

Marissa Sandblom
Chair
Jan TenBruggencate
Vice Chair

Commissioners:
Virginia Kapali
Carol Suzawa
Patrick Stack
Lori Koga
Reid Kawane

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

**Friday, August 7, 2020
3:00 p.m. or shortly thereafter**

Microsoft Teams Audio: +1 469-848-0234, Conference ID: 509 676 956#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Open Session Minutes of June 22, 2020
Open Session Minutes of June 29, 2020

PUBLIC TESTIMONY

COMMUNICATION

CRC 2020-19 Communication received from Jade Fountain-Tanigawa dated June 26, 2020 regarding Council Items Referred to the Charter Review Commission.

CRC 2020-20 Communication received from Jade Fountain-Tanigawa dated July 20, 2020 regarding County of Kaua`i Charter Amendment Ballot Questions: 2020 General Election.

BUSINESS

CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting.

CRC 2020-19 Discussion and possible action on communication received from Jade Fountain-Tanigawa dated June 26, 2020 regarding Council Items Referred to the Charter Review Commission.

CRC 2020-18 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper.

CRC 2020-13 Discussion and possible action on plan for public education.

ANNOUNCEMENTS

Next Meeting: Monday, August 24, 2020, 3:00 p.m., by teleconference

ADJOURNMENT

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.

cc: Deputy County Attorney Teresa Tumbaga

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PUBLIC COMMENTS and TESTIMONY

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at asegreti@kauai.gov; or by calling 808-241-4917.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following oral testimonies of registered speakers.

Each speaker is limited to a three-minute presentation on each item.

WRITTEN TESTIMONY

Prior to the Day of the Meeting: Testimony may be emailed: asegreti@kauai.gov faxed: 808-241-5127, or mailed: County of Kauai, Office of Boards and Commissions, Board of Ethics, 4444 Rice St., Ste. 300, Lihue, HI 96766.

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@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN 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 22, 2020
Location	Teleconference	Start of Meeting: 3:05 p.m.	End of Meeting: 3:55 p.m.
Present	Vice Chair Jan TenBruggencate. Commissioners: Lori Koga, Patrick Stack, Carol Suzawa, Reid Kawane. Also: Teresa Tumbaga, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused	Chair Marissa Sandblom, Commissioner Virginia Kapali		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order	Chair Sandblom, and Commissioner Kapali are excused.	Vice Chair TenBruggencate called the meeting to order at 3:03 p.m.
Roll Call		Vice Chair TenBruggencate reviewed the list of participants on the teleconference and confirmed quorum with 5 commissioners present.
Agenda	Vice Chair TenBruggencate asked if any amendments to agenda.	Hearing none the agenda stood approved as submitted.
Minutes	Open Session Minutes of May 18, 2020	Without objection the open session minutes of May 18, 2020 stand approved.
Public Testimony	<p>Verbal and Written testimony was received on item CRC 2020-17 regarding council districting.</p> <p>Donovan Cabebe provided verbal as well as written testimony (on file) in support of CRC 2020-17, council districting.</p> <p>Bert Lyon provided verbal testimony to consider having more districts than the proposed three,</p>	No Action

SUBJECT	DISCUSSION	ACTION
	possibly 6, and having voters vote by district.	
Communication	<p><u>CRC 2020-14 Memorandum received on June 2, 2020 from Felicia Cowden, Councilmember, regarding a request for Ellen Ching, Boards and Commissions Administrator, to provide a briefing on the proposed amendments to the Kaua’i County Charter to the County Council at the June 17, 2020 Committee of the Whole Meeting.</u></p> <p>Vice Chair TenBruggencate informed the Commissioners that Ms. Ching provided a briefing at the Council meeting and that he was also in attendance on-line. He recommended receiving the communication.</p>	<p>Commissioner Stack moved to receive CRC 2020-14. Commissioner Suzawa seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-15 Confidential communication from Deputy County Attorney Teresa Tumbaga relating to CRC-2019-05 proposing an amendment to Charter Section 11.04 relating to the minimum requirements for the position of Chief of Police.</u></p> <p>Vice Chair TenBruggencate asked Deputy County Attorney Tumbaga if the confidential communication could be discussed publicly.</p> <p>Ms. Tumbaga replied that the Commission could if they want to.</p> <p>Vice Chair TenBruggencate entertained a motion to waive the privilege.</p> <p>Ms. Tumbaga summarized her memo, explaining the previously approved language and amendments that made the language ambiguous. She offered three edits to clear up the ambiguity for the Commission to consider.</p> <p>Vice Chair TenBruggencate stated that a special meeting will need to be held to finalize</p>	<p>Commissioner Kawane moved to waive confidential privilege for CRC 2020-15 and discuss. Commissioner Suzawa seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p> <p>Commissioner Kawane</p>

SUBJECT	DISCUSSION	ACTION
	<p>language on this and other items. He suggested that this be discussed at that special meeting which will be open to the public on a date to be determined.</p>	<p>moved to discuss this item at a special meeting, date to be determined. Commissioner Koga seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
Business	<p>Ms. Ching summarized testimony received prior to today’s meeting:</p> <ul style="list-style-type: none"> • Written testimony from Norma Sparks, Donovan Cabebe, Steven Sparks, Joel Guy in favor of the amendment regarding districts. • Written testimony from Dana Bekeart wanting amendments. • Testimony from Alan Parker in favor of all of the proposed charter amendments. • Testimony from Carol Beardmore against districts. • Testimony from Marge Dente with concerns about districts. <p>Vice Chair TenBruggencate recommended that the items be added to the agenda for the next meeting so that they are available to be reviewed by the public.</p>	<p>Commissioner Suzawa moved to add the testimonies received for this item to the agenda for the next meeting to be part of the discussion. Commissioner Kawane seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-16 Update and discussion on response to Councilmember Cowden’s request for a briefing on proposed Amendments to the Kaua’i County Charter.</u></p>	<p>Commissioner Suzawa</p>

