked if this item is going to be referred to B. Mr. Belles said they are intending to approve it, however they need feedback from Legal Counsel in terms of them understanding the ramifications of this vote to have a complete listing of all Boards, Commissions, Committees to see what their intentions are and what entities they intend to affect. Ms. Moriarty said before they go out to public education they need to be able to be very clear so that they can answer all the questions regarding this. Mr. Takenouchi just wants to be clear, is this something that they are going to assign to Special Counsel do research on then. Mr. Abrams said yes and let's just say that if they vote yes right now to do this that it would go on the ballot unless Special Counsel would come with something that says the law clearly does not allow that to happen. Mr. Belles said that or they make a policy decision that they don't think it should apply to certain committees or Boards or Commissions that there's a good reason to distinguish one from the other. Ms. Robeson asked aren't all those ones that they've "approved" to move forward, isn't Curtis, he's now going to be looking at language on all these correct. Mr. Nakamura said except to the extent that he's going to need further direction from them with respect to how to structure a particular amendment. Mr. Belles said yes, it makes sense that once they come to an agreement on something that they get proposed language as well as	

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	counsel from Legal Counsel in terms of whether or not there might be some things that they may want to consider first. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams –* aye Mr. Abrams moved on to number 16, change the name, responsibility and authority of the Cost Control Commission to the Revenue & Cost Control Commission with necessary changes to authority of the Commission. Mr. Abrams said they just got a healthy dose less than a week ago as to that concept of how that operated, he asked if that is something they are prepared to move ahead or do they want to leave that here while they digest that and get more information or do they just want to move it ahead. Ms. Robeson said in some of the stuff that they can't talk about today, they'll talk about on the 31st, there's a proposal to abolish which she would like to have that discussion, to abolish the Cost Control Commission and have some other configuration based on their discussion from last week, she doesn't see that it's been effective, she thinks there's other ways that are simpler and more efficient of getting the same kind of input. *It was moved by Ms. Robeson and seconded by Mr. Belles that proposed amendment number 16 be moved to the section D of their pink list amendments that did not move forward.* Mr. Belles said that he seconded that for the very reason she pointed out and as Commissioner Nakamura pointed out in an earlier proposition, he believes that there are other ways to more effectively respond to this, that the Council, the Administration currently have authority to implement this if they so desire. Mr. Takenouchi said he's a little confused because isn't it Councilman Furfaro that proposed this amendment and they're saying that the Council can actually do this now. Mr. Belles said as they recall during the course of the last meeting they told him that they thought that since they controlled the budgetary process that this might be an inherent authority that they already have and posses and that if the Council chose to work with the County Administration they would be able to accomplish the same objective without having to go through a Charter amendment. Mr. Abrams is not so convinced yet, he understood a lot clearer what Jay was saying which is that this seems to be a Commission, because what he realizes is that the Council is not allowed to get involved in administrative detail work, that they're supposed to stay in the legislative arena, this kind of bridges both sides and in order to gain more efficiency, which is sort of what he thought was intriguing, so he's of the opinion that he doesn't want to take it off at this point right now until they see the whole shooting match, he would just assume wait, but that's just him. Mr. Takenouchi would tend to agree with that. Ms. Moriarty said one of the problems that she's always had with this Revenue & Cost Control is that she sort of looks at a Commission that forecasts revenue as being the economist versus a Cost Control Commission where the members are basically auditors and it's 2 different things, it's kind of apples and oranges and she doesn't know if putting them together in one Commission makes sense. Mr. Abrams is not sure either and that's sort of why but he's kind of willing to let it play itself out a little bit more as they start to understand all that and then maybe at that point like she said, they can always come back but the general intent right now is to not. Mr. Abrams continued that Cost Control was mainly to look at how to economize purchasing, was really what it was, and so it's got a fairly narrow scope, this would expand to substantially more, almost like financial consultants that are	

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	brought as volunteers to government to make some recommendations and he's not convinced at this point. Mr. Belles said that he'll just repeat what he said at the last meeting, his view regrettably is that it's dysfunctional right now and by adding responsibility he's concerned that it's going to be more dysfunctional with more responsibility and he doesn't know that serves any good purpose, but he understands what all of them are saying. Mr. Abrams asked if he would indulge him, he sees Glenn Mickens with his finger in his mouth which generally means he wants to testify, where they would not do this usually, so it better be good. Ms. Robeson noted especially with a motion on the floor. Glenn Mickens, public witness, said regarding this particular amendment, his neighbor John Love that they got the letter from, he served on this Commission and he wants to abandon it. He agrees with Louis and he doesn't like to see the thing abandoned, his reasoning for it was, there's no teeth, they said they had a good group of people, they made recommendations, nothing happened, but that statement can be made for any Commission, what about the Tax Task Force, did some great things, spent a year doing it and nothing happened. So he said if you're going to abandon this thing, they are going to look at any Commission that's formed. Mr. Nakamura had some thoughts to offer, he thinks Commissioner Robeson's comments have a lot of validity and also Mike's comments with respect to, it's been a lot of time and effort put in by a lot of good people, a lot of good citizens, smart people over the years and in his view it's kind of been difficult and sometimes somewhat of a shame that their implementations aren't implemented. If you do add a revenue component also which is truly advisory, he's not sure how much more that would be helpful to the Administration or the Council, although he did hear Councilmember Furfaro say that he thought it would add more transparency, so there might be that aspect of it that would be helpful to the workings of both the Council and the Administration and the people also to see more financial transparency in the financial operations of the County. He has the same concerns as far as adding more responsibility to a Commission that whose recommendations don't seem to get implemented very often, if at all. Over the years there's been efforts, that problem has been clearly recognized and that's why there have been Charter amendments over the years to increase the visibility or the clout so to speak, there's been a requirement that the reports of the Commission be published in the newspaper, there's a provision in there that their recommendations have to be drafted in the form of an Ordinance and forwarded to the County Council, but then even despite those kinds of things, he hasn't seen anything come forward out of the efforts which is, that's a hard thing for people who have done a lot of good work there. Mr. Takenouchi said the second portion to this proposal is says the necessary changes to the authority of the Commission, he thinks as Commissioner Nakamura has stated, that's probably been implied several times, but doesn't know if that's going to change anything, he asked is it worth a try again this time. Mr. Abrams said it does, at this point right now with the Cost Control Commission if they didn't have this, then would they think they needed to do something for the Cost Control Commission, they suggested staggered terms, so all of a sudden they're going to be possibly being ongoing so that they won't be co-terminus, start it up and then stop. Mr. Abrams said who knows what else they could put under enabling to make it more meaningful that their efforts are listened to, or at least administered by that but if they remove this at this point right now, then he doesn't know whether they'd have the opportunity, he asked if they have another amendment that is coming up	

