



CHARTER REVIEW COMMISSION

LORI KOGA, CHAIR
JAN TENBRUGGENCATE, VICE CHAIR

BRONSON BAUTISTA, COMMISSIONER
VIRGINIA KAPALI, COMMISSIONER
REID KAWANE, COMMISSIONER
MARISSA SANDBLOM, COMMISSIONER
COTY TRUGILLO, COMMISSIONER

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

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

Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
 - Written testimony indicating your 1) name, and if applicable, you position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to asegreti@kauai.gov or mailed to the Charter Review Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
 - Written testimony received by the Charter Review Commission at least 24 hours prior to the meeting will be distributed to all Charter Review Commissioners prior to the meeting.
 - Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
 - Any late testimony received will be distributed to the to the members after the meeting is concluded.
- **Oral testimony** will be taken during the public testimony portion of the meeting.
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing asegreti@kauai.gov or calling (808) 241-4917. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
 - Per the Charter Review Commission's and Chairs practice, there is three-minute time limit per testifier per agenda item.
 - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS PLEASE CONTACT THE OFFICE OF BOARDS AND 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 ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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REGULAR MONTHLY MEETING NOTICE AND AGENDA

Monday, March 28, 2022
3:00 p.m. or shortly thereafter
Pi`ikoi Building, Suite 300
4444 Rice Street, Līhu`e, HI 96766

OATH OF OFFICE FOR CHARTER REVIEW COMMISSIONER COTY TRUGILLO PARTIAL TERM
ENDING ON DECEMBER 31, 2023.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting of the Open Session

1. February 28, 2022

E. PUBLIC TESTIMONY

F. COMMUNICATION

BOE 2022-07

Memorandum from the Chair and Members of the Salary Commission dated January 31, 2022 regarding a proposal to amend Article XXIX of the Charter allowing the Salary Commission authority to establish the maximum salaries of all elected and appointed officials.

G. BUSINESS

CRC 2022-08

Discussion and possible action on the report of the Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) is to provide a written recommendation on how and whether to create districting for our County Council.

CRC 2020-17

Discussion and possible action on proposing a Charter amendment relating to Council Districting.

CRC 2022-09

Discussion and possible action on a proposal to amend Article XXIX of the Charter allowing the Salary Commission authority to

establish the maximum salaries of all elected and appointed officials.

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|-------------|--|
| CRC 2022-05 | Discussion and possible action on proposed ballot question, purpose, and background on Charter amendment to remove Article XXX relating to the Electric Power Authority. |
| CRC 2021-08 | Discussion and possible action on proposed ballot question, purpose, and background to amend Charter Section 9A.05. Vacancy in Office related to the Office of the Prosecuting Attorney. |
| CRC 2021-04 | Discussion and possible action on Charter Initiatives of interest. |

H. ANNOUNCEMENTS

Next Meeting: April 25,2022

I. ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

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

cc: Hugo Cabrera, Deputy County Attorney

COUNTY OF KAUAI
Minutes of Meeting
OPEN MEETING SESSION

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	FEBRUARY 28, 2022
Location	Teleconference	Start of Meeting: 3:00 p.m.	End of Meeting: 3:46 p.m.
Present	Chair Lori Koga, Vice Chair Jan TenBruggencate. Commissioners: Bronson Bautista, Reid Kawane, Marissa Sandblom. Also: Hugo Cabrera, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused	Virginia Kapali		
Absent			

SUBJECT	DISCUSSION	ACTION
A. Call To Order		Chair Lori Koga, called the meeting to order at 3:00 p.m.
B. Roll Call		Roll Call: Commissioner Bautista-present & alone Commissioner Kapali- excused Commissioner Sandblom- present & alone Commissioner TenBruggencate-present & alone Vice Chair Koga- present & alone Chair Kawane - present & alone Quorum: 5 commissioners present
C. Approval of Agenda		Vice Chair TenBruggencate moved to approve the agenda. Commissioner Bautista seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0
D. Minutes	<u>Open Session Minutes of January 24, 2022</u> Vice Chair TenBruggencate corrected the roll call in the minutes to clarify	Vice Chair TenBruggencate moved to approve the minutes of February 28, 2022