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching shared that the briefing went smoothly, but there were a couple of amendments proposed by Council members, specifically to the Water Manager and County Engineer. She asked to put those two on the next agenda for the Commission to hear the amendments proposed by Council members.</p> <p>Vice Chair TenBruggencate asked staff to schedule special meeting.</p>	<p>moved to receive CRC 2020-16. Commissioner Kawane seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting.</u></p> <p>Vice Chair TenBruggencate noted that he heard two additional callers join the meeting and opened public testimony. Randy Francisco and Jonathan Jay were asked if they had testimony to present.</p> <p>Mr. Francisco declined.</p> <p>Mr. Jay provided testimony in support of the proposal for Council Districting and letting the voters decide.</p> <p>Mr. Lyon commented that it would be advantages for the Commission decide to place the proposal on the ballot, he asked that they allow for two competing proposals on the ballot. 3 districts vs. 6 districts, including 1 at large.</p> <p>Vice Chair TenBruggencate stated that in the past the County Attorney has said that could not be done. He asked Ms. Tumbaga to take judicial notice and that she may get a request on if and how to do that.</p> <p>Mr. Jay clarified that there was concern on the proposal regarding the residency requirement, living in the district, and he wants to strike that language from the proposal due to the unintended consequence.</p> <p>Commissioners discussed next steps for this item.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair TenBruggencate suggest to defer this item if Commission is not ready to take action.</p>	<p>Commissioner Koga moved to defer CRC 2020-17 to the next meeting. Commissioner Suzawa seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-18 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper.</u></p> <p>Ms. Ching discussed with Commission the suggestion to do a commentary to The Garden Island Newspaper as part of public education. She shared that Vice Chair TenBruggencate has offered to draft a commentary to be run before the ballots go out. The Commission will have time to review, discuss and vote on the commentary.</p> <p>For the record Vice Chair TenBruggencate stated that if there are nay votes he will ask for a roll call vote.</p>	<p>Commissioner Suzawa moved to defer CRC 2020-18 to the next meeting. Commissioner Koga seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-13 Discussion and possible action on plan for public education.</u></p> <p>Ms. Ching reported that the Boards and Commissions Office has put in a robust budget item for the Charter amendments for digital public education materials. It will be based on approval of the budget and she will report back at that time.</p> <p>Vice Chair TenBruggencate took judicial notice that the County is in the middle of the COVID-19 crisis and anticipates a drop in revenue and so the Commission should watch their spending with the knowledge that they have a mission to make sure the public understands what they are voting on.</p>	<p>Commissioner Koga moved to defer CRC 2020-18. Commissioner Stack seconded.</p>

SUBJECT	DISCUSSION	ACTION
	Vice Chair TenBruggencate recommended deferral and call for a motion.	Voice Vote: Ayes-5 Nays-0 Motion carried 5:0
Announcements	Next meeting: Monday, July 27, 2020, 3:00 p.m., Teleconference Vice Chair TenBruggencate noted that there may be a special meeting prior to this regularly scheduled meeting.	
Adjournment	Vice Chair TenBruggencate hearing no objections adjourned the meeting.	Vice Chair TenBruggencate hearing no objections adjourned the meeting at 3:55pm.

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Jan TenBruggencate, Vice Chair

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

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:		CHARTER REVIEW COMMISSION	Meeting Date	June 29, 2020
Location	Teleconference		Start of Meeting: 12:12 p.m.	End of Meeting: 2:46 p.m.
Present	Chair Marissa Sandblom, Vice Chair Jan TenBruggencate. Commissioners: Virginia Kapali, Lori Koga, Patrick Stack, Carol Suzawa, Reid Kawane. Also: Teresa Tumbaga, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.			
Excused				
Absent				
SUBJECT	DISCUSSION			ACTION
Call To Order				Chair Sandblom called the meeting to order at 3:03 p.m.
Roll Call	Chair Sandblom requested a roll call.			Roll Call: Commissioner Kapali-here Commissioner Kawane-here Commissioner Koga-here Commissioner Stack-present Commissioner Suzawa-here Vice Chair TenBruggencate-here Chair Sandblom-here Quorum -seven commissioners present
Agenda	Chair Sandblom entertained a motion to approve the agenda.			Vice Chair TenBruggencate moved to approve the agenda as it stands. Commissioner Kawane seconded. Voice vote: 7 ayes, 0 nays Motion carried 7:0

SUBJECT	DISCUSSION	ACTION
<p>Public Testimony</p>	<p>Verbal and Written testimony was received on item CRC 2020-17 regarding council districting.</p> <p>Donovan Cabebe provided verbal testimony in support of CRC 2020-17, council districting, asking Commission to put proposed amendment submitted (on file) on the ballot.</p> <p>Bert Lyon verbally read his written testimony (on file) regarding CRC 2020-17.</p> <p>Commissioners asked questions of Mr. Lyon regarding clarification of recommended districts and variance.</p> <p>Mr. Lyon's responded with his rationale for dividing districts as he did, taking into account density and commonality using 2010 census.</p> <p>Commissioner Kawane shared a screen shot of what happened in 2018 on the house votes that showing the population per district and the registered voters which is fairly even.</p> <p>Chair Sandblom shared that what was being shared showed that District 14 has 15,369 voters, District 15 has 14,662, and District 16 has 14,430 with percent registered turnout in 2018 at 56%, 53%, 58% respectively.</p> <p>Mr. Cabebe commented that the three districting is not so concerned with geographic equality but with population equality.</p> <p>Mr. Lyon responded that any number of districts other than three would require a reapportionment of districts.</p> <p>Mr. Cabebe stated that the proposal he presented would be a simple transition.</p>	<p>No Action</p>
<p>Communication</p>	<p><u>None</u></p>	<p>No Action</p>
<p>Business</p>	<p><u>CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>Districiting.</u></p> <p>Vice Chair stated that the Commission should study this item, and develop thoughts about which districting amendment should go on. He stated that they are not able to put multiple proposals on, they need to pick the one that they feel is the best for the general public to vote on. He stated that it should stay on the agenda and consider public meetings to gather more of the range of ideas.</p> <p>Mr. Cabebe clarified that the proposal he submitted does not have an At-large member in response to Commissioner Stack’s question.</p>	<p>Vice Chair TenBruggencate moved to defer CRC 2020-17 to the next meeting and keep on the agenda. Commissioner Stack seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0 Motion carried 7:0</p>
	<p><u>CRC 2019-05 Discussion and possible action on amendments to the proposed language to Charter Section 11.04 relating to the minimum requirements for the position of Chief of Police, ballot question, and educational material.</u></p> <p>Teresa Tumbaga, Deputy County Attorney, went over the amendment edits and three suggestions to clear up the ambiguity (on file).</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commission discussed the suggestions presented regarding the ballot question and Charter language.</p> <p>Vice Chair TenBruggencate supported the second option.</p> <p>Commissioner Kapali suggested stating <u>and</u> college educational requirements or bachelors degree instead of plus educational requirements in the ballot question.</p> <p>Ms. Tumbaga corrected the ballot question 10 years to 15 years.</p> <p>Ms. Ching stated that this will be the last time that the amendments will be before the Commission and that they will be transmitted to the County Clerk after this. She suggested voting on each item separately.</p> <p>Commissioners discussed educational material regarding 15-year work history and possible need to have the years of experience described add up. Commissioners found it to be clear.</p>	<p>Commissioner Suzawa moved to accept suggestion #2 for the Charter language for CRC 2019-05. Vice Chair TenBruggencate seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-1 Motion carried 6:1</p> <p>Vice Chair TenBruggencate moved that the ballot question read Shall police chief qualifications (Section 11.04) be increased to require 15 years law enforcement experience and a bachelor's degree? Commissioner Kapali seconded.</p>