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	down further, but that was more to. Ms. Robeson said that was E. 50. Mr. Takenouchi said which they can't discuss. Ms. Robeson said to add more to what he said, after the conversation last week at their last meeting, to add revenue to the Cost Control Commission responsibility she doesn't think is going to make government run more efficiently and it will improve things, she thinks the Cost Control Commission as it stands now, for whatever reason, through either not having an operating Commission or not being able to accomplish their task which is from the Charter 28.04, Commission shall review personnel cost, real property taxes, travel budgets, contract procedures, review with the aim of eliminating programs and services available or efficiently supplied by other governments or organizations, eliminate or consolidate overlapping or duplicate programs and services, scrutinize for reductions in any County operation. She doesn't know what kind of cooperation they get when they are trying to accomplish their work, she feels sorry for them. Mr. Nakamura said the goals are really laudatory, they are very, very good goals but government nowadays is so complex and he can understand Mr. Micken's frustration as far as them having more authority to control the cost government, but he's thinking of things like if they are going to control the cost of government by doing something that's going to affect one of the he doesn't know how many collective bargaining agreements that the County has or this legal obligation or that legal obligation, it's not a simple proposition. Ms. Robeson doesn't know if they can, the Cost Control Commission, if they can even do their job as it's written in the Charter as it stands now, to her it seems more like an auditor's kind of responsibility. Mr. Belles thinks history is the best demonstration of how effective this has been and regrettably, through no fault of the individual Commissioners who have given selflessly of their time and worked very hard to come up with inspired recommendations sometimes, yes that there wasn't a will to see it through by the people who actually had the authority and he thinks it's just going to add to that level of frustration, he really believes if they want to accomplish this, whether it be on the revenue side or Cost Control side, they can do it now if it they want to whether it be a blue ribbon panel or by whatever other means, he doesn't know that it had been successful historically and he doesn't think by adding this it's going to be any better in the future, that's his reservation. Mr. Abrams might add to this that if you're looking at their Charter one which is the unofficial one, where it says underneath them that it was amended in 1988, that was not the year that it was amended, it was 1984 which is when the Cost Control Commission was first started, however in 1996 the voters overwhelmingly approved a question that said shall the Cost Control Commission prepare and advertise a written annual report summarizing its recommendations and shall the Mayor submit to the Council for it's immediate consideration, all Ordinances proposed by the Commission, and that passed 11,784 to 4,850. Mr. Abrams said that maybe they need to get that working better than trying to lump them together, he doesn't know but it's certainly that the voters have spoken very strongly about that, and that they like the idea and they want to see it continue on. Mr. Takenouchi thinks it's sort of the paradox or the quandary for them and for government in general, it's like he can see them trying to put a proposal on the ballot, shall the Cost Control Commission be abolished and he can see it going down in flames, for lack of a better term. Mr. Belles said that's the problem with the practical reality and the politics of the process, if you ask the people do you want more cost effective government, he thinks you get 11 out of 10 people saying yes but when you actually look to implement it and actually have it accomplish that result and it doesn't, then he doesn't know that they are serving the public very well by giving them in essence, a false promise or hope and then just have it end up in the shoals of the rocks. Ms. Robeson said the first step is appointing the Commission. Mr. Abrams said they have a motion to remove it. Ms.	

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	Robeson said remove this item and move it to D. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – no, Abrams – no* Mr. Abrams went on to number 17, shall a new Fire Commission be created with appropriate duties and responsibilities, including the authority to hire and fire the Chief. *It was moved by Ms. Moriarty and seconded by Mr. Abrams to approve proposed amendment number 17 to be put on the ballot.* Ms. Robeson thinks that it's a good idea, but she's not sure based on the number right now that they potentially have as Charter amendments that it rises to the top of the list and she thinks that it could be something that could be handled by Council or referred to Council, so she agrees with the concept of it but based on the overall number that she anticipates, she is not sure it's one of the top 25 or whatever they are going to have. Mr. Belles shares the same reservation, they've worked effectively for 30 some years and some people said it would have worked better if there had been a Commission, they have to balance the interests of trying to make government more lean and efficient rather than adding on to the layers of bureaucracies, sometimes you need to, to make things work better, this is not one of those cases that he thinks rises to that level at this point, he's not seen or heard historically compelling reasons for a Fire Commission, he does see some merit to it, but again, not to rise to the height of some of these other issues that they have discussed. Mr. Takenouchi said he would have to agree on that, there's been some good points brought up about the Fire Commission; again he has to agree though looking at the list that they have, doesn't know if it rises to the top of the list right now. Mr. Nakamura would agree also. Ms. Moriarty feels that water safety is a really big aspect of the Fire Department and it's becoming increasingly so, because of tourism, recreation, etc. so she feels that it's important to, that this because it's public safety that it have it's own Commission and separate from the other part of the government. Mr. Abrams said they had their Chief, they had some very credible people speak in favor of it, they had somebody from the University of Hawai'i who came over and spoke very highly of it, they have had Fire Chiefs from different islands write them letters, he thinks that is convincing enough to put it out to the voters and let them decide, so that's why he would be voting in favor of it, granted it may not make it to the top but he does think it's right in the middle of the pack. That is why he would still keep it on, there would be a final cut later on but he does think that it should probably continue to survive at this point. *Voting:* *Robeson – no, Moriarty – aye, Nakamura – aye, Belles – no, Takenouchi – no, Abrams – aye* Mr. Abrams asked what do they do now. Mr. Belles said it will be on hold because for any action they require a majority. Mr. Nakamura agreed it's on hold. Mr. Belles said it automatically continues until they get *(inaudible).* Mr. Abrams moved on to number 18, shall the Charter Commission be a permanent Commission, with 7 members serving staggered terms appointed by the Mayor and approved by the Council.	

