

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**

**Monday, September 28, 2020  
3:00 p.m. or shortly thereafter**

**Microsoft Teams Audio: +1 469-848-0234, Conference ID: 490 039 394#**

**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 August 7, 2020

**PUBLIC TESTIMONY**

None

**COMMUNICATION**

None

**BUSINESS**

- |             |  |
|-------------|--|
| CRC 2020-17 | Discussion and possible action on meetings regarding proposed Charter amendment relating to Council Districting. |
| CRC 2020-13 | Discussion and possible action on plan for public education.   |
| CRC 2020-21 | Discussion and possible action on deferring future Charter Review Commission Meetings.                           |
| CRC 2020-22 | Discussion and possible action on election of Chair and Vice Chair for Calendar Year 2021.                       |

## **ANNOUNCEMENTS**

Next Meeting: TBD

## **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

*An Equal Opportunity Employer*

### **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](mailto: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](mailto: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](mailto: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.**

**Draft to be Approved**

COUNTY OF KAUAI  
 Minutes of Meeting  
 OPEN SESSION

Board/Commission:	<b>CHARTER REVIEW COMMISSION</b>	Meeting Date	<b>August 7, 2020</b>
Location	Teleconference	Start of Meeting: 3:05 p.m.	End of Meeting: 4:06 p.m.
Present	Chair Marissa Sandblom, Vice Chair Jan TenBruggencate. Commissioners: Lori Koga, Patrick Stack, Carol Suzawa, Reid Kawane (joined at 3:55pm.) Also: Teresa Tumbaga, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti. Members of the Public: Bert Lyon, Scott Sato, Deputy County Clerk.		
Excused	Commissioner Virginia Kapali		
Absent			
<b>SUBJECT</b>	<b>DISCUSSION</b>	<b>ACTION</b>	
<b>Call To Order</b>	Chair Sandblom, and Commissioner Kapali are excused.	Chair Marissa Sandblom, called the meeting to order at 3:04 p.m.	
<b>Roll Call</b>		Roll Call: Commissioner Kapali-excused Commissioner Kawane-late Commissioner Koga-present Commissioner Stack-present Commissioner Suzawa-present Vice Chair TenBruggencate-present Chair Sandblom-present Quorum: 5 commissioners present	
<b>Agenda</b>	Chair Sandblom entertained a motion to approve agenda.	Vice Chair TenBruggencate moved to approve the agenda. Commissioner Koga	

SUBJECT	DISCUSSION	ACTION
		seconded. Motion carried 5:0
<b>Minutes</b>	<p>Open Session Minutes of June 22, 2020            Open Session Minutes of June 29, 2020</p> <p>Vice Chair TenBruggencate stated that he had reviewed the minutes prior to the meeting and communicated edits to staff.</p> <p>Staff made edits and that is the minutes included in the meeting packet.</p>	<p>Vice Chair TenBruggencate moved to approve the Minutes of June 22, 2020 and June 29, 2020.            Commissioner Suzawa seconded. Motion carried 5:0.</p>
<b>Public Testimony</b>	<p>Chair Sandblom asked if for testimonies.</p> <p>Staff informed commission that Mr. Lyons was on the line, but did not have testimony.</p>	No Action
<b>Communication</b>	<p><u>CRC 2020-19 Communication received from Jade Fountain-Tanigawa dated June 26, 2020 regarding Council Items Referred to the Charter Review Commission.</u></p> <p>Chair Sandblom entertained a motion to receive.</p>	<p>Vice Chair TenBruggencate moved to receive CRC 2020-19. Commissioner Suzawa seconded.</p> <p>Voice Vote:            Ayes-5 Nays-0            Motion carried 5:0</p>
	<p><u>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.</u></p> <p>Chair Sandblom entertained a motion to receive.</p>	<p>Commissioner Suzawa moved to receive CRC 2020-20. Vice Chair TenBruggencate seconded.            Voice Vote:</p>

