



CHARTER REVIEW COMMISSION

LORI KOGA, CHAIR
JAN TENBRUGGENCATE, VICE CHAIR

BRONSON BAUTISTA, 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.
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- **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 TELECONFERENCE MEETING NOTICE AND AGENDA

Monday, August 22, 2022
3:00 p.m. or shortly thereafter
Boards & Commissions Office Conference Room
Pi`ikoi Building, Suite 300
4444 Rice Street, Līhu`e, HI 96766

Microsoft Teams Conferencing Information

Click on the link below or enter the url in your network browser to join on your computer or mobile app by VIDEO:

<https://bit.ly/3AkK2b9>

Or

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: [+1 469-848-0234](tel:+14698480234) United States, Dallas

Phone Conference ID: 285 876 020#

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

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. MINUTES of the meeting of the Open Session
 - 1. June 20, 2022
- E. PUBLIC TESTIMONY
- F. COMMUNICATION

CRC 2022-13 Copy of letter to the Honorable Scott T. Nago, Chief Elections Officer received July 14, 2022, from County Clerk, Jade Fountain Tanigawa regarding the County of Kaua`i Charter Amendment Ballot Questions: 2022 General Election.

G. BUSINESS

CRC 2022-14 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper and other media venues.

CRC 2022-15 Discussion and possible action on plan for public education which may include a digital campaign as well as a press release.

CRC 2022-16 Discussion and possible action on electing Commissioners to represent the Commission to discuss the ballot questions.

H. ANNOUNCEMENTS

Next Meeting: September 26, 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: Teresa Tumbaga, Deputy County Attorney

COUNTY OF KAUAI
 Minutes of Meeting
 SPECIAL OPEN MEETING SESSION

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	JUNE 20, 2022
Location	Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:16 p.m.	End of Meeting: 3:53 p.m.
Present	Chair Lori Koga. Commissioners: Reid Kawane, Marissa Sandblom, Coty Trugillo. Also: Teresa Tumbaga, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti. County Attorney Matthew Bracken, Finance Director Reiko Matsuyama.		
Excused	Vice Chair Jan TenBruggencate		
Absent	Bronson Bautista		



SUBJECT	DISCUSSION	ACTION
A. Call To Order		Chair Lori Koga, called the meeting to order at 3:16 p.m.
B. Roll Call		Roll Call: Commissioner Bautista-absent Chair Kawane – present Commissioner Sandblom- present Commissioner Trugillo-present Vice Chair TenBruggencate-excused Chair Koga- present Quorum: 4 commissioners present
C. Approval of Agenda	Chair Koga entertained a motion to approve the agenda.	Commissioner Kawane moved to approve the agenda. Commissioner Sandblom seconded. Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0
D. Minutes	<u>Open Session Minutes of May 23, 2022</u> Chair Koga entertained a motion to approve the minutes of May 23, 2022.	Commissioner Kawane moved to approve the minutes of May 23, 2022. Commissioner Sanblom seconded.