SUBJECT	DISCUSSION	ACTION
		<p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-1 Motion carried 6:1</p> <p>Commissioner Kapali moved to accept educational material for CRC 2019-05. Vice Chair TenBruggencate seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-1</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 6:1
	<p><u>CRC 2019-06 Discussion and possible action on amendments to the proposed language to Charter Section 20.04 relating to who must file a disclosure statement, ballot question, and educational material.</u></p> <p>Ms. Tumbaga went over her edits of the ballot question, charter language and educational material.</p> <p>Commissioner Kapali expressed her concern on the ballot question matching the changes of the Charter language and include the addition of the heads and deputies of all departments, agencies, and divisions.</p> <p>Ms. Ching clarified that the language is being amended to include those that are already completing disclosures and the ballot question did not include them for brevity.</p>	<p>Vice Chair TenBruggencate moved to approve the new language as proposed and including the minor changes to the ballot question, the charter language and the educational material to defer CRC 2019-06.</p> <p>Commissioner Kawane seconded.</p> <p>Vice Chair TenBruggencate withdrew his motion.</p> <p>Commissioner Kawane withdrew his second.</p> <p>Vice Chair TenBruggencate moved to approve a ballot question that reads, “Shall the list of county officials required to file ethics disclosures (Section 20.04) be expanded to include the managing director, agency and division heads, and regulatory employees?”</p> <p>Commissioner Kapali</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Kapali questioned Nicholas Courson’s previous memo regarding using confidential vs. not be open to public inspection.</p> <p>Ms. Tumbaga reviewed Mr. Courson’s memo regarding using confidential.</p> <p>Commissioners discussed regulatory employees and union involvement.</p> <p>Chair Sandblom entertained a motion regarding the charter language.</p>	<p>seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- aye Vice Chair TenBruggencate-aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0 Motion carried 7:0</p> <p>Vice Chair TenBruggencate moved to approve the Charter language proposed by the Deputy County Attorney for CRC 2019-06 which includes the word shall after regulatory employees and keeping everything else as is. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Sandblom entertained a motion regarding the educational material.</p>	<p>Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0 Motion carried 7:0</p> <p>Vice Chair TenBruggencate moved to approve the educational material for CRC 2019-06 as proposed by Deputy County Attorney which includes changes in material heading and minor changes in subsequent language. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 7:0
	<p><u>CRC 2019-21 A Discussion and possible action on amendments to the proposed language to Charter Section 13.02 relating to the minimum requirements for the position of County Engineer, ballot question, and educational material.</u></p> <p>Ms. Tumbaga went over the edits, adding also to the ballot question, may but is not required to, instead of shall to the charter language.</p> <p>Ms. Ching explained that Council made some suggestions to clarify and to leave in registered engineer and that is reflected in the edits.</p> <p>Commissioner Kapali referred to Mr. Courson’s memo of Feb. 13, 2020 suggesting adding civil or structural engineer.</p> <p>Ms. Ching shared she is comfortable with going with a registered engineer and not stipulating as she is confident the hiring body will be rigorous in review of qualifications. She shared that they are looking for a manager with engineering experience.</p> <p>Vice Chair TenBruggencate stated he would vote against the motion as he does not feel the word “also” is needed.</p>	<p>Commissioner Kapali moved to approve CRC 2019-21A edited ballot question to read as such, “Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as the County Engineer, head of the Department of Public Works?” Commissioner Suzawa seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- aye Vice Chair TenBruggencate-</p>

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching again stated that the charter language edited version is based on comments from Council members.</p>	<p>nay Chair Sandblom- nay</p> <p>Ayes-5 Nays-2 Motion carried 5:0</p> <p>Vice Chair TenBruggencate moved to approve CRC 2019-21A edited charter language, in the second sentence, “The county engineer may but is not required to be a registered engineer,”. Commissioner Suzawa seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0 Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
		<p>Vice Chair TenBruggencate moved to approve the previously approve language for the educational material. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- aye Vice Chair TenBruggencate-aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0 Motion carried 7:0</p>
	<p><u>CRC 2019-21 C Discussion and possible action on amendments to the proposed language to Charter Section 17.04 relating to the minimum requirements for the position of Manager and Chief Engineer of the Department of Water, ballot question, and educational material.</u></p> <p>Ms. Tumbaga went over the edits.</p> <p>Commissioner Kapali clarified that if motion approved it will go through it will be the original ballot question with the insertion of Supply before the question mark. She shared her concern of consistency between the two similar amendments. She will not vote on the motion because it is</p>	

SUBJECT	DISCUSSION	ACTION
	<p>not consistent with CRC 2019-21 A.</p> <p>Ms. Tumbaga gave another suggestion, “Shall an individual who has extensive work and supervisory experience in an engineering or related field, but is not a registered engineer, be qualified ...” That will show that it’s opening up to someone that does not have a license would qualify and make it more clear.</p> <p>Vice Chair TenBruggencate offered a suggestion, “Shall an individual who is a registered engineer or has extensive experience in an engineering or related field be qualified to serve as manager and chief engineer of the Department of Water Supply?”</p> <p>Ms. Suzawa shared concern that someone might read it that there is not a registered engineer and what is happening is to expand the qualifications.</p> <p>Ms. Tumbaga suggested, “Shall an individual who is not a registered engineer but has extensive work and supervisory experience be qualified to serve as manager ...”</p> <p>Commissioners continued discussion on clarifying the question so that voters understand that qualifications currently state a registered engineer and that what is being added is that someone who has extensive experience in an engineering or related field and is not a registered engineer would qualify for manager and chief engineer of the Department of Water Supply.</p>	<p>Vice Chair TenBruggencate moved to approve CRC 2019-21 C with the single edit to read, “Shall an individual who has extensive work and supervisory experience in an engineering or related field be qualified to serve as manager and chief engineer of the Department of Water Supply?. Commissioner Koga seconded.</p> <p>Vice Chair TenBruggencate withdrew his motion. Commissioner Koga withdrew her second.</p> <p>Vice Chair TenBruggencate moved to approve CRC 2019-21 C revised ballot question to read, “Shall an individual who is a registered engineer or has extensive work and supervisory experience in an engineering or related field be qualified to serve as manager and</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Suzawa commented on the second edit that added extra verbiage to the charter language and is not in the language for county engineer.</p> <p style="text-align: center;"><i>Commissioner Suzawa left the meeting at 2:03pm.</i></p> <p>Ms. Ching acknowledged that a section was put back in to address concerns of the council.</p>	<p>chief engineer of the Department of Water Supply?" Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- abstained Commissioner Suzawa- nay Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-5 Nays-1 Abstain-1 Motion carried 5:1:1</p> <p>Vice Chair TenBruggencate moved to approve the edited charter language of CRC 2019-21 C and all the language therein. Commissioner Kapali seconded.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Sandblom entertained a motion on CRC 2019-21 C educational material which has no changes previously approved.</p>	<p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- abstained Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p> <p>Vice Chair TenBruggencate moved to approve the educational material as it stands.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair TenBruggencate stated that he will be voting against the motion as he prefers not being consistent to being unclear.</p>	<p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p> <p>Commissioner Kapali moved to amend the ballot question for CRC 2019-21 C to read, “Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as manager and chief engineer of the Department of Water Supply?” Commissioner Koga seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- nay Chair Sandblom- nay</p> <p>Ayes-4 Nays-2 Excused-1 Motion carried 4:2:1</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Sandblom entertained a motion on the educational material.</p> <p>Commission discussed the use of could versus shall. Ms. Tumbaga had no objection to using the word shall in the educational material.</p>	<p>language for CRC 2019-14 with language that is currently in the charter and the change of a year to eighteen months. Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p> <p>Vice Chair TenBruggencate moved to approve the edited educational material for CRC 2019-14 with an amendment in the last sentence of the second paragraph changing the work could to shall. Commissioner Kawane seconded.</p>

