

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 9/30/19

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	August 26, 2019
Location	Mo'ikeha Building, Meeting Room 2 A/B	Start of Meeting: 3:00 p.m.	End of Meeting: 3:44 p.m.
Present	Chair Jan TenBruggencate, Vice Chair Marissa Sandblom. Members: Carol Suzawa, Virginia Kapali, Patrick Stack, Lori Koga, Reid Kawane. Also: Deputy County Attorney Adam Roversi. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Vice Chair TenBruggencate called the meeting to order at 3:00 p.m. with seven members present which constituted a quorum.
Agenda		Hearing no adjustments to the agenda Chair TenBruggencate approved the agenda.
Communications	<p><u>CRC 2019-08 Confidential communication received from Deputy County Attorney Adam Roversi on July 30, 2019 regarding amendment to Charter Section 23.06.</u></p> <p>Chair TenBruggencate explained that Mr. Roversi does not object to the communication be discussed in open session and he recommended that they waive the confidentiality and move it into the open session.</p>	<p>Vice Chair Sandblom moved to waive confidentiality on CRC 2019-08 and to discuss in open session. Ms. Suzawa seconded. Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
Approval of Minutes	<u>Open Session Minutes of July 22, 2019</u>	Approved with no objections.
Business	<u>CRC 2019-02 General Discussion on Charter Initiatives of Interest</u> Chair TenBruggencate asked if there were any new Charter initiatives that Commissioners would like to discuss. Hearing none. Chair requested that this item be kept on the agenda for next month.	No action.
	<u>CRC 2019-03 Discussion on County Auditor Position</u> Chair TenBruggencate explained that there was a long discussion last month as reflected in the minutes. Council is going through their process and item will be kept on the agenda, subject to their coming to a conclusion to hire or not.	Mr. Stack moved to defer CRC 2019-03. Ms. Suzawa seconded. Motion carried 7:0.
	<u>CRC 2019-04 Discussion on Charter Section 23.06. Claims</u> Confidentiality has been waived on CRC 2019-06 relating to this item. Adam Roversi, Deputy County Attorney explained that the proposed language was voted on in last meeting, and asked that the County Attorney’s office draft the remainder of the language for the ballot. He proposed a question, as well as a purpose clause and background section (see communication on file). This would bring the Charter in line with State Law. Language could go straight on the ballot and educational material. Mr. Roversi explained that this gives the Commission the explanatory language and that everything requires two approvals. If approved today, it would go into the “basket” of approved ballot provisions for the 2020 elections. At a future meeting the Commission needs to vote again after they’ve gone through their process. Discussion of timing of votes and process. Went over Rules of the Charter Review	

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	<p>Commission 4e.</p> <p>Mr. Stack asked about the number of ballot items and voter response.</p> <p>Ellen Ching, Administrator, is doing a study on ballot measures, how many for each election year and the vote (pass/fail) which she will report on to the Commission.</p> <p>Ms. Koga asked what a no vote is on an amendment. For Kauai elections it's a straight yes against no.</p> <p>Discussion on charge of Charter Review Commission is to put things Charter amendments on ballot that they think makes the County run better.</p>	<p>Ms. Koga moved to approve CRC 2019-04. Ms. Suzawa seconded. Motion carried 7:0.</p>
	<p><u>CRC 2019-05 Proposal to add to Charter, qualifications for Police Chief</u></p> <p>Chair TenBruggencate explained that the Police Commission is not yet available, but plan to be so he recommended that they defer and take it up next week.</p> <p>Ms. Ching explained that a meeting was cancelled. She is also assuring that when they send a recommendation to the Commission they will also elect a spokesperson to discuss with Charter Commission.</p> <p>Discussion of why this has come up. Qualifications do not require an undergraduate degree and they are recommended that this be added.</p>	<p>Ms. Sandblom moved to defer CRC 2019-05. Ms. Kapali seconded. Motion carried 7:0.</p>
	<p><u>CRC 2019-06 Letter received from Board of Ethics dated June 28, 2019 regarding Ethics Disclosure Statements Requirements</u></p> <p>Ms. Ching explained that the Board met on Friday and they elected the Chair to be the</p>	

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	<p>spokesperson.</p> <p>Discussion about what they are asking for. Is it a change to the Charter or the instruction sheet. Clarification that issue is around specific positions being required to complete a disclosure, but why not anyone who is delegated to act on behalf of a Director, and not just the Director of Finance and the Deputy. Explanation of the authority of the Director of Finance.</p> <p>Chair TenBruggencate asked if the County Attorney could look into whether the Director of Finance has the authority to delegate beyond the Deputy and language regarding succession in the Charter.</p> <p>Mr. Roversi cited Section 7-07b of the Charter which talks about the absence of, temporary disability or vacancy of the Mayor, only names three entities, Mayor, Managing Director, Director of Finance and stops there. But he is aware there is a more extensive list that has been followed but it is not in the Charter.</p> <p>Discussion of second point in the letter regarding new key titles/positions to be listed in the Charter. Suggest that they take a look at what is included in the Salary Ordinance and who needs to file a disclosure statement.</p>	<p>Ms. Sandblom moved to defer CRC 2019-06. Ms. Koga seconded. Motion carried 7:0.</p>
	<p><u>CRC 2019-08 Email received from the Prosecuting Attorney to Charter Commission dated July 19, 2019 regarding Charter Amendment Proposals to Section 1.03B1 and Section 9A.05A</u></p> <p>Chair TenBruggencate understands that the Prosecuting Attorney is suggesting that for the Prosecutor and Mayor's office that if there are only two people running that the winner of the primary is elected.</p> <p>Discussed that there is a lot to consider. Some people only vote in general election and if there's only two people running another option may be to have them just go directly to the general election, as you tend to get more people voting in the general.</p>	

SUBJECT	DISCUSSION	ACTION
	Chair TenBruggencate suggested the Prosecuting Attorney be reinvited.	Ms. Suzawa moved to defer CRC 2019-08. Mr. Stack seconded. Motion carried 7:0
Announcements	Next meeting: Monday, September 23, 2019, 3:00 p.m., in the Mo'ikeha Building, Meeting Room 2A/2B.	
Adjournment		With no objection, Chair TenBruggencate adjourned the meeting at 3:44pm.

Submitted by: _____
Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
Jan TenBruggencate, Chair

(X) Approved as circulated.

() Approved with amendments. See minutes of _____ meeting.