SUBJECT	DISCUSSION	ACTION
		Ayes-5 Nays-0 Motion carried 5:0
<b>Business</b>	<p><u>CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting.</u></p> <p>Vice Chair TenBruggencate stated that there is no urgency right now and probably will want to have a public meeting looking towards the 2022 election. He suggested to defer this item to after the 2020 election, the November meeting, at which time they can begin considering the various permutations of districting before the Commission and determining which is most appropriate.</p> <p>Commissioner Stack clarified that this could not be considered for the upcoming 2020 ballot, which Vice Chair TenBruggencate confirmed.</p> <p>Chair Sandblom asked if Mr. Lyons wanted to share his thoughts.</p> <p>Bert Lyons stated that he thought the Commission was moving in the right direction and he understood.</p>	<p>Vice Chair TenBruggencate moved to defer CRC 2020-17 to the November meeting. Commissioner Koga seconded.</p> <p>Roll Call Vote:          Commissioner Koga-aye          Commissioner Stack-aye          Commissioner Suzawa-aye          Vice Chair TenBruggencate-aye          Chair Sandblom-aye</p> <p>Ayes-5 Nays-0          Motion carried 5:0</p>
	<u>CRC 2020-19 Discussion and possible action on communication received from Jade Fountain-</u>	

SUBJECT	DISCUSSION	ACTION
	<p><u>Tanigawa dated June 26, 2020 regarding Council Items Referred to the Charter Review Commission.</u></p> <p>Ellen Ching, administrator, shared with the Commission that staff researched and found no information of the document being received by the Commission. The 2004 minutes reflected that the Commission was just founded. Based on this information Ms. Ching responded to the County Clerk that the item would be on today's agenda.</p> <p>Commissioners discussed the resolution (on file) with Ms. Ching. Discussion on whether resolution from 2004 is obsolete and what action should be taken.</p> <p>Vice Chair TenBruggencate suggested responding to the County Clerk that if the current Council wants it considered as an amendment for the 2022 election they will consider it with more direction.</p> <p>Chair Sandblom asked if Deputy County Clerk wanted to make a statement.</p> <p>Scott Sato, Deputy County Clerk, requested a recommendation from the Commission, it could be that it is mute, then the Council could place it back on the agenda to be received, as it is basically obsolete on their read as well. They need feedback from the Commission to receive it because the final motion in 2004 was to refer to the Charter Commission.</p> <p>Chair Sandblom entertained a motion.</p>	<p>Vice Chair TenBruggencate moved to receive CRC 2020-19 and send communication to the County Clerk's office that the Charter Commission at this time finds this item to be mute and will not process it further, however the Council is invited to submit a more current resolution if they care to proceed. Commissioner Koga seconded.</p> <p>Roll Call Vote:          Commissioner Koga-aye          Commissioner Stack-aye          Commissioner Suzawa-aye          Vice Chair TenBruggencate-aye          Chair Sandblom-aye</p>

SUBJECT	DISCUSSION	ACTION
		Ayes-5 Nays-0 Motion carried 5:0
	<p><u>CRC 2020-18 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper.</u></p> <p>Chair TenBruggencate went over the commentary (on file) that he wrote going over the six ballot questions. He suggest that it be submitted to The Garden Island a few days before the ballots are mailed so it is fresh in the voters mind. He stated that he could submit it as an individual or as the Vice Chair on behalf of the Commission.</p> <p>Commissioners discussed the commentary. Suggestions were made as to how to describe the change in the police chief qualifications in the commentary. Edit will be made to use additional in regards to the change in qualifications.</p> <p>Mr. Sato confirmed that the elections office is looking at Oct. 9 to get ballots in the mail.</p> <p>Based on this information Vice Chair TenBruggencate suggest submitting to The Garden Island in the first 3 or 4 days of October, hoping that they will run it close to when people will get their ballots.</p> <p>Chair Sandblom clarified that there is no problem with the commentary being submitted on behalf of the Commission as a body.</p> <p>Teresa Tumbaga, Deputy County Attorney, confirmed that if the Commission agrees as a body to the commentary, and based on the fact that the amendments are coming from the Commission, it should be fine. She asked if this was something that was done in the past.</p> <p>Vice Chair TenBruggencate stated that he does not believe that this was done in the past, but they did have several commissioners go on Hoike and speak to the Charter Amendments in an educational way. He does not remember it being done in the form of a letter to The Garden Island.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commission discussed what has happened in the past and wanting to make sure that they are in compliance.</p> <p>Ms. Tumbaga confirmed that if the Commission as a body decides that the commentary is what they would like to share with the public it is fine.</p> <p>Chair Sandblom entertained a motion for possible action to submit commentary to The Garden Island.</p> <p>Vice Chair TenBruggencate asked that staff ask the excused commissioners if they are comfortable with the submission before their names are attached.</p>	<p>Commissioner Suzawa moved to submit the commentary to The Garden Island. Commissioner Koga seconded.</p> <p>Roll Call Vote:          Commissioner Koga-aye          Commissioner Stack-aye          Commissioner Suzawa-aye          Vice Chair TenBruggencate-aye          Chair Sandblom-aye</p> <p>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 Public Education notices would be sent to Kauai registered voters starting in October to the end of the election.</p> <p>Vice Chair TenBruggencate stated that we are sure that anything sent out before ballots are received before October, because there will be people who have already voted.</p> <p>Ms. Ching stated that they would start October 1.</p>	