SUBJECT	DISCUSSION	ACTION
		<p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p>
	<p><u>CRC 2019-04 Discussion and possible action on amendments to the proposed language to Charter Section 23.06 relating to notice of Claims against the County, ballot question, and educational material.</u></p> <p>Ms. Tumbaga informed the Commission that the “the” is in the charter and added.</p>	<p>Vice Chair TenBruggencate moved to adopt the language as proposed for the ballot question, charter language and educational material for CRC 2019-04. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa-</p>

SUBJECT	DISCUSSION	ACTION
		<p>excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p>
	<p>Vice Chair asked the Commission whether they wanted to reconsider the language for the county engineer so that it matches the water manager for consistency.</p> <p>Commissioners discussed that consistency between the two amendments simplifies things for the voters.</p> <p>Commission discussed the process to reconsider the motion.</p> <p>Ms. Ching asked the Commission to leave it the way it is. She emphasized the need to get applicants to fill positions and the simpler the question the better chance for it to pass.</p>	<p>Commissioner Kapali moved to reconsider the ballot question of CRC 2019-21 C. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- nay Chair Sandblom- aye</p> <p>Ayes-5 Nays-1 Excused-1 Motion carried 5:1:1</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2020-18 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper.</u></p> <p>Vice Chair wrote an op ed for the Garden Island Newspaper regarding the six amendments. It was not made a part of the packet and will be included for next months meeting.</p> <p>Commissioners discussed the districting proposal and that it will not be on the ballot this year and not part of the commentary.</p>	
	<p><u>CRC 2020-13 Discussion and possible action on plan for public education.</u></p> <p>Ms. Ching will give an update at next month's meeting on this item.</p>	
Announcements	<p>Ms. Ching, Vice Chair TenBruggencate, Chair Sandblom thanked the Commission and staff for the work done on proposed charter amendments for the ballots.</p> <p>Next meeting: Monday, July 27, 2020, 3:00 p.m., Teleconference</p>	
Adjournment	<p>Chair entertained a motion to adjourn.</p>	<p>Commissioner Kawane moved to adjourn. Commissioner Kapali seconded. Voice Vote: 6 ayes, 0 nays Motion carried 6:0 Meeting adjourned at 2:46pm.</p>

Submitted by: _____
Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
Marissa Sandblom, Chair

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

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

MEMORANDUM

June 26, 2020

TO: Ellen Ching, Boards & Commissions Administrator
FROM: Jade K. Fountain-Tanigawa, County Clerk 
RE: **COUNCIL ITEMS REFERRED TO THE CHARTER REVIEW COMMISSION**

The attached item was referred to the County of Kaua'i Charter Review Commission for review, recommendation, and response. The item has been dormant on the Council's Pending/Deferred Log awaiting a response. Please review this item and notify me if the Commission plans to entertain this proposal. If the item is obsolete and no further action will be taken, please notify me of such in writing so that we can properly dispose of this item at a future Council Meeting.

Referred to the Charter Review Commission:

- Resolution No. 2004-01, referred to the Charter Review Commission on March 11, 2004.

A response is requested by July 31, 2020. Should you have any questions, please feel free to contact me or Council Services Staff at 241-4188.

SS:mn

Attachment

cc: Michael A. Dahilig, Managing Director

CRC 2020-19

COUNTY COUNCIL

Bill "Kaipo" Asing Chair
James Kunane Tokioka, Vice Chair
Jay Furfaro
Daryl W. Kaneshiro
Maurice "Joe" Munechika
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk
Ernesto G. Pasion, Deputy County Clerk

Phone (808) 241-6371
Fax (808) 241-6349

Council Services Division
4396 Rice Street, Room 206
Lihu'e, Kaua'i, Hawai'i 96766-1371

March 12, 2004

Honorable Bryan J. Baptiste
Mayor, County of Kaua'i
4444 Rice Street
Lihu'e, Hawai'i 96766

Dear Mayor Baptiste:

RE: Boards and Commissions

At the March 11, 2004 Council meeting, the County Council voted to refer proposed Resolution No. 2004-01 to the Charter Review Commission for consideration. The proposed Resolution recommends an amendment to Section 23.02 of the Kaua'i County Charter to allow members of those boards and commissions that are under the joint selecting powers of the mayor and council to select more than one member. A copy of proposed Resolution No. 2004-01 is attached for your office to refer to the Charter Review Commission.

Thank you for assistance on this matter.

Sincerely,

BILL "KAIPO" ASING
Council Chair

ae
Att.

NOTE: On 3/11/2004 Res 2004-01 was referred to the Charter Review Commission

COUNTY COUNCIL
COUNTY OF KAUAI

Resolution

No. 2004-01

RESOLUTION PROPOSING A CHARTER AMENDMENT
TO ALLOW MEMBERS OF BOARDS AND COMMISSIONS
UNDER MAYOR-COUNCIL APPOINTMENT PROCESS
TO APPOINT MORE THAN ONE ADDITIONAL MEMBER

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI,
STATE OF HAWAII:

SECTION 1. Pursuant to Section 24.01 of the Charter of the County of Kauai (hereafter "Charter"), the Council hereby resolves to submit the charter amendment described in this resolution to the voters at the 2004 general election.

SECTION 2. Article XXIII, Section 23.02 of the Charter is hereby amended to read as follows:

"Section 23.02. Board and Commissions. The council may create such other boards and commissions, not provided herein, by ordinance. All boards and commissions, including those which are specifically provided for herein, shall be organized, appointed and vested with the power and authority as provided hereunder which are not in conflict with the provisions of this charter.

