

Jan TenBruggencate
Vice Chair

Members:
Marissa Sandblom
Virginia Kapali
Carol Suzawa
Patrick Stack
Lori Koga
Reid Kawane

**COUNTY OF KAUA'I CHARTER REVIEW COMMISSION
NOTICE OF MEETING AND AGENDA**

Monday, July 22, 2019
3:00 p.m. or shortly thereafter
Mo'ikeha Building, Meeting Room 2 A/B
4444 Rice Street, Līhu'e, HI 96766

OATH OF OFFICE FOR NEW CHARTER REVIEW COMMISSIONER REID KAWANE 1ST TERM
ENDING ON DECEMBER 31, 2021

CALL TO ORDER

ELECTION OF NEW CHAIRS

COMMUNICATIONS

- CRC 2019-06 Letter received from Board of Ethics dated June 28, 2019 regarding Ethics Disclosure Statements Requirements
- CRC 2019-07 Confidential communication received from Deputy County Attorney Adam Roversi on July 3, 2019 regarding amendment to Charter Section 23.06

APPROVAL OF MINUTES

Open Session Minutes of June 24, 2019

BUSINESS

- CRC 2019-02 General Discussion on Charter Initiatives of Interest
- CRC 2019-03 Discussion on County Auditor Position
Council Chair or designee to discuss County Auditor position
- CRC 2019-04 Discussion on Charter Section 23.06
- CRC 2019-05 Proposal to add to Charter, qualifications for Police Chief

ANNOUNCEMENTS

Next Meeting: Monday, August 26, 2019, 3:00 p.m., in the Mo'ikeha Building, Meeting Room 2A/2B

ADJOURNMENT

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NOTICE OF EXECUTIVE SESSION

Pursuant to Hawai‘i Revised Statutes §92-7(a), the Commission 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.

ES-009 Pursuant to Hawai‘i Revised Statutes (HRS) §92-4, §92-5 (a) (4), the County Attorney will provide a briefing, discussion, and consultation regarding the amendment of Charter Section 23.06 relating to notice of Claims against the County.

cc: Deputy County Attorney Adam Roversi

PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24 hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only; and
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and
5. If testimony is based on a proposed Charter amendment, list the applicable Charter provision.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Charter Review Commission

Attn: Anela Segreti

Office of Boards and Commissions

4444 Rice Street, Suite 150

Līhu‘e, HI 96766

E-mail: asegreti@kauai.gov

Phone: (808) 241-4917 Fax: (808) 241-5127

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUALGOV 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 ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	June 24, 2019
Location	Mo'ikeha Building, Meeting Room 2 A/B	Start of Meeting: 3:00 p.m.	End of Meeting: 3:22 p.m.
Present	Chair Ricky Watanabe, Vice Chair Jan TenBruggencate. Members: Carol Suzawa, Virginia Kapali, Patrick Stack, Marissa Sandblom, Lori Koga. Also: Deputy County Attorney Adam Roversi. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Watanabe called the meeting to order at 3:00 p.m. with seven members present which constituted a quorum.	
Communications	Received Confidential Communication from Deputy County Attorney at the meeting to be taken up later in the agenda.		
Approval of Minutes	<u>Open Session Minutes of May 20, 2019</u>	Vice Chair TenBruggencate, moved to approve the Open Session Minutes of May 20, 2019, seconded by Mr. Stack. Motion carried 7:0.	
Business	<u>CRC 2019-02 General Discussion on Charter Initiatives of Interest</u>	Vice Chair TenBruggencate moved to defer and keep on the agenda. Ms. Sandblom seconded. Motion carried 7:0	