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	Mr. Nakamura would like to see this particular amendment move forward, but just for purposes of discussing it in conjunction with the City Manager/County Manager idea, because he thinks the 2 could possibly go hand in hand, but for that purpose only. Mr. Belles agrees with both the motion and the rationale and he will second it for that reason. Mr. Abrams said this would just be hold is what they're. Mr. Belles said no, keep it alive, move it on, with reservations. Mr. Takenouchi said just for a clarification, it's moving on in conjunction with the County Manager. Mr. Nakamura said for him, that's where he is with respect to this proposal, other than that he has no reason to wanting to continue to have it. Ms. Robeson agrees with that. Mr. Abrams said there's no question in his mind, he'll be in favor of this, whatever Charter Commission comes up, whether it's in 10 years or regularly has a tremendous job to do, there's a lot more things as they've seen in just the items that they are considering that may be beneficial to the public with some more in depth review and discussion and proposals, and he likes the way this Commission or the Charter Commission can go straight to the ballot on whatever they think is worthy of being voted on, and he thinks that is something good for this County, so he'll be supporting it. Ms. Moriarty asked for the motion to be repeated. Mr. Abrams said the motion was to approve this amendment to go to the ballot. *Voting:* *Robeson – aye, Moriarty – no, Nakamura –yes with reservations, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Abrams went on to number 19, shall there be a new Parks & Recreation Department. Mr. Abrams said they are still trying to hear. *It was moved by Ms. Robeson and seconded by Mr. Belles to approve proposed amendment number 19 to be put on the ballot.* Ms. Robeson said just a couple of things she wants to mention that despite not having the additional information from Parks & Recreation, there's a couple of things that the County is already doing that would lead her to believe that this new Department should be formed and one of them is the General Plan vision which to quote says: "Protection management enjoyment of our open spaces, unique natural beauty, rural lifestyle, outdoor recreation and parks" and the second component of that Parks & Recreation Department was the creation of the Open Space Commission. It seems to her that the County leading towards valuing their parks, recreation, open spaces, natural resources and acknowledging the importance that they have in the community, not just for individuals to use the park for a picnic or so forth, but in a bigger context and so she would like to support that amendment. Mr. Belles seconded it and he agrees completely, this has a great deal to do with the quality of life, both for residents and visitors alike, he thinks it affects our economy, he thinks more attention has to be paid to it, he	

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	believes it has been neglected for a lot of different reasons, and he thinks unless we focus attention on it, it's going to continue to be neglected and we're going to continue to have complaints, not only by visitors but residents alike. He thinks we're doing a disservice to everyone if we don't have the government concentrate on it and he doesn't know any other way of doing it because he thinks they heard even from the elected officials that unless this rises to a new level that they're going to probably continue to treat it the same way. Mr. Takenouchi thinks they had a discussion on efficiency, which came from various people. Mr. Nakamura observed that Recreation is currently under the Offices of Community Assistance so it would necessitate having to pull that from *(inaudible).* Mr. Belles noted that they can work together and coordinate that. Mr. Abrams had reservations about this, but he thinks he would support it now to move it along so that they can find out and then make an ultimate decision on it. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Abrams moved on to number 20, shall a licensing requirement for County Engineer be removed. *It was moved by Mr. Belles and seconded by Mr. Takenouchi to approve proposed amendment number 20 to be put on the ballot.* Mr. Abrams said that he is in favor of it because he thinks we need to broaden the pool and we know already that we will have an engineer that is there, we know that generally the person in charge of Public Works is administrative a little bit more, not necessarily as much of an engineer and he thinks that if this has been what has been keeping us from being able to hire a Public Works Director, generally speaking, that he thinks that it is worthy of being removed. Ms. Moriarty said she believes in some of the correspondence they have for some of the testimony, there was a question as to whether it was a licensed engineer or a registered engineer, so she asked is both one in the same, she's not sure. Mr. Belles said under the laws of the State of Hawai'i you have to be licensed just like lawyers, just like physicians, it falls along the same statutory authority. Mr. Abrams asked what would be the difference. Mr. Belles thinks it's more semantics. Mr. Nakamura said that he would agree with Mike. Mr. Belles suggested that they could refer this to Legal Counsel. Mr. Takenouchi is in support, there's been a lot of testimony that they've heard where, and even he thinks the County Engineer said quite a bit about it too, where the position does require good administrative skills and that's not necessarily tied into a licensed engineer, which is the requirement now for that position, so it would give them a broader pool of people to choose from that are qualified. And also in that department there are other engineers that are licensed that can back up the Department Head. Mr. Belles said that in all of the years that he's been in the County and outside the County and working with the County, he's seen that position vacant too long for the very reason that we cannot find licensed engineers to do it for all the reasons that we've	