A. All boards and commissions shall consist of at least five members.

B. All members of boards and commissions shall be appointed and may be removed by the mayor, with the approval of the council, except that members of boards and commissions established by ordinance may be appointed and removed as provided by ordinance. Such ordinance shall provide for either of the following appointing and removal methods:

- 1) Appointment and removal of members by the mayor, with the approval of the council; or
- 2) Joint appointing powers under which the mayor and the council each appoint an equal number of members, and [one] an odd number of additional members [is] are selected by the members previously appointed by the mayor and council. Members

- C. The members of all boards or commissions shall serve for staggered terms of three years and until their successors are appointed. However, no holdover term shall extend beyond ninety days. All members currently serving shall serve their term as set when they were appointed. All appointments after January 1, 1977 shall be for three-year terms. Notwithstanding the holdover period or period of any vacancy, the term of any appointment shall be deemed to have commenced immediately after the normal termination date of his predecessor. The council may, by ordinance, provide for the staggering of terms provided that no terms of members already appointed shall be changed.
- D. Each commissioner shall be, at the time of his appointment, a duly qualified resident elector of the county.
- E. No more than a bare majority of the members of any board or commission shall belong to the same political party.
- F. Any vacancy occurring on any board or commission shall be filled for the unexpired term.
- G. Each board or commission shall elect its chairman or other officers. The term of office of the chairmanship of any board or commission shall be one year and no member of any such board or commission shall succeed himself as chairman for the term immediately following the expiration of his term.
- H. No member of any board or commission shall be eligible for more than two consecutive terms on the same board or commission or on two different boards or commissions of the county. After the expiration of two consecutive terms, no person shall be eligible for appointment to any county board or commission until one year has elapsed after such service. Any partial term of more than two years shall be considered a term as used herein.
- I. Employees and officers of the State or county may be eligible to serve on boards or commissions, provided that such service does not result in a conflict of interest or is expressly prohibited by law.
- J. A majority of all the members to which a board or commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which such board or commission is entitled shall be necessary to make any action or such board or commission valid.
- K. All boards and commissions shall have the power to subpoena witnesses and administer oaths to witnesses as to all matters within the scope of such boards or commissions.

SECTION 3. Material to be deleted is bracketed. New material to be added is underscored. If the voters adopt this amendment, the County Clerk need not show any deletions or underlining for inclusion in the Charter.

SECTION 4. Upon adoption of this Resolution by five or more councilmembers after two readings on separate days, the County Clerk and County Attorney shall take all steps necessary to submit this amendment to the voters.

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Joann A. Yukimura". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

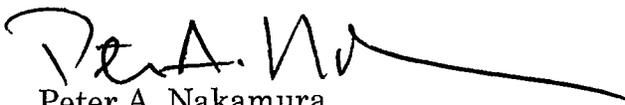
JOANN A. YUKIMURA

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Resolution No. 2004-01, which was passed on first reading and ordered to print by the Council of the County of Kauai at its meeting held on January 15, 2004, by the following vote:

FOR PASSAGE:	Furfaro, Kaneshiro, Munechika, Rapozo, Tokioka, Yukimura, Asing	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0.

Lihue, Hawaii
January 16, 2004


Peter A. Nakamura
County Clerk, County of Kauai

JADE K. FOUNTAIN-TANIGAWA
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



SCOTT K. SATO
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK
4386 RICE STREET, SUITE 101
LIHU'E, KAUAI, HAWAII 96766**

RECEIVED

July 20, 2020

JUL 22 2020

The Honorable Scott T. Nago
Chief Election Officer
State of Hawai'i, Office of Elections
802 Lehua Avenue
Pearl City, Hawai'i 96782

BOARDS & COMMISSIONS

Dear Mr. Nago:

**RE: COUNTY OF KAUAI CHARTER AMENDMENT BALLOT
QUESTIONS: 2020 GENERAL ELECTION**

Pursuant to Hawai'i Revised Statutes (HRS) Section 11-119 and Kaua'i County Charter (Charter) Article XXXIV, transmitted for inclusion on the 2020 General Election ballot are questions from the County of Kaua'i Charter Review Commission.

The enclosed text of Charter Amendments and ballot questions include six (6) Charter Amendment proposals from the County of Kaua'i Charter Review Commission. The six (6) total proposed Charter Amendments are submitted in the order which the ballot questions should appear on the 2020 General Election ballot.

Should you have any questions, please feel free to contact the Office of the County Clerk, Elections Division at (808) 241-4800. Thank you for your attention to this matter.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kaua'i

Enclosure

cc: Arryl Kaneshiro, Council Chair
and Members of the Kaua'i County Council
Marissa Sandblom, Chair
and Members of the County of Kaua'i Charter Review Commission
Ellen Ching, Boards & Commissions Administrator
Office of the County Clerk, Elections Division

COUNTY OF KAUA'I
2020 CHARTER AMENDMENT BALLOT QUESTIONS

Proposal #1 Relating to Negligence Claims.

Ballot Question 1:

Shall Section 23.06, establishing a time limit for negligence claims against the county, be amended to comply with state law?

Proposal #2 Relating to Police Chief Qualifications.

Ballot Question 2:

Shall police chief qualifications (Section 11.04) be increased to require fifteen (15) years law enforcement experience and a Bachelor's Degree?

Proposal #3 Relating to Ethics Disclosures.

Ballot Question 3:

Shall the list of county officials required to file ethics disclosures (Section 20.04) be expanded to include the managing director, agency and division heads, and regulatory employees?

Proposal #4 Relating to Prosecutor Vacancy.

Ballot Question 4:

Shall the mayor, with the approval of the Council, fill a vacancy of less than 18 months in the Prosecuting Attorney's position if a first deputy is unable to fill the position (Section 9A.05)?

Proposal #5 Relating to County Engineer Qualifications.

Ballot Question 5:

Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as the County Engineer, head of the Department of Public Works?

Proposal #6 Relating to Water Board Manager Qualifications.

Ballot Question 6:

Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as manager and chief engineer of the Department of Water Supply?

**WRITTEN
PUBLIC
TESTIMONY**

**RECEIVED
FOR CRC
2020-17**

**Personal information has been
redacted.**

From: [REDACTED]
To: [Anela Segreti](#)
Subject: Opposed to Council Districting being on Nov. ballot
Date: Monday, June 22, 2020 12:07:35 PM

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha:

I would like to voice my opposition to Council Districting being on the November ballot.

This issue has come up many times in the past and each time it is rejected because most of us don't want it.

I am opposed to Council Districting anyway, I prefer all At Large. Very often when I vote for the Council members, I only select a few as I don't think the rest would be a good choice. At least now, we do have all seven who represent us all. Imagine if my District person(s) would be like someone who shall remain nameless but who is sitting in jail right now. And if the only Council member I think is doing a good job is representing a district other than mine. Just a bad idea all around.

