



## CHARTER REVIEW COMMISSION

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**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](mailto: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](mailto: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](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 ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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### REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Monday, September 26, 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/3RdYnMZ>

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: 204 647 910#

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. August 22, 2022
- E. PUBLIC TESTIMONY
- F. COMMUNICATION

**G. BUSINESS**

CRC 2022-17

Update, discussion, and possible action on a Commentary by Commission to The Garden Island Newspaper and other media venues and press releases.

CRC 2022-18

Update, discussion, and possible action on public education digital campaign and publication.

CRC 2022-19

Update, discussion, and possible action on presentations on ballot questions by Commissioners.

**H. ANNOUNCEMENTS**

Next Meeting: October 24, 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  
OPEN MEETING SESSION

**Draft to be Approved**

Board/Commission:	<b>CHARTER REVIEW COMMISSION</b>	Meeting Date	<b>AUGUST 22, 2022</b>
Location	Microsoft Teams, Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:00 p.m.	End of Meeting: 3:40 p.m.
Present	Chair Lori Koga, Vice Chair Jan TenBruggencate. Commissioners: Bronson Bautista, Reid Kawane, Coty Trugillo (via Microsoft Teams). Also: Teresa Tumbaga, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused	Marissa Sandblom		
Absent			

SUBJECT	DISCUSSION	ACTION
<b>A. Call To Order</b>		Chair Lori Koga, called the meeting to order at 3:00 p.m.
<b>B. Roll Call</b>		Roll Call: Commissioner Bautista-present Commissioner Kawane – present Commissioner Sandblom- excused Commissioner Trugillo-present Vice Chair TenBruggencate-present Chair Koga- present Quorum: 5 commissioners present
<b>C. Approval of Agenda</b>	Chair Koga entertained a motion to approve the agenda.	Vice Chair TenBruggencate moved to approve the agenda. Commissioner Kawane seconded. Motion carried 5:0
<b>D. Minutes</b>	<u>Open Session Minutes of June 20, 2022</u>  Chair Koga entertained a motion to approve the minutes of June 20, 2022.  Correction to roll call Chair Kawane should be Commissioner Kawane.	Commissioner Kawane moved to approve the minutes of June 20, 2022 with changes. Vice Chair TenBruggencate seconded. Motion carried 5:0

SUBJECT	DISCUSSION	ACTION
<b>E. Public Testimony</b>	<u>None and no one in the audience.</u>	
<b>F. Communication</b>	<u>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.</u>	Vice Chair TenBruggencate moved to receive CRC 2022-13. Commissioner Kawane seconded. Motion carried 5:0
<b>G. Business</b>	<p><u>CRC 2022-14 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper and other media venues.</u></p> <p>Administrator Ching reminded the commission that at the last election Vice Chair TenBruggencate wrote a commentary regarding the ballot questions that was published in The Garden Island Newspaper. It could also be turned into a press release if the commission would like to move towards that.</p> <p>Vice Chair Tenbruggencate agreed to draft something and that it would go out with all the commissioners' signatures, as well as a press release.</p> <p>The commission discussed timelines in relation to election, publication of ballot questions and mailing of ballots for the commentary.</p>	<p>Vice Chair TenBruggencate moved to begin the process of preparing a commentary to be run in The Garden Island Newspaper and other media venues and that the Vice Chair be tasked with doing a first draft.</p> <p>Commissioner Kawane seconded.</p> <p>Motion carried 5:0</p>
	<p><u>CRC 2022-15 Discussion and possible action on plan for public education which may include a digital campaign as well as a press release.</u></p> <p>Administrator Ching is in the process of working on the digital campaign to run from October 11-November 11, 2022 (general election).</p> <p>Chair Koga asked how it is charged.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Administrator Ching stated that the budget is approximately \$29,400 and that there will be a lot of ads deployed. They will be watching the ads in real time so that ads can be tweaked if not getting enough clicks.</p> <p>She continued to report that last election we got more clicks on google ads. They will be using the same venues as last election.</p>	<p>Vice Chair TenBruggencate moved to approve staff's recommendation of the digital campaign and press releases. Commissioner Bautista seconded.          Motion carried 5:0</p>
	<p><u>CRC 2022-16 Discussion and possible action on electing Commissioners to represent the Commission to discuss the ballot questions.</u></p> <p>Board discussed where they would go to discuss the ballot questions and what it would entail. Vice Chair TenBruggencate shared different opportunities that he participated in the past.</p> <p>Deputy County Attorney reminded the commission that per the Sunshine Law the commission needs to make the assignment and scope of each members authority at a meeting before the presentation or event happens.</p> <p>Commission discussed how it could be defined so that they do not need to meet before each event.</p> <p>Commissioner Bautista asked if commissioners are members of Lihue Business Association (LBA) and three commissioners are presenting, not the LBA member, does that mean the LBA member cannot attend the meeting or would only 2 commissioners be able to present.</p> <p>Deputy County Attorney Tumbaga stated that as long as they are not there in the capacity of the commissioners that are presenting that is fine, just be sure to avoid discussion of commission business.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair TenBruggencate stated that he wants to be sure to have someone else when he presents as he recused himself from the Electric Authority question and would not be able to discuss that item.</p>	<p>Vice Chair TenBruggencate moved that all members of the Charter Review Commission are authorized to discuss this year’s charter items before groups as requested by staff, subject to consideration that no more than three participate in any one event and no discussions occur among the entire board outside of formal board meetings of items under consideration. Commissioner Kawane seconded.            Motion carried 5:0</p>
<p><b>H. Announcements</b></p>	<p>Next Meeting: September 26, 2022</p>	
<p><b>I. Adjournment</b></p>		<p>Hearing no objections Chair Koga adjourned the meeting at 3:40 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 \_\_\_\_\_