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	heard already. To him, it's been a big disservice to the department and again the community, so he thinks they need to find another way of dealing with this and he believes for all the good reasons they heard, we need a good administrator in there and they don't necessarily need that licensing discipline, he thinks there are other people in the department that can adequately deal with those types of issues. Mr. Nakamura added that this wouldn't preclude the appointing authority from still hiring somebody who has a license, it just broadens the pool of applicants, the other thing he kept on thinking about when he was thinking about this amendment is that, the State Director of Transportation with all of his responsibilities, there's no licensing requirement for that position. Mr. Abrams was thinking also that part of the enabling part would be is that they would have to have some engineering experience, just at this point right now that would not be the sole criteria that they be licensed. Mr. Nakamura said it broadens the pool of applicants. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Abrams went on to number 23, shall the signature requirements involving initiative and referendum be reduced from 20% to 5%. *It was moved by Ms. Robeson and seconded by Mr. Belles to approve proposed amendment number 23 to be put on the ballot.* Mr. Nakamura asked if they are voting on the specific numbers or the concept. Ms. Robeson said that she's voting on the number because that's what's in this number 23. Mr. Belles asked if Mr. Nakamura has reservations about the number. Mr. Nakamura replied yes, but that's just him. Mr. Takenouchi asked if they are going to couple this with 24 or are they going to treat this as 2 separate items. Mr. Belles said that the reasoning is probably the same for all of them, similar to their Boards & Commission issues, so what's good for one should probably be good for all in terms of popular vote and participation in government and getting a plebiscite and issues before the community outside of the Administration and County Council. Mr. Abrams asked should they make it, it would seem logical to maybe put the two, 23 & 24 together and maybe very well 25, which they will mention later. Mr. Belles said although procedurally they may not be able to do that because they could be dealing with separate issues, we would have to have legal counsel advise them on that. Mr. Takenouchi asked if they are specifically choosing these numbers or do they. Mr. Belles said why don't they have the understanding that it can be some other number, the point is that they are reducing it. Ms. Moriarty and Ms. Robeson is fine with 5%, Ms. Robeson wonders what other people have in mind. Mr. Nakamura is at 10%. Mr. Takenouchi said the 5% he believes if he remembers correctly, after all the testimony came from the County Clerk's office, that's where the recommendation came from. Mr. Abrams doesn't have a problem with 5% either. Mr. Takenouchi said he had some good testimony as to why the 5%. Mr. Abrams said they'll bring more in on this at that point because they'll have to decide whether or not that'll make it past this, if they move this along. Ms. Moriarty said that if most of them feel that, if 5% is fine for the majority of them, why don't they just go ahead with it and don't have to revisit it again, they've got other things to discuss. *Voting:*	

SUBJECT	DISCUSSION	ACTION
	Robeson – aye, Moriarty – aye, Nakamura – no, Belles – aye, Takenouchi – aye, Abrams – aye Mr. Abrams moved to number 24. *It was moved by Ms. Moriarty and seconded by Mr. Takenouchi to approve proposed amendment number 24 to be put on the ballot.* Mr. Abrams said that the question is shall the number of signature requirement for recall be reduced from 20% to 5%. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – no, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Abrams said number 25 the question is shall all material requirements for citizen initiated petitions to be placed on the ballot be specified in the Charter. Mr. Nakamura said that this is something that he personally thinks that can be handled by an Ordinance and he knows that there has been a prior by the Clerk's office to add some details to the process, there's sufficient protection in Ordinance enactment process, the various readings and public hearings that it all has to go through and there is a statement in the Charter that to the extent that the Charter doesn't specify, that the residual authority all flows to the Council by Ordinance. Mr. Belles agrees. Mr. Nakamura read Section 2.02, "all powers of the County shall be carried into execution as provided in this Charter or if the Charter makes no provision as provided by Ordinance of the County Council." Mr. Nakamura thinks the Ordinance process is a little more flexible, allows to change with the times if there are necessary tweaks that have to be done as opposed to carving it in stone when you put it in the Charter. Mr. Belles has found that it's hard for him to be impartial because they wrote the Ordinance during his tenure, on his watch and he thought it accomplished in large part what they had intended, he agrees with Commissioner Nakamura that we need the flexibility to modify administrative guidelines over time, that's very hard to do and it has to be put back on the ballot again and he thinks there are sufficient safeguards in the process to make sure that the County would enact it following proper due process issues and considerations. Mr. Abrams would be supporting it simply because of a number of things that come up, first off most of the time citizen initiated petitions have to do with something that our elected leaders do, and to allow those people to come up with the rules troubles him. He really does believe that it should be decided on and again it's material ones which is not smaller items, but basically the bigger ones should really be decided by the voters themselves, and that's why he would support that. *It was moved by Mr. Belles and seconded by Mr. Nakamura to have proposed amendment number 25 be moved to the section D of their pink list amendments that did not move forward.* *Voting:*	

SUBJECT	DISCUSSION	ACTION
	Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams – no Mr. Abrams went on to number 27, shall the County Attorney be elected for a term of 4 years. Mr. Nakamura asked the Chair if the record could reflect that for this particular one, he will be abstaining from any discussion and on this because he is a Deputy in the office. *It was moved by Mr. Belles and seconded by Mr. Takenouchi to have proposed amendment number 27 be moved to the section D of their pink list amendments that did not move forward.* Mr. Abrams is speaking against the motion to remove it simply because he have not found anything that separates the powers between the branches of our government as articulated by Mr. Stoessel and that this is only one of the possibilities there and to him he thinks it should survive at least for now until they get towards the end. Ms. Robeson is going to be voting in favor of the motion to remove this proposed amendment, she thinks that if there are conflicts in the current structure between the executive and legislative branch or the Administration and the Council that they can be resolved through methods that don't require a Charter amendment. She thinks that the Council, they have an attorney that comes from the County Attorney's office now but she thinks they can probably work within the current structure to improve things without having a Charter amendment that elects a County Attorney. *Voting:* *Robeson – aye, Moriarty – aye, Belles – aye, Takenouchi – aye, Abrams – no* Mr. Abrams moved on to number 47, shall the Planning Director be an elected position. *It was moved by Ms. Robeson and seconded by Mr. Belles to have proposed amendment number 47 be moved to the section D of their pink list amendments that did not move forward.* Mr. Belles has real serious reservations about this, almost for the same reasons of the prior proposition, he thinks 2 very important positions in the County of Kaua'i become popularity contests, he doesn't know that's the best way to deal with either legal issues or planning issues, and selfishly he's worked closely with Planning Directors since he started in '75, beginning with Mr. Nishimoto going through Mr. Youn, everyone's been top flight, they've had to deal with very difficult issues, a very unpopular position whatever you do is going to reach some sort of proposition in the community and he's thinks everyone has done a stellar job and he doesn't know that by making it an elected position that's going to make it any better. Ms. Moriarty thinks at the present state of the County in terms of having difficulty filling these professional positions, she thinks it will be even more difficult to get professionals to run for a position such as this. Mr. Takenouchi thinks that the work that the Planning Director has to be specified by the Charter now, he doesn't think it would improve if they went out and had it elected, so that's the reason why he would want to remove it. Mr. Abrams speaks in favor of the motion to remove it mainly because he believes the Charter is clear enough of what the Planning Director's duties are and the Planning Commission's duties, he thinks that by the fact that they are suggesting doing a Board & Commissions administrator that it's more in regards to reminding them of their role and what they should with	