SUBJECT	DISCUSSION	ACTION
	<p>Chair Sandblom asked if anything beside the targeted digital pushes would be done.</p> <p>Ms. Ching reported that it will not be limited to just social media sites. A message would appear anytime voters are on-line.</p> <p>Ms. Ching discussed with the Commission the cost of the campaign. Confirmed that the full text will be published in a local publication as well as on the Boards and Commissions web site. She also stated that generally materials are made available at libraries.</p> <p>Commissioner Koga asked if part of the public education will say that, a blank vote is considered no change or a no vote is considered approval. Ms. Ching responded that could be added.</p> <p>Ms. Ching discussed with the Commission designation of a spokesperson for the Commission should she receive inquiries for public comment about the charter amendments.</p> <p>Vice Chair TenBruggencate suggested that it be left up to the Chair to decide whom can respond.</p> <p style="text-align: center;"><i>Commissioner Kawane joined the meeting at 3:55pm</i></p> <p>Vice Chair TenBruggencate noted that there may be situations where two people would respond.</p>	<p>Vice Chair TenBruggencate moved that the Chair or her designee be selected as a spokesman for the Commission. Commissioner Suzawa seconded.</p> <p>Roll Call Vote:          Commissioner Kawane-aye          Commissioner Koga-aye          Commissioner Stack-aye          Commissioner Suzawa-aye          Vice Chair TenBruggencate-aye          Chair Sandblom-aye</p>

SUBJECT	DISCUSSION	ACTION
		<p>Ayes-6 Nays-0            Motion carried 6:0</p>
<p><b>Announcements</b></p>	<p>Next meeting: Monday, August 24, 2020, 3:00 p.m., Teleconference</p> <p>Vice Chair TenBruggencate suggested that the August 24, 2020 not be held since it is only two weeks away and if needed hold an earlier September meeting.</p> <p>Ms. Ching confirmed that there was nothing from staff for the August 24, 2020 agenda.</p> <p>Ms. Tumbaga commented on the Sunshine Law section 92-2.5, permitted interactions of members. Two or more members of a board, but less than the number of members that would constitute a quorum for the board may be assigned to present, discuss, or negotiate any position which the board has adopted at a meeting of the board, provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation. She clarified if one person is involved in the discussion with the media, that is fine, but if you want to assign two it would need to be made at a meeting prior to the assignment.</p> <p>Chair Sandblom clarified that if there was a request prior to the regularly scheduled September meeting than a meeting will need to be held, if more than one person would attend.</p>	<p>Vice Chair TenBruggencate moved to cancel the August 24, 2020 meeting and reconvene at the regular time in September or at a different time if recommended by staff. Commissioner Kawane seconded.</p> <p>Roll Call Vote:            Commissioner Kawane-aye            Commissioner Koga-aye            Commissioner Stack-aye            Commissioner Suzawa-aye            Vice Chair TenBruggencate-aye            Chair Sandblom-aye</p> <p>Ayes-6 Nays-0            Motion carried 6:0</p>
<p><b>Adjournment</b></p>	<p>Vice Chair TenBruggencate reminded everyone to vote if they haven't already done so.</p> <p>Ms. Ching recommended that people tune in to Election night on the FM97 with Vice Chair TenBruggencate.</p>	<p>Chair Sandblom hearing no objections adjourned the meeting at 4:06pm.</p>

Submitted by: \_\_\_\_\_  
Anela Segreti, Administrative Specialist

Reviewed and Approved by: \_\_\_\_\_  
Marissa Sandblom, Chair

- Approved as circulated.
- Approved with amendments. See minutes of \_\_\_\_\_ meeting.