SUBJECT	DISCUSSION	ACTION
	<p>that no one in the dental waiting room was able to hear or participate. Commissioner Kawane corrected page 6, second paragraph, first sentence, “tries” should be “tried”.</p>	<p>as edited. Commissioner Kawane seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
<p>E. Public Testimony</p>	<p>Bert Lyon stated that he was on to hear the PIG report and stated he submitted an email, regarding 2014 and 2016 reports.</p> <p>Administrator Ching stated that she received the email and is gathering the materials for the PIG and will be sending it to them and as part of their report the Commission will be receiving the emailed report as well.</p> <p>Jonathan Jay stated that he was interested in a review of the milestones and timelines that are necessary to get districting proposal to the County Council. He is requesting clarification.</p> <p>Chair Koga stated that the PIG will be helping the Commission with that.</p> <p>Vice Chair TenBruggencate asked Mr. Jay what specifically he’s looking for.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Jay stated he’s not familiar with the milestones, deadlines to get a proposal on to the ballot.</p> <p>Administrator Ching stated that a meeting with the County Clerk will be sometime in June.</p> <p>Mr. Jay clarified that he would like the steps and processes shared with him. He would like to see a districting ballot on the November ballot so that if passed it can go into effect in 2024.</p> <p>Chair Koga responded that the PIG will be making recommendations to the Commission on where they go from here and thanked Mr. Jay for his comment.</p>	
F. Communication	<u>None</u>	
G. Business	<p><u>CRC 2022-06 Update of the Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) is to provide a written recommendation on how and whether to create districting for our County Council.</u></p> <p>Chair Koga thanked Commissioners Sandblom, Bautista, and Kawane for volunteering to be part of the PIG and asked if they have a report.</p> <p>Commissioner Kawane reported that the PIG met twice and are still in the process of finalizing the report. They will be meeting March 9 and 25 to finalize the report.</p> <p>Chair entertained a motion to defer.</p>	<p>Commissioner Kawane moved to defer CRC 2022-06 to the next meeting. Vice Chair TenBruggencate seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2020-17 Discussion and possible action on proposing a Charter amendment relating to Council Districting.</u></p> <p>Chair Koga entertained a motion to defer.</p>	<p>Motion carried 5:0</p> <p>Vice Chair TenBruggencate moved to defer CRC 2020-17 to next meeting when PIG will have their findings. Commissioner Bautista seconded.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>
	<p><u>CRC 2021-04 Discussion and possible action on Charter Initiatives of interest.</u></p> <p>Administrator Ching stated that the Salary Commission worked up a report and a detailed proposal, but it was not completed for a specific agenda item and will be on next month's agenda.</p>	<p>Vice Chair TenBruggencate moved to defer CRC 2021-04 to next meeting when PIG will have their findings. Commissioner Kawane seconded.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>
	<p><u>CRC 2022-05 Discussion and possible action on proposed Charter amendment to remove Article XXX relating to the Electric Power Authority.</u></p> <p>Chair Koga asked for clarification that it has been approved for ballot and just needed County Attorney review.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Administrator Ching clarified that since it has been reviewed by the County Attorney, the Commission may want to take the ballot question separate from the purpose and background and the proposed amendment.</p> <p>Commissioner Sandblom recalls that it is more housekeeping and that it was put on the ballot before and was not approved. She asked if the ballot question, purpose, and background is the same as before?</p> <p>Administrator Ching clarified that it is the same and is not sure why it was not passed. She is thinking that the Commission should look at the ballot question, purpose, and background. The proposed amendment has been approved by the County Attorney, so she feels that part is fine.</p> <p><i>Vice Chair TenBruggencate recused himself from this item, he holds a seat on the KIUC board. He logged out at 3:18pm.</i></p> <p>Administrator Ching explained that the Board can decide to put it on the ballot today or that they could defer that and then they could look at the ballot question, purpose, and background. There will be another opportunity before final is transmitted to County Clerk for the ballot.</p> <p>Administrator Ching explained that the proposal for the electrical authority that is being proposed is the same as what was on the ballot in 2018. She went on to discuss with Commission why this housekeeping item may not have passed. She feels that voters may have been confused using “electrical authority”. They discussed the use of the digital and newspaper campaign helped people to understand the ballot questions. Also they may want to change the question so that it’s not as confusing.</p> <p>Commissioner Sandblom shared that she felt that the last time it was on the ballot there was a lot of ballot questions that may have been overwhelming</p>	