SUBJECT	DISCUSSION	ACTION
	the Charter so he will be supporting the motion to remove this one. Ms. Robeson said to address the concerns from the public because this was one of the suggestions that came from the public, she's tried to do some research to see whether she could find any other municipalities that had elected Planning Directors, and she wasn't able to find any on her own but she also checked with the American Planning Association Hawai'i Chapter, some of the people that are actually in Honolulu and some of those who had worked on projects on Kaua'i and in State government and in County government, and none of them were aware of any places that elected a Planning Director. She thinks when you have an appointed Planning Director and in our case it's kind of 2 steps, remove from politics, which is better than 1 step removed, that it gives more independence to the Planning Director and it also kind of gives the ability of a Planning Director to look long range into the future which is what Planning is all about. If you have an elected Planning Director, then it's 4 years instead of the long range, so she'll be voting to remove this amendment. *Voting:* *Robeson – aye, Moriarty – aye, Nakamura – aye, Belles – aye, Takenouchi – aye, Abrams – aye* Mr. Abrams said that takes them to the end of their policy items and he asked if there are any more, he's not contemplating taking up any of these at this point until they have some more info back from Special Counsel in section B, C, and then once they get items E, F and G officially sunshined so it can come on the 31st and that will be their first opportunity to decide what they'd like to do with those. He asked if that was agreeable with everybody. Ms. Robeson asked if they could kind of just go through them to see if there's anything they want to add before on B. Special Counsel, go item 3, item 10, 11 like that just to make sure while Curtis is here. Mr. Abrams went over first, must a candidate be a resident of the district, he asked if there was anything that they haven't articulated that they need Special Counsel to know. Mr. Belles said if they could ask Special Counsel if he's got any problems with what they asked him to do last time or if he has any questions. Mr. Shiramizu said no, not so far, he has started a little bit of research, but haven't quite gotten into it as much as he needs to. Mr. Belles asked if he has a clear enough grasp based on what limited discussion they had last time to proceed with 3, 10, 11, 28, 33, and 40. Mr. Shiramizu said yes. Mr. Nakamura asked if they could go back to C. to see if there is any other direction that Special Counsel thinks he needs, Special Counsel for discussion. Mr. Abrams listed the amendments, shall there be spending limits, shall there be a County Manager, and the duties of the Council and Mayor should be stated, that means they are the most complicated ones. Ms. Robeson said that on C.32. she asked if they talked enough about that, the question is what duties. Mr. Abrams said last they left it was he was going to research the other jurisdictions to see if there were any duties in the Charter and then Special Counsel was also going to be looking at other aspects, that was their last game plan for that issue. Mr. Belles said they clearly need more particulars, it means all or nothing to him right now. Mr. Shiramizu asked when he says other issues, he doesn't think his notes reflect specifically what those were,	

SUBJECT	DISCUSSION	ACTION
	was there anything in particular. Mr. Belles said that why the Chairman he thinks was going to do additional follow up and get to Mr. Shiramizu with some possible directives after the Commission has a chance to discuss it. Mr. Abrams doesn't know if there is any other, he just threw that in because he's sitting next to a bunch of lawyers. He doesn't think there would be and much like they really have not gotten their hands around that issue, that's probably the least they have spent time on in the last year, exactly what duties should be required. Mr. Shiramizu said what duties should be stated in the Charter, is that what the question is. Mr. Abrams said yes, for the Mayor and the Council. Mr. Shiramizu noted that he will not be at the May 31st meeting. Mr. Abrams said that is when they are scheduled to have more detail explanation about that, so what they will do is they will see him the next meeting after the 31st. Mr. Shiramizu said obviously when he gets back he will check with members of the Commission. Ms. Moriarty noted that she will not be here for the May 31st meeting as well as the special meeting on the 5th. Ms. Robeson noted that she has to leave at 5:30 on the 31st. Mr. Belles if they wanted to consider starting earlier. Mr. Abrams said that they will shoot to have the meeting start half an hour earlier on the 31st.	
3. Discussion of Charter Commission's Budgetary Needs for County Fiscal Year 2006-2007 & Review of Budget and Status of Expenditures for Fiscal 2005-2006	Mr. Abrams said that they have that in there mainly because he's got some more things that he has to do including meeting with the County Attorney and Galen was going to look into a couple of things and it just seemed like they just discussed this yesterday, so in any case he will keep it on the agenda and they will talk about it when they get that settled, which should be probably by the 31st.	Mr. Abrams will meet with the County Attorney and Mr. Nakamura on Agenda Item #3.
4. Schedule, Timeline & Tasks of the Charter Commission	a. Review of overall schedule, timeline & tasks of, and invitees to, the Charter Commission b. Further consideration and, if necessary, revision of schedule of Commission's meetings and invitees c. Discuss schedule for holding public meetings around island (i.e., set dates, reserve locations, legal notice) d. Discussion concerning the direction of work and questions to be decided by the Commission e. Status of special counsel's work assignments in support of the Charter Commission f. Additional Community Meeting Dates at Neighborhood Centers from July and September g. Additional Charter Commission Meeting Dates from May to July Ms. Robeson proposed that their meetings that are on the schedule for the community meetings, the three – July 5th, July 18th and July 20th be deleted at this time. She thinks that their purpose was educational, but they are not going to be able to do an educational presentation at that time, they won't be able to do that until after they actually have finalized their amendments and submitted it to the County Clerk. They have some other community meetings scheduled in September already so she thinks with their schedule for their regular meetings and special meetings, and the fact that the community meetings really wouldn't accomplish the purpose that they intended them, that they should just be removed from the calendar, the July ones. Mr. Takenouchi doesn't disagree, he said they have only 2 community meetings in September, one in Līhu'e and one in Hanapēpē, should they try to look at another one. Ms. Robeson said it could be in August, anytime after August 4th. Mr. Abrams said or it could be in October because these things won't come up until November.	