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2019-03 Discussion on County Auditor Position</u> Vice Chair stated that the commission cannot effectively move forward until they hear from the County Council and their position.</p> <p>Ms. Ching reported that she did talk with Council service staff about Commission’s agenda and discussion statements from Chair Watanabe. They will be attending next month’s meeting with a prepared statement, and the Chair if available will attend.</p> <p>Chair Watanabe stated that he believes that the current system in place is cost effective and will work whether or not there is a County Auditor’s office or not. County Clerk’s office is already handling most of the audits, It would be more cost effective if County Auditor office is eliminated so suggest Commission look at that in the future. Could be done with perhaps one new staff.</p> <p><u>CRC 2019-04 Discussion on Charter Section 23:06</u> Vice Chair TenBruggencate noted that a communication was received from the County Attorney’s Office and that the County Attorney has stated does not require confidentiality.</p> <p>Deputy County Attorney Adam Roversi summarized the memo (on file). Current Charter provision is null and void through Supreme Court decisions, which determined statute of limitations for a claim against the County is governed by State law. State law was amended to create a 2 year statute of limitation which trumps the current Charter provision. Recommendation is one of two options. 1) Keep language as it is and strike six months and</p>	<p>Vice Chair TenBruggencate moved to defer and receive Chair Watanabe’s communication for the record. Ms. Sandblom seconded. Motion carried 7:0</p> <p>Vice Chair TenBruggencate moved to waive the confidentiality to discuss in open session. Ms. Sandblom seconded. Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>replace with two years. 2) Remove Section 23.06 completely and County would rely on State law.</p> <p>Ms. Sandblom asked about lack of change since 2007. Mr. Roversi explained that this is standard across the nation.</p> <p>Discussion as to language regarding time to avoid another change in the Charter over time. Commission requested Deputy County Attorney draft language which takes out a time amount and states as provided by State law for next month's meeting.</p> <p><u>CRC 2019-05 Proposal to add to Charter, qualifications for Police Chief</u> Chair Watanabe stated that The Police Commission is looking into this item and will come back to Commission when they are done with a recommendation.</p> <p>Ms. Ching confirmed that a recommendation has been drafted by the Chair of the Police Commission and that it will be transmitted by the next Charter Review Commission meeting.</p>	<p>Vice Chair Tenbruggencate moved that the language of Charter Section 23.06 be amended as discussed and that Deputy County Attorney bring language to consider to July meeting. Ms. Suzawa seconded. Motion carried 7:0</p> <p>Vice Chair TenBruggencate moved to defer and take it up at next meeting. Ms. Sandblom seconded. Motion carried 7:0</p>
<p>Announcements</p>	<p>Next meeting: Monday, July 22, 2019, 3:00pm, Moikeha 2A/2B.</p> <p>Chair Watanabe has resigned, effective 6/25/2019, to join the Civil Service Commission. Thank you, Chair Watanabe, for your service to the Charter Review Commission.</p> <p>Chair Watanabe thanked all the members and staff for assistance.</p>	

SUBJECT	DISCUSSION	ACTION
Adjournment		With no objection, Chair Watanabe adjourned the meeting at 3:22pm.

Submitted by: _____
Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
Ricky Watanabe, Chair

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

Dean Toyofuku
Chair

Mia Shiraishi
Vice Chair

Susan Burriss
Secretary



Members:
Susan Burriss
Michael Curtis
Ryan de la Pena
Maureen Tabura
Mary Tudela

COUNTY OF KAUAI BOARD OF ETHICS
c/o Office of Boards & Commissions
4444 Rice Street, Suite 150
Lihue, HI 96766

RECEIVED

June 28, 2019

Mr. Ricky Watanabe
Chair Charter Review Commission
c/o Office of Boards & Commissions
4444 Rice Street, Suite 150
Lihue, HI 96766

JUN 6 2019

BOARDS & COMMISSIONS

Re: Board of Ethics (BOE) concerns regarding the Ethics Disclosure Statements Requirements

Dear Chair Watanabe:

During a recent Board of Ethics revision of the instructions to the Disclosure Statement the Board of Ethics members discovered a potential limitation that we felt important to bring to your commission's attention.

From the Instruction sheet for disclosure statement's current language:

- I. WHO MUST FILE. The Mayor, Councilpersons, Prosecuting Attorney, all department heads and deputies, members of boards and commissions, the purchasing agent, and all candidates for elective office.

Revised language (**in bold**) by commission vote as of May 17, 2019:

- I. WHO MUST FILE. The Mayor, Councilpersons, Prosecuting Attorney, all department heads and deputies, members of boards and commissions, the purchasing agent, **any employee delegated or authorized to act on behalf of the director of finance and deputy director of finance in their absence**, and all candidates for elective office.

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CRC 2019-06

Charter - Section 20.04. Disclosure Excerpt

- A. The mayor, councilpersons, all department heads and deputies, members of boards and commissions, the purchasing administrator and any employee delegated or authorized to act on behalf of the director of finance and the deputy director of finance in their absence shall within thirty days of assuming office, file with the board...etc.

Our commission had two concerns about the new language we approved which was copied from existing charter language:

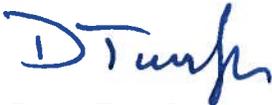
- 1) The limitation of the delegation authority disclosure requirement to only the finance department head and his/her deputy, and
- 2) The absence of recent new titles, i.e. managing director, mayor's chief of staff, etc.

The Board of Ethics did not feel it appropriate to update our language in any way that was broader in scope than that in the Charter.

As we understand it is the Charter Review Commission's defined role to review the operation of the county government under our charter, on behalf of the Board of Ethics, I respectfully request your study and review of broadening the requirement to file a disclosure statement to all individuals who are in a position that on occasion will serve as a department head or deputy with all the responsibilities of that position.

Secondly, that the listing of new key titles/positions be included in the Charter.

Sincerely,



Dean Toyofuku
Chair - Kauai County Board of Ethics