SUBJECT	DISCUSSION	ACTION
	<p>and that she feels the purpose and background is solid, but that the question could be tweaked without it leaning one way or another.</p> <p>Deputy County Attorney stated that it since a whole section is being taken out of the Charter it would be better to note the exact article being removed so people know what it is.</p>	<p>Commissioner Kawane moved to have staff work on simplifying ballot question, purpose, and background for CRC 2022-05. Commissioner Sandblom seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0:1 recused</p>
	<p><u>CRC 2021-08 Discussion and possible action on proposal to amend Charter Section 9A.05. Vacancy in Office related to the Office of the Prosecuting Attorney.</u></p> <p><i>Vice Chair TenBruggencate returned to the meeting at 3:33pm</i></p> <p>Commissioner Sandblom asked if this proposal was the same as previously on the ballot.</p> <p>Vice Chair TenBruggencate clarified that this on addresses the issue of mid-term vacancies and says that the Deputy stays in office until the next election, instead of holding a special election.</p> <p>The Board clarified that the last amendment was due to the Charter being silent on a what to do about a vacancy during a specific period, 6-18 months of being in office. This was clarified in the last election but need to have a special election and cost involved was not clarified. This proposal would eliminate the County having to go through with a special election and the cost.</p> <p>Commissioner Sandblom clarified that the revised language that the Charter</p>	<p>Vice Chair TenBruggencate moved to approve and authorize the department to send this to the County Attorney for legal review.</p> <p>Vice Chair TenBruggencate amended his motion to approve this for the ballot, taking it off the agenda and on to the list for proposals to be put on the ballot for the November 2022 election ballot.</p> <p>Commissioner Sandblom seconded the</p>

SUBJECT	DISCUSSION	ACTION
	<p>would reflect is included, but not the ballot question and purpose. She asked if a motion was needed to ask staff to work on these for review.</p>	<p>revised motion. Vice Chair TenBruggencate withdrew his motion and moved to approve this Charter Amendment subject to review of the associated documents to be prepared before the next meeting. Commissioner Sandblom removed her previous second and seconded this motion.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>
<p>H. Announcements</p>	<p>Next Meeting: March 28, 2022</p> <p>PIG report will be reviewed by PIG in March and will include Mr. Lyon's suggestions. It may not be ready until April meeting.</p>	
<p>I. Adjournment</p>		<p>Hearing no objections Chair Koga adjourned the meeting at 3:46pm</p>

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Lori Koga, Chair

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

1. Electric Power Authority:

Ballot Language: Shall the Charter be amended to limit the growth of government by removing the Council's ability to provide electricity to Kauai? (Remove Article 30)

Purpose: The purpose of this amendment is to limit the growth of government, avoid duplication of services by removing the ability of the County Council to create an entity to provide electricity to Kauai.

Background: In 2002, the voters approved this Charter amendment (Article 30) in response to the proposed sale of the Kauai Electric Company to the Kauai Island Utility Cooperative (KIUC). If the sale of Kauai Electric to KIUC collapsed or KIUC was not able to provide adequate electrical services, Article 30 would have served as an interim solution. In September 2003, the Hawaii Public Utilities Commission (PIUC) approved the sale of Kauai Electric to KIUC. Since 2002, KIUC has managed and operated the electrical power system on Kauai and has become a national leader in renewable energy.

DRAFT

1. Prosecutor's office vacancies:

Ballot Language: Shall the Charter be amended to avoid the cost of conducting a special election to fill a vacancy of the Prosecuting Attorney?

Purpose: The purpose of this amendment is to amend the County Charter to avoid the cost of conducting an election to fill a vacancy of the Prosecuting Attorney.

Background: Recently when the Prosecuting Attorney resigned that created a vacancy. Since the vacancy was for a term of eighteen months or more, the Charter requires that a special election be conducted to fill the vacancy. Such an election has proved to be exceedingly costly. This year that election cost the County \$500,000.00. This provision would empower the first deputy prosecutor to serve as Prosecuting Attorney until the seat is filled by election. The election to fill a vacancy of the Prosecuting Attorney would be held during the normal mid-term elections if the vacancy occurs more than three days before the filing deadline for the mid-term elections. If the vacancy occurs later, the first deputy would serve out the full term. In the event a first deputy is unable to serve, the Prosecuting Attorney will be appointed within 30 days through a nomination by the mayor with approval of the county council.