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	Mr. Abrams said that is something that he hears no objections to, they will go ahead and take the community meetings of July 5th, July 18th, July 20th off of their calendar and then will work with Edie to come up with a good community meeting program once they have the ballot amendments ready to go. Mr. Belles asked if on those dates they have regular working meetings, is that the intention. Ms. Robeson said no, they are meeting weekly anyway; this would have been in addition to that.	
5. Public Comment on Charter Commission May 22, 2006 Meeting Agenda Items	Carol Bain, public witness, said before they get into the documents that she submitted, she asked if she can bring up that the November 23rd minutes, she thinks this is the proper item because they have been discussing the Special Counsel research. And indeed they did already send to Special Counsel right here, it says the Charter Commission may have Mr. Curtis Shiramizu, legal counsel, review the amendment and proposals by Mr. Ed Coll on the Commission's legal options and that was the day after he presented his item which they currently have over item 49 and because their past minutes say that they have referred it to Legal Counsel, would that be okay to move 49 over from E. to B. because they've already made that decision and action back on the 23rd of November. Mr. Belles said he doesn't know he's wrong, but didn't Mr. Shiramizu report back to them the following meeting because there were specific requests about this might conflict with State law and he was going to be checking with State agencies and he thinks he did report back to them. Mr. Shiramizu doesn't recall that. Ms. Robeson said that item 49 refers directly to a communication that they really haven't posted yet. Ms. Bain said that it was posted on the 23rd because it was brought up and discussed and presented in a PowerPoint presentation on November 23rd, so in that sense. Ms. Robeson said that it's not on their agenda today. Mr. Abrams said that it's going to be on their agenda at the next meeting, May 31st. Ms. Bain just thought that because they have already made the decision on the 23rd to push it to legal counsel, that would take precedence. Ms. Bain said that she's here to acknowledge that she was tardy way back on the 3rd of May, at the public meeting at Kilauea and she gave some feedback on she thinks they had 27 at the time and she mentioned wearing her League of Women voters hat that the League had done some research on the parks issue and she promised to get them that study and so that was submitted last week to Edie so they may want to look that over although it may just provide them some support for the direction they've already gone in which they decided today to continue that, that was regarding the Parks & Recreation. Ms. Robeson wanted to just clarify that she is just talking about number 19, the question of shall there be a new Parks & Recreation department. Ms. Bain said yes that is on the agenda and she has submitted the study as promised. Ms. Bain wanted to mention one other study that she included in that packet, her vice president Althea McCleary found that the League had done a 1990 study on districting which the result of that study did not allow the League to have a position on it because the League was tied in the vote on that, however all that research is there, at least which might add to some of their discussion about pros and cons, and that's the other feedback she wanted to share with them all. She said what's excellent about this Commission is that they are putting their dialogue on the record, which that will allow the defining of their pros and cons or help whoever that's going to be defining it because it will help guide them to hear their reasoning and she thinks it's really good that they are putting all that on the record for the additions of the pros and cons not only for now but for the future. And the other thing she kind of threw in there was the State study on initiative and referendum, again just to kind of give them some background although she's sure that they have plenty to read, enough	

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	reading material to last them, she went ahead and because it is an issue that they might want to have that League perspective on. She's sorry that she overwhelmed them with paper. Ms. Robeson noted that she also turned something in that doesn't relate to anything on the agenda and they didn't copy it because it is copyrighted. Ms. Bain said that was actually background on the Sunshine Law. Ms. Robeson asked if she wants them to have it for next agenda. Ms. Bain responded if they think it's appropriate, it's just up to date research about nationally, citizen's right to know and Sunshine Law, it's always good to have up to date information. Ms. Robeson said so it's reference. Ms. Bain said yes. Mr. Abrams said that if it's okay with her, he will scan and put these on the Charter Commission's website. Ms. Bain said yes because the only page that she had text was the memo that she had sent to the County Council which she did have an attachment, she indicated to Mr. Abrams that he can include any and all of this, if she finds any of it as text that would save him from some scanning, she'll send it, but that was 4 years ago. Ms. Robeson said just to disclose on the parks report that the League did, she was on that committee. Richard Stauber, public witness, he wanted to talk about number 18 on the pink list which is shall the Charter Commission be a permanent Commission with 7 members. Just a little bit on the broader side, our Charter is over 3 decades old and whenever we go in another direction with the County Manager or not, the document needs to be reviewed. He doesn't expect them personally to sit on this new Commission but in general the document should be renewed, maybe we are going to go and make go back to a Charter Commission every 5 years like we had in the beginning of the Charter, he read it somewhere in some minutes in the beginning where only after 5 years the Charter was reviewed and then increased to 10 years, so something needs to be done, the Charter itself becomes inconsistent in each other, sections to each other. So he submitted, he thinks it was a year ago, nice pile of paper where some inconsistencies already appear, we have to go in one way or the other, it's just to need to be clarified, updated. So wherever the Commission's decision is, we should as the Commission itself should be considered to be permanent just to clear up all these inconsistencies. So wherever, whatever it is, if we go to the County Manager or not, there is a need that the Commission should be permanent to clear up the part. Ms. Robeson has a question for Mike, she asked what other ways could the Charter be cleaned up or the housekeeping stuff, could the County Attorney hire a consultant and have that put on the ballot. Mr. Belles said sure, you can have propositions through the County Council, working together with the County Administration, any number of ways that can get on there, or again by people getting a petition, that's time consuming. Ms. Robeson said to her it really needs a professional, somebody with not working on it as a group, it needs somebody that dedicates a project to doing that. Mr. Nakamura said that there was a Charter proposal and he's not sure if it made it onto the ballot, he thinks it may have, the last go around Charter Commission, which gave the County Attorney the authority to make non-substantive clean ups to the Charter. Mr. Belles recalls that getting voted down. Mr. Nakamura said right but he just brought that up for information. Ken Taylor, public witness, would like to address a number of these issues with them that they just went over on the policy items today, but it would be based on a couple of things and that's one that they would be moving towards a County Manager type of government. The other part of that big picture would be bringing the Mayor	