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### **Kauai County Charter Review Commission commentary on 2022 proposed charter amendments.**

Four amendments to the Kaua'i County Charter will be up for public vote in the upcoming General Election.

We, the members of the Charter Review Commission, recommend approval of all four. The commission is a panel of Kaua'i residents who do not work for the county, and who are nominated by the mayor and approved by the County Council.

As part of our educational outreach, we wanted to briefly review the proposals.

The first addresses an issue that came up this year with the resignation of our Prosecuting Attorney, requiring a very expensive special election. Our proposal, essentially, is to allow the deputy prosecutor to serve as prosecutor until the next regularly scheduled election.

*The ballot language will read: 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?*

The second amendment would remove a Charter section that allows the county to form its own power company. This section was inserted at the time Kauai Electric was for sale, and several entities, including the county and KIUC, were discussing buying it. Now that KIUC has been operating the utility for more than 20 years, the charter language seems unnecessary. (Note: Charter Commission member Jan TenBruggencate, who also serves on the elected KIUC board, did not participate in commission discussions or voting on this item.)

*The ballot language will read: Shall the Charter be amended to remove Article 30 which allows the Council to create an electric power corporation?*

The third amendment would allow the citizen Salary Commission to establish salary caps for county executives, both elected and appointed, removing County Council authority to reject those caps. The Mayor or Council would still have the authority to pay a lower amount to employees under their jurisdiction. In some election years, Council votes have reduced commission-recommended salaries for some executives, and there has been concern that this makes it difficult to attract qualified candidates for government service, particularly when some departmental employees earn more than their superiors. The three other Hawai'i counties already give their Salary Commissions authority to establish those maximum salaries.

*The ballot language will read: Shall the Charter be amended to give the Salary Commission the authority to establish the maximum salary for elected and appointed officials.*

The fourth amendment would allow the county Finance Department more flexibility in determining which county positions require surety bonds, to protect the county from loss in cases of fraud, neglect



or other actions by employees. It would allow the Director of Finance to decide when to use public officials insurance or employee crime insurance instead of surety bonds to protect the county's interests. The County Council would still have the power to require surety bonds in certain instances. *The ballot language will read: Shall the Charter be amended by removing the portion of Section 19.17 that requires surety bonds for certain officers and employees?*

The Charter Commission is only authorized to recommend amendments that it feels are necessary or desirable, and in each of these cases, we urge approval.

Details of these proposed amendments will be printed for public review and will be available on the county website at [www.kauai.gov/charter](http://www.kauai.gov/charter). If you have specific questions, please call the Office of Boards and Commissions at 808-241-4917.

We, the members of the Charter Review Commission, appreciate your consideration.

Lori Koga – Chair

Jan TenBruggencate - Vice Chair

Bronson Bautista

Reid Kawane

Marissa Sandblom

Coty Trugillo