I also find it troublesome that Districting is being touted and supported by someone who is running for County Council. That would seem to be a conflict to me - he must have a ton of relatives in his district.....

Right now I am stuck with a Representative for my district for whom I have never voted as I think he does not do a good job. But I have no choice as he is my district. I certainly don't need a repeat of that at the Council level.

I respectfully request that this item NOT be placed on the ballot again. Been there, done that.

Mahalo nui loa
Carol Beardmore



Virus-free. www.avast.com

From: [REDACTED]
To: [Anela Segreti](#)
Subject: CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting
Date: Monday, June 22, 2020 12:37:44 AM

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

June 21, 2020

TO:
County of Kauai
Charter Review Commission {CRC}

RE: Monday, June 22, 2020, Agenda Item
CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting.

Thank you for allowing me and the CabebeCan team to present our briefing and testimony. I support the adoption of districts for Kauai County, increasing the number of seats on the Kauai County Council from the current seven-members to a nine-member council, with each district electing three members to represent each district.

This amendment is all about providing our community fair and equitable representation and access to government. Its a step in the direction of bringing better, more efficient governance to our island.

Adopting state districting policy allows Kauai County Council Members to function in sync with state representatives.

Increasing the council to nine seats increases opportunities for community members to participate in local governance and elect district focused representation. It increases the lines of communication between community members to our administrative bodies.

One additional point to consider is that there are no budget increases as the current funds allocated to council payroll would be dispersed amongst the nine members.

I believe we all can agree that now is the time to take action on what the community has considered and reconsidered before. That we can not return to a pre covid 19 world and that the general public's perception of government is that it is often unresponsive to the needs, wishes, and desires of the community. Allowing this amendment to go before the voters will show that the government is willing to work with people willing to take action now and not get in the way of where the government should get its guidance. The People. Why wait till later or sometime next year or beyond? Smart, logical, and well-planned action can be taken now. This proposal is well planed, sensible, and intelligent. It can help revitalize our economy, Respectfully, let the voters have a say in this matter.

Sincerely yours,

Donovan Kanani Cabebe

June 21, 2020

Aloha Chair Marissa Sandblom and Members of the Commission,

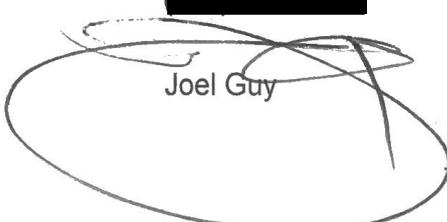
Thank you for providing agenda time for this important topic of whether the registered voters of Kauai should have the option to vote for a district form of county council.

As a lifelong resident of the Hawaii State House district 14, I have many reasons why having 3 council members within our district would be incredibly helpful in equitably managing our island, but that is not up for consideration. The question is "Should the registered voters have an opportunity to vote for district council representation or not?".

I would say **yes**. The strongest reasoning is clearly how beneficial this change has been to the rest of the state as we are the only island/county in Hawaii not utilizing a district form of council.

Thank you again for taking testimony and doing the work.

As always, feel free to contact me anytime for anything. Email, text or call [REDACTED]

[REDACTED]

Joel Guy

From: [REDACTED]
To: [Anela Segreti](#)
Subject: CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting Date: 2020-06-22 00:37
Date: Monday, June 22, 2020 2:33:45 PM

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Subject: CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting

Date: 2020-06-22

June 21, 2020

TO:
County of Kauai
Charter Review Commission {CRC}

RE: Monday, June 22, 2020, Agenda Item
CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting.

I support the adoption of three districts for Kauai County, increasing the number of seats on the Kauai County Council from the current seven-members to a nine-member council, with each district electing three members to represent each district.

I support equitable representation and access to government that represents each district. Adopting state districting policy allows Kauai County Council members to function in sync with state representatives and allow for more meaningful partnerships and opportunities for community engagement in those partnerships.

I also support that there are no budget increases as the current funds allocated to council payroll would be dispersed amongst the nine members.

In 2006 a districting proposal came. Wry close to passing but it was complicated. This proposal provides for direct representation in a less complicated system that is in sync with state representation districts.

Please consider this proposal and let voters chose if districting is a better representation of our community.

Sincerely,
Kathleen Horgan

June 21, 2020

To: Marissa Sandblom, Chair
County of Kauai Charter Review Commission

From: Norma Doctor Sparks, Esq. *NDSparks*

Re: Discussion and Possible Action on Proposed Charter Amendment Relating to Council Districting

Thank you for the opportunity to present my testimony in support of increasing the number of Kauai Council Members from seven to nine members.

A strong connection between County Council Members and their defined constituents is a good thing for democracy. It is good for County Council Members to listen closely to opinions of their constituents. It is good for constituents to inform their County Council Members about what they want and expect from government. And it is a good thing when County Council Members effectively communicate the intricacies of their (and the government's) actions to the people in their districts. To explain to constituents what he or she has done, and why, a county council member must 1) be accessible to constituents, 2) actively seek out constituent needs and opinions, and 3) educate constituents about issues and his or her legislative fairness.

Yet, under the present Charter, each individual County Council Member is given a special charge to represent all of the people on Kauai and their myriad interests. It is extremely difficult for any one County Council Member to represent all of Kauai and more importantly, to maintain contact and interaction with everyone on Kauai.

For the same reasons why the Hawaii Constitution scheduled three representatives for three Hawaii state representative districts on Kauai, the County Council should have nine members. With three members elected from each of three council districts, corresponding with Hawaii state representative districts as apportioned under the Hawaii Constitution, the people of Kauai will have stronger representation that will integrate the issues of the districts at the County and State levels.

I am available to answer any questions. [REDACTED]

June 21, 2020

To: Marissa Sandblom, Chair
County of Kauai Charter Review Commission

From: Stephen A. Sparks 

Re: Discussion and Possible Action on Proposed Charter Amendment Relating to Council
Districting

Thank you for the opportunity to present my testimony in support of increasing the number of Kauai Council Members from seven to nine members.

With nine County Council Members, there will be more diversity of individuals and ideas that will be brought forward. There will be greater opportunity for creativity and responsiveness on the Kauai Council.

With three districts, each County Council Member will be able to better present their ideas to their constituents. They will also have greater opportunity to really know their constituents and meet their needs than they have now.

I am available to answer any questions. 