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	to the table of the County Council who would be the Chair of the Council and set the agendas and so on, working with Council, after all the Council is the group of people that are elected by the local voters and they should be fully responsible for everything that goes on in the County, the buck stops here. They hire the General Should there be term limits, yes there should be two 4 year term limits, again, getting away from 2 year, the cost of having elections is expensive and he thinks with term limits two 2 year terms would be realistic and if they set out one term and come back that's their choice or should be their choice. Should there be districts, yes he thinks the Council should be made up of 3 district individuals and 4 at-large, the Mayor being 1 of the 4 at-large and only the individuals in the district should vote for the district candidate, that way each voter will be actually voting for 5 members of the Council, the 4 at-large, the Mayor plus the 3 at-large plus their district and you could have it split where one election you have the 3 district elections and at the odd next time around the at-large individual and the Mayor, 3 Council members. He thinks that would clean up the process of County government and it would make the responsibility of everything that goes on brought back to the Council. We have things here like should we talk about the Fire Commission and should it include hiring and firing of the Chief, he doesn't believe that, he believes the Commissions, all the Commissions should be making recommendations back to the elected officials, they make the final decision. If they make the wrong decision, the voters know what to do about it. But you can't, and one of the problems we have out there today and we see all this monkey business going on with the activity of the Chief of Police and it's a sad state of affairs but when the final decision is made by the Commission they can hire and fire him, they're not responsible to the electorate, they've been appointed and they should not have that power, it should fall on the shoulders of the County Council and the Council should be made up of the Mayor and the elected Council individuals. Mr. Taylor doesn't think that there's an adequate or enough work for the Council to be full time, if Council members have a conflict of interest they should definitely step aside, there's absolutely no justification for anybody with conflict of interest to participate in discussion and voting on an issue. It was suggested sort of that 12, 13, 14, and 15 all work together but shall there be an Office of Commission & Board administrator, he would say that if they are going to go to County Manager position this falls under the management of the County and Commissions shouldn't be just appointed by the Mayor but they should, where he comes from back on the mainland, when individuals will apply for a position on a Commission, in a public meeting they stood there and talked about their qualifications or what their interests were and participating on that Commission. Then collectively again, the Council approved or disapproved of those individuals in a public meeting where there was nothing behind the scenes, everybody knew what was going on, Everybody heard the qualifications of an individuals that were applying for these positions and he thinks that's the way it should be, open public government. As far as the size of these Commission, 7 is the proper number and again, appointed by the County Council and would probably come down and this could be a Board policy but where each district representative	

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	appoints a Commissioner or at least recommends to the Council and the at-large people do the same, that's another way but he thinks if you open it up to asking people to participate in the local government, there will be more people wanting to participate and apply for the job rather than have appointments. And he thinks again, it makes a much cleaner type of government. So as far as number 15, shall all Boards & Commissions be appointed by the Mayor, no, it should be a collective situation however it's done and again it's these 7 individuals that are sitting there as the Council, are directly responsible to bringing good government to the people of the community and so they should have the final say and collectively as to how those appointments get made. This changing the name of the Cost Control Commission, again he thinks that's an issue that should be somewhat directed under the County Administrator's office, if you have a County Administrator, you have a Finance Officer and you have a Personnel Officer, then there's checks and balances between these different people but again the Council can appoint the Commission but the audit, they saw a situation earlier that there was to be question he thinks it was should there be a State audit every 2 years, well he thinks there should be an audit every year but it should be an independent audit of the whole financial situation of the County government. If there's some sort of a major problem then, maybe go to the State for additional information, but it should be an independent audit. Shall there be a Fire Commission, yes, the problem with a Commission but not the ability to hire and fire they only come back to the Board for recommendations. hall the Charter Commission be a permanent Commission, absolutely and he doesn't think they should have to wait every 10 years to update activities, they should be able to make recommendations and come to the voters in any regular election so that there's, if something comes up, needs to be changed or added, it can be done in a timely fashion and not have to suffer along for 10 years with this. Should there be a Parks & Recreation district, yes, there should be a park district and yes there should be a recreation district, and he'll explain that. Where he came from they had both, a park district and a recreation district. A number of years ago with a power play that went on, the recreation director who had seniority and in a period in time when the park district was considering changing directors, the recreation department head was able to convince the City Council to combine the 2 districts. But when that happened the supervisor became the head of the department, parks suffered and recreation stepped up and or it could be the other way around, have somebody that's strong in parks and open space taking care of the recreation department and rec tends to go so he would suggest that there be 2 separate departments that a lot the office staff can be the same but the decision making process should be separate so that we have the best of both. He agrees with the 5% signature requirements on items 23 & 24. On the citizen's initiative petition, he does believe that when the citizens go to trouble of collecting signatures to put something forward, and it's not usually done *(inaudible)* it's done because something has really gotten the community up in arms. He really feels strongly that wording, whatever is on that petition, that the people signed, should be the wording of that	