SUBJECT	DISCUSSION	ACTION
		Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0
E. Public Testimony	<u>None</u>	
F. Communication	<u>None</u>	
G. Business	<p><u>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.</u></p> <p>Commissioners reviewed language as part of their packets. There was no questions or discussion regarding the ballot language as presented.</p>	<p>Commissioner Sandblom moved to approve ballot language as presented for CRC 2021-08. Commissioner Trugillo seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p> <p>Commissioner Sandblom moved to put on the ballot the approved ballot language regarding Charter Section 9A.05. Commissioner Kawane seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>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.</u></p> <p>Commissioner Sandblom clarified the total number of questions to be placed on the ballot as possibly four and that there is possibly also one from the County Council.</p> <p>County Attorney Bracken confirmed that at most it would be one, timewise there is not enough time to put another one on if they wanted to.</p> <p>Commissioner Sandblom stated that she understands that this is a housekeeping item and is supportive, but if they had to choose this would not be a priority.</p> <p>Administrator Ching reminded the Commission that for the last election they were adamant about not placing more than six questions on the ballot.</p> <p>Chair stated that she felt they were good with placing this on the ballot.</p>	<p>Commissioner Sandblom moved to approve the ballot language as presented for Article XXX. Commissioner Kawane seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p> <p>Commissioner Sandblom moved to put the language for removal of Article XXX on the ballot. Commissioner Trugillo seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>
	<p><u>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.</u></p> <p>Administrator Ching clarified the change from salary range to maximum salary to match what is currently in the Charter.</p>	<p>Commissioner Sanblom moved to approve the proposed ballot language, background and purpose as presented for the proposed Charter amendment of the Salary Commission. Commissioner Trugillo seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
		<p>Commissioner Trugillo moved to place the Salary Commission Charter amended salary proposal final draft language on the ballot. Commissioner Kawane seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>
	<p><u>CRC 2022-12 Discussion and possible action on a proposed Charter amendment to remove Charter Section 19.17 Surety Bonds.</u></p> <p>Administrator Ching stated that she believed that one of the concerns that the County Attorney heard from the Commission was that Surety Bonds were required for a certain group of people, and the question was does insurance cover the same thing in effect for all people that were required to be covered by Surety Bonds. She asked County Attorney Bracken to clarify and noted that Finance Director Reiko Matsuyama was also present.</p> <p>County Attorney Bracken explained that the changes made mostly reflected the Commissions thoughts, originally the proposal was to remove all of 19.17 and now it's just the one sentence that is omitted. When 19.16 and 19.17 are viewed together you see that there is now the option to do one or the other. The "or" language is used in the purpose section and ballot language is more specific.</p> <p>Commissioner Sandblom asked again about the word shall, and that it gave the Council complete authority on who would require that kind of coverage.</p> <p>County Attorney Bracken explained that currently the Council has the authority now. If the amendment was to pass than the Council would have to pass a resolution.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Discussed that it has never been required by Council. He believes that it would be done in conjunction with budget and discussed with the Director of Finance.</p> <p>Commissioner Trugillo asked if the County Attorney was confident there will not be an unintended ripple effect and that the Council would have to look at that.</p> <p>County Attorney Bracken addressed the concern that bonds provide protection for the employee. He explained that if the employee does something criminally for example the bond company would still go after the employee, so it doesn't provide the employee with additional coverage over what our insurance provides, so based on conversation with insurance broker, coverage, and experience over the years, he does not believe that there will be unintended ripple effect and the Council could require more coverage if they felt it was needed. He spoke with the breaker and the costs would be more.</p> <p>Commissioner Trugillo asked Finance Director Matsuyama about the cost savings and how it will impact County.</p> <p>Director Matsuyama stated that she is not exactly sure, but that if they purchased bonds it would be on a by person basis as where insurance is blanket.</p> <p>County Attorney Bracken explained that the Council would only need to do the resolution once determining which employees would need bonding and that it would last until changed. He explained that it is a cost item that would fall under Council.</p> <p>Deputy County Attorney Tumbaga suggested that they may want to get rid</p>	

SUBJECT	DISCUSSION	ACTION
	<p>of the clause at the beginning of 19.17 that states, “Except as otherwise provided,” because if it is deleted there are no other exceptions in that paragraph.</p> <p>Commissioner Sandblom suggested that the background be edited so that the last three sentences under background be moved to the beginning of the paragraph.</p> <p>Administrator Ching suggested the background also be two paragraphs, and the first paragraph be the three sentences.</p>	<p>Commissioner Trugillo moved to approve the final draft with edits to the background and proposed amendment to 19.17. Commissioner Kawane seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p> <p>Commissioner Kawane moved to approve the amendments to place of the ballot. Commissioner Trugillo seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>
H. Announcements	<p>Next Meeting: June 27, 2022</p> <p>Chair Koga asked if the June 27, 2022, meeting is needed.</p> <p>Administrator Ching stated that she did not think so and asked for date of July meeting.</p>	<p>Commission will meet again at their regularly scheduled meeting July 25, 2022.</p>
I. Adjournment		<p>Hearing no objections Chair Koga adjourned the meeting at 3:53 p.m.</p>

Submitted by: _____
Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
Lori Koga, Chair

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

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, KAUA'I, HAWAII 96766

July 13, 2022

RECEIVED

JUL 14 2022

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 KAUA'I CHARTER AMENDMENT BALLOT
QUESTIONS: 2022 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 2022 General Election ballot are questions from the County of Kaua'i Charter Review Commission. The Kaua'i County Council is currently deliberating on an additional Charter Amendment proposal and that proposal will be transmitted under separate communication if passed.

The enclosed text of Charter Amendments and ballot questions include four (4) Charter Amendment proposals from the County of Kaua'i Charter Review Commission. The four (4) total proposed Charter Amendments are submitted in the order which the ballot questions should appear on the 2022 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
Lori Koga, 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 KAUAI
2022 CHARTER AMENDMENT BALLOT QUESTIONS

Proposal #1 Relating to Prosecutor Vacancy.

Ballot Question 1:

Shall the County Charter be amended to require that future elections for Prosecuting Attorney occur at the same time as the County's regularly scheduled elections?

Proposal #2 Relating to Electric Power Authority.

Ballot Question 2:

Shall the Charter be amended to remove Article 30 which allows the County Council to create an electric power corporation?

Proposal #3 Relating to Salary Commission.

Ballot Question 3:

Shall the Charter be amended to give the Salary Commission the authority to establish the maximum salary for elected and appointed officials?

Proposal #4 Relating to Surety Bonds.

Ballot Question 4:

Shall the Charter be amended by removing the portion of section 19.17 that requires surety bonds for certain officers and employees?