County of Kaua'i

From: Tina Sakamoto [REDACTED]
Sent: Monday, June 22, 2020 4:28 PM
To: Mayor <Mayor@kauai.gov>
Subject: Fw: Testimony in Opposition to Distric Elections-

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Attempting to submit testimony. Please forward to Charter Review Commission
asegret@kauai.gov (asegret@kauai.gov)
Your message couldn't be delivered because the recipient's email server (outside Office 365) suspected that your message was spam.
Mahalo

~~~~  
----- Original Message -----  
**From:** [REDACTED]  
**To:** [asegret@kauai.gov](mailto:asegret@kauai.gov)  
**Sent:** Monday, June 22, 2020 4:07 PM  
**Subject:** Testimony in Opposition to District Elections-

Meeting: County of Kauai Charter Review Commission  
Remote Meeting on June 20,.2020 at 3 p.m. or shortly after  
Lihue, Kauai, HI  
  
[asegret@kauai.gov](mailto:asegret@kauai.gov)

Agenda Item: Proposed Kauai County Council District Election

Testifier: Tina Sakamoto  
PO Box 189  
Lawai, HI 96765-0189  
Phone [REDACTED]

Representing: Self  
Not a lobbyist, nor affiliated with any proclaimed group promoting legislation

Opinion: Testimony Opposing Proposed Kauai County Council District Election

~~~~~  
TESTIMONY

MY OBSERVATIONS:

NO BROKE, NO TRY FIX

A local news article stated that the County of Kauai Charter Review Commission is reconsidering a proposal to split Kauai into three (3) districts corresponding with the State House boundaries, with three (2) members each for a total of a nine-seat council. A two-year residency within a district of which the candidate would represent is a requirement.

This proposal is to create geographic districts from which the Kauai County Council would be elected based on the district he/she resides. Similar measures to elect the council members by district rather than at-large were rejected by voters 1982, 1996, and 2006. The Kauai County Council continues to be elected at-large, thus representing the entire island rather than a specific district.

MY OPINION:

I support the current at-large county council election system for the following reasons:

1. Selection - The selection of an at-large candidate is from a broader island base. A Kauai voter may choose any candidate regardless of where the candidate resides and not be compromised by a geographical area.
2. Representation - Each at-large candidate represents the entire island, not just his/her own district. Each candidate may be more likely to take interest in the overall betterment of the entire island and all its people.
3. Accountability - The at-large candidate will be accountable to every person on Kauai, not a designated group of people from a slice of the island. A person may address a concern to any council member.
4. Cost - Running district elections will increase costs in personnel, production, tabulation, and resources.
5. Vote - The at-large candidate must garner the majority of the votes whereas a district candidate needs only more votes than an opponent. It is possible for a candidate in a district election to win if either unopposed or with a single vote.
6. Philosophy - By tradition and culture Kauai's diversity is its strength. Our Kauai philosophy is the "we" concept, what is best for all the people and what is best for the entire island. The at-large election system supports the "we" philosophy and encourages cohesiveness. District elections will change the concept of "we" to "me" and the practice will be what "I want" regardless of the discord and divisiveness in competing for limited resources.

For these reasons it is my opinion that the current at-large system is the best choice for Kauai

and I urge you to oppose districting.

Mahalo, Tina Sakamoto

~ ~ ~

From: [REDACTED]
To: [Anela Segreti](#)
Subject: Proposed Charter Amendment CRC 2020-17
Date: Monday, June 22, 2020 11:02:44 AM

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I support the Charter Review Commission CRC 2020-17, which would place on the ballot a proposal to establish Council districting for Kaua'i.

With a nine seat Council, including three dedicated seats, citizen representation should be both better balanced and also would allow for closer citizen-Councilpersons relations within each of the three districts.

Thank you for considering my opinion, Dana Bekeart, Kapa'a resident.

Sent from [Mail](#) for Windows 10

From: [REDACTED]
To: [Anela Segreti](#)
Subject: Correction for 2020-17
Date: Monday, June 22, 2020 11:20:31 AM

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

From Dana Bekeart. After reading TGI article, it looks like the representation would be three per district.

I believe this might create competing three horse-trading relations.

Perhaps two per district and three at-large would work well.

From: [Anela Segreti](#)
To: [REDACTED]
Cc: [Ellen Ching](#); [Teresa Tumbaga](#)
Subject: FW: Message from Unknown sender (8088238162)
Date: Monday, June 22, 2020 1:15:00 PM
Attachments: [VoiceMessage.wav](#)
[image001.png](#)
[image002.jpg](#)

Good Afternoon Commissioners,

I returned Ms. Marge Dente's call. She is not able to join the meeting today, but wanted to express some concerns she has regarding districting. She lives on Waipouli Rd. which is divided by District 14 on the North and District 15 on the South. She says that this causes confusion for police and in voting. She feels that this needs to be examined as to why this is. She feels that lines, borders for this road needs to be either completely on North or South side. She would prefer North because of Ag., which she feels is more align to the community. She shared that they are a close community and wants to know why separated. She invited Commission to call her with questions at [REDACTED].

Mahalo,
Anela Segreti
Administrative Specialist 1



County of Kaua'i
Office of Boards and Commissions
4444 Rice Street, Suite 300
Lihue, HI. 96766
Phone: (808) 241-4917
Fax: (808) 241-5127
Email: asegreti@kauai.gov
<https://www.kauai.gov/BoardsandCommissions>

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From: Cisco Unity Connection Messaging System <unityconnection@voicemail.kauai.gov>

Sent: Monday, June 22, 2020 12:38 PM

To: asegreti@voicemail.kauai.gov

Subject: Message from Unknown sender (8088238162)

Email received 6/29/2020:

Chair Sandblom and Commissioners,

I appreciate the opportunity to offer testimony on CRC 2020-17, regarding the Charter amendment relating to Council Districting that is being proposed.

District representation has been in effect for thirty (30) years with respect to every single elective office within the State of Hawaii except for the Kauai County Council. It has been in effect for much longer regarding every Federal elective office (except President/Vice President). Why do you think that is? Does Kauai know something the rest of the State and Federal governments do not know, or have the rest of the State and Federal governments merely come to realize that “district” representation works better than “at-large” representation? I strongly suspect the latter.

Only three of the many proposals for Council Districting on Kauai have been put before the voters on the general election ballot, and all have been defeated (partially due to opposition from the Council incumbents at the time, all of whom had been elected at-large). 39% voted for the 1982 proposal, 47% for the 1996 proposal, and 49.6% for the 2006 proposal (falling short by only 161 votes), indicating that the number of voters favoring Council Districting is increasing to the point where such an amendment will likely pass the next time it appears on the ballot. Several other proposals were introduced during the intervening years, however, neither the Charter Review Commission nor the County Council voted to include any of them on the general election ballot, leading us to the current Council Districting proposal.