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	ballot initiative. Then you can have the pro and con arguments for it, but it can be manipulated when you go to an argument that is supposed to be non-partisan because how things get worded can make a big difference in whether something moves forward or fails. So if the people sign a petition where the wording has to be put there, and that's the requirement, that has to be spelled out what it is we're signing for, that's what should be on the agenda. Again the County Attorney should be hired by the Council, they would do a search and hire that individual, but again if they make the mistake or the Attorney continues to makes mistakes that make the community unhappy, then the community knows who to go after, the Council people. The Planning Director is basically the same thing, it should not be an elected position, it should be appointed by the Council and again, the buck stops back at the Council, how that's done and the long range planning and so on. Right now he's still a little confused about the way our government is working, the Mayor over there doing certain things and the Council over here doing something else, he doesn't see that's really government for a growing population because it's too hard to put the things on who's at fault. Where again as he says, the Mayor and the Council sits here at one table, they make the collective decisions, all of them, they make the final decisions, then we know who to go after if it's not moving in the right direction. Mr. Mickens said he has a question and then a comment. The question he asked, if the members decide to put an issue on the ballot and Curtis feels that there's a legal problem, can they still put it on the ballot, overriding his decision or does his decision stand. Mr. Belles replied as a practical matter he doesn't know why they would want to override the opinion of legal counsel, if he has a reasonable explanation for his opposition or recommendation, they would be foolish to invite a lawsuit upon the County. Mr. Mickens said so basically he's saying then his decision will stand, even though they unanimously decide they really want something on the ballot. Mr. Belles suggested that they cross that bridge if they get to it. Ms. Robeson said that it's their decision but they'd be foolish if they didn't heed legal counsel's advice. Mr. Abrams said that if they had concerns about his decision they could ask him to clarify or get other decisions at that point before they made a decision, but ultimately, it rests here. Mr. Mickens said on number 47, the Planning Director, he heard what Ken said, he's talking about having the City Manager type of a thing which would work, but like with the Safeway bridge, it's gone on for 26 years, and with the Planning Director, it hasn't worked, something's wrong, 26 years, 5 Planning Directors, the buck stops at their desk and for some reason whatever, it just hasn't worked period. The last one sat here at this desk and Kaipo asking questions and he said yah, I'll enforce it, well it still didn't get enforced, but now after enough time and effort and everything, now they are supposedly, the Ordinance passed, it's going to happen. So again, because it isn't working, whether it's a elected type of a position or some other way of picking this guy, it seems to him as long as something isn't working for that long, but the reasons for it not working, he doesn't know why and where is the teeth, where is the enforcement mechanism that says somebody's responsible for it. As Ken said, maybe with the Mayor sitting at the table and the Council members you have somebody to put the blame on for once, you say you guys are the ones responsible, but right now the Mayor is appointing this guy and as Carol says, he's responsible to the Mayor, if he was elected, at least he's not responsible to the Mayor. Mr.	

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	Abrams corrected Mr. Mickens, the Planning Director is hired and fired by the Planning Commission, it is the only Commission that he's knows of that isn't regulated by State law to have to do that, which is a consideration and some people are saying that because it is that way, it is difficult for elected leaders to hold the Planning Director accountable. But our forefathers, if he read some of the earlier minutes, said that's what they wanted was that separation of politics, do not allow the elected leaders to influence what's going on at that Planning Department, so we're in a real quandary as he's described. Mr. Mickens said that the Mayor is appointing the Planning Commission then, he appoints those guys, then they're picking the Planning Director, so you're going around the barn and you're still basically getting to the same place. Mr. Abrams said you may not have a Mayor to appoint all of his appointees by the time he gets out of office unless he has a second term, so that was the balance that he thinks was thought of. Mr. Belles commented on the issue of planning, it's a shared responsibility, no one person has full complete final authority, you have a Planning Director, you have a Planning Commission, you have a County Council, you have a Mayor who are all involved in adopting the laws, rules and regulations of the County of Kaua'i relative to the long term planning, short term planning, adoption of permits, approval of permits, not one person, it's many people involved in the process including public participation, intervention by neighbors who may not like a particular application. It's a very complicated process, it involves a lot of people, and he thinks if you polled any one people on any one day on any one planning issue, you're going to get a divergence of opinions, so you're never going to make everyone happy with anyone involved in the planning process. Mr. Mickens said that the guy that sat in this chair is the Planning Director, he was the one, they didn't ask the Planning Commission, they asked him. Mr. Belles said the Ordinance was adopted by a different process and they were asking for an interpretation of what the Ordinance required, as he understood it. Mr. Mickens said that again, he is just looking at the guy that was on the hot seat, and they said are you going to enforce it, and he said I will, they didn't ask the Commission to do it. Mr. Belles said that if he talks about enforcement of the Ordinances, there's authority with both the Prosecuting Attorney as well as the County Attorney to help the, and he's not just blindly running to the defense of the Planning Director, a lot of the things, the Planning Director does not have the legal authority to do must be shared with other people in the process. Mr. Mickens said sure, like he said should go over to the Attorney's office and he understands that the Planning Director did take it to the Attorney's office, so now, is the buck stopping at their desk. Mr. Belles said let's not point fingers, it's a shared responsibility, without taking a position on that particular issue, but it's more than one person involved in a planning process.	
6. Future Meetings of the Kaua'i County Charter Commission	a. Possible agenda items for Charter Commission meeting of May 31, 2006, Wednesday, Mo'ikeha Meeting Room 2A/B @ 4:30 p.m.	
7. Adjournment	No other Agenda items were discussed. Meeting was adjourned at 6:35 pm.	

Submitted by: _____
Edie Ignacio, Secretary

(X) Approved as is

Date: June 7, 2006

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