Every other County Council in the State is made up of nine (9) councilmembers elected from nine (9) separate districts within their County. The current proposal also envisions nine (9) councilmembers, however, these would be elected from only three (3) districts, with three of them from each district, thereby defeating the purpose of having single-member districts in the first place. (Whenever a district is allowed to have more than a single member, that election effectively changes from “district “ to “at-large.”) Instead, this proposal would effectively hold three “at-large” elections within each of the three Council Districts rather than having bonafide single-member “district” elections for all nine (9) districts, as has been done on Oahu, Maui and the Big Island for the past thirty (30) years. As a result, the customary pattern on Kauai whereby most previous Councilmembers resided in those areas of Kauai with the largest densities would likely continue, meaning that all three councilmembers elected from the Northeast district would likely reside in the Kapaa area, while those elected from the Wailua-Lihue district would likely reside in the Lihue area, and those elected from the Westside district would likely reside in the Kalaheo area. (See attached worksheet containing various districting scenarios based upon 2010 census data.)

Furthermore, previous Council Districting proposals considered by this were comprehensively researched and studied by a committee prior to becoming eligible for a vote by the full Commission (e.g, 1990, 1996, 2016 & 2014). I am unaware, however, of any such committee research having been performed regarding this proposal prior to its becoming eligible for a vote by this full Commission. For these reasons, I must oppose this proposal.

Rather than proposing the nine (9) single-member districts used by the rest of the State as an alternative, however, I instead propose seven (7) single-member districts. I sincerely believe most Kauai residents would probably agree that Kauai “naturally” falls within seven (7) geographical areas, all of which distinguish themselves in such a way that they would likely prefer someone from their own area/district to represent them on the County Council, since they would likely share similar experiences and outlooks. These seven distinct districts are the following:

1. Haena-Hanalei-Princeville-Kilauea-Moloaa-Anahola
2. Kapaa-Kealia
3. Wailua Houselots-Wailua Homesteads
4. Hanamaulu-Lihue-Puhi
5. Koloa-Poipu-Kukuiula
6. Kalaheo-Omao-Lawai
7. Eleele-Hanapepe-Kaumakani-Waimea-Kekaha-Niihau

Any reapportionment commission, which would be required to implement any number of Council districts other than three (3), should be able to produce acceptable district boundaries according to the census tract data provided by the 2020 Census. I believe that any additional expense required in order to implement a 7-district Council election would be well worth the cost, by creating districts that clearly represent those issues concerning each community. As a result, at least one Councilmember would live near the area concerning any issue coming before the Council, so he/she would then likely be familiar enough with that issue to better explain it to the full Council.

Furthermore, having smaller Council districts would make it easier and cheaper for new candidates to campaign for a Council seat, likely resulting in more candidates.

Accordingly, I ask that you please reject the original proposal for three (3) districts of three (3) councilmembers each, and instead consider my proposal for seven (7) single-member districts.

Sincerely,

Bert Lyon

2010 CENSUS DATA			NUMBER OF DISTRICTS									
Tract #	Name	Population	2010							(1990)	(1990)	(1990)
			3	4	5	6	A 7	B 7	Kauai 9	Hawaii 9	Maui 9	Oahu 9
401	Haena-Hanalei	1,344							1,344			
401	Princeville-Kilauea	6,484					7,828		7,828			
9400	Anahola	3,715			11,543	11,543	3,715	10,199	3,715			
403	Kapaa	8,385	19,928	19,928			8,385	8,385	8,385			
402	Wailua Houselots	5,047			13,432	13,432						
402.1	Wailua Homesteads	3,845					8,892	8,892	8,892			
404	Puhi-Hanamaulu	8,740		17,632	12,585	12,585	8,740	8,740	8,740			
405	Lihue	5,943	23,575									
406	Koloa-Poipu	2,544					8,487	8,487	8,487			
406	Omao-Kukuiula	3,139		11,626	11,626	11,626	3,139	3,139	3,139			
407	Eleele-Kalaheo	8,403				8,403	8,403	8,403	8,403			
408	Kaumakani-Hanapepe	3,771										
409	Kekaha-Waimea	5,561										
412	Niihau	170	23,588	17,905	17,905	9,502	9,502	9,502	9,502			
	TOTALS	67,091	67,091	67,091	67,091	67,091	67,091	67,091	67,091	120,317	100,504	836,231
	Average district size		22,364	16,773	13,418	11,182	9,584	9,584	7,455	13,369	11,167	92,915
	Max variance - over		5%	7%	33%	20%	?	6%	19%			
	Max variance - under		-11%	-31%	-14%	-25%	-18%	-13%	-58%			

CHARTER COMMENTARY

The Kaua`i Charter Review Commission will place six charter amendments on the 2020 General Election ballot.

The six include three measures to propose changes in qualifications for department heads, one proposal to toughen ethics disclosure language and two “housekeeping” measures to clarify oversights or address changes in state law.

In each case, the Charter Review Commission recommends approval.

--Police Chief Qualifications. The Police Commission, after going through a chief selection process, suggested tougher requirements for candidates in the future. The Charter Commission agreed, and suggests a police chief have at least 15 years of service, 10 of which must be in a full-service law enforcement agency, and must have at least a bachelor’s degree in an appropriate field.

--County Engineer Qualifications. The head of the county Department of Public Works needs both an engineering background and strong administrative skills. This amendment would require County Engineer candidates have significant training and experience in the engineering field, but would not require they be registered engineers. This change would expand the pool of qualified candidates.

--Water Manager Qualifications. As with the County Engineer, the Water Board Manager would need extensive training and experience in an engineering-related position, but would not need to be a registered engineer in the state of Hawai`i.

--Ethics Disclosure. This measure would add to the list of county officials who must file ethics disclosure statements. It would require disclosures of the managing director and the heads and deputies of county departments, agencies and divisions. Those disclosures would be open to public review. Regulatory employees like inspectors would also need to file, but their disclosures would be available to the Ethics Commission but not be open to public inspection.

--Prosecutor Vacancy. The current charter language provides for how to fill the prosecutor’s office if it becomes vacant with less than a year left in the term or more than 18 months left in the term, but in an oversight, it leaves out the period between. This amendment would clarify that the mayor and council appoint a replacement if there are fewer than 18 months left in the term, but that an election would be held if there is more time remaining.

--Negligence Claims. The charter and state law differ on deadlines for submitting damage or injury claims against the county. This measure corrects this by bringing the county into compliance with state law, which currently requires claims be filed within two years of the event in question.

Again, the Charter Review Commission recommends a vote for approval of all six items, which are on the 2020 General Election ballot.

The Charter Review Commission is made up of seven members of the Kaua`i public who are recommended by the mayor and approved by the County Council. The commission has the authority to propose charter amendments that the commission members feel are “necessary or desirable.”

The Kaua`i County Charter Review Commission: Marissa Sandblom, chair; Jan TenBruggencate, vice-chair; members Gini Kapali, Reid Kawane, Lori Koga, Patrick Stack and Carol Suzawa.