

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as amended 05/18/2020

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	April 27, 2020
Location	Teleconference	Start of Meeting: 3:00 p.m.	End of Meeting: 4:24 p.m.
Present	Chair Marissa Sandblom, Vice Chair Jan TenBruggencate. Members: Virginia Kapali, Patrick Stack, Lori Koga, Carol Suzawa, Reid Kawane. Also: Nicholas Courson, First Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Sandblom called the meeting to order at 3:00 p.m. with seven commissioners present which constituted a quorum.
	Ellen Ching, Boards & Commissions Administrator went over telephonic meeting rules (on file).	No action
Agenda	Chair Sandblom entertained a motion to approve agenda.	Ms. Kapali moved to approve the agenda. Commissioner Suzawa seconded. Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye Motion carried 7:0

SUBJECT	DISCUSSION	ACTION
<p>Approval of Minutes</p>	<p><u>Open Session Minutes of February 24, 2020</u></p> <p>Chair Sandblom entertained a motion to approve the minutes of February 24, 2020.</p> <p>Mr. Kawane correction on pg. 5, fourth paragraph, third sentence should be “from”, not “form”.</p> <p>Ms. Suzawa correction on pg. 15, fifth paragraph, third sentence, “gna” after the word training should be “and”.</p>	<p>Vice Chair TenBruggencate moved to approve the Open Session Minutes of February 24, 2020. Commissioner Kawane seconded.</p> <p>Vice Chair TenBruggencate amended his motion to approve with amendments. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye</p> <p>Motion carried 7:0</p>
<p>Communications</p>	<p><u>CRC 2020-10 Confidential communication received from First Deputy County Attorney Nicholas Courson dated March 13, 2020 regarding CRC-2019-06 proposing an amendment to Charter Section 20.04 (A) relating to the Charter Review Commission’s request that he</u></p>	

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	<p><u>propose revised language whereby “regulatory employees” disclosures would be confidential.</u></p> <p><u>CRC 2020-11 Confidential communication received from First Deputy County Attorney Nicholas Courson dated March 17, 2020 regarding CRC 2019-20 second revised proposal for 2020 Charter Amendment proposing creation of a Department of Environmental Services.</u></p> <p><u>CRC 2020-12 Confidential communication received from First Deputy County Attorney Nicholas Courson dated March 17, 2020 regarding CRC 2019-21 A amended language to Section 13.02 County Engineer.</u></p> <p>Vice Chair TenBruggencate requested of Chair Sandblom to ask the First Deputy County Attorney Courson if he had an objection to waiving the confidentiality of the three agenda items.</p> <p>Mr. Courson stated that he had no objection to waiving confidentiality.</p>	<p>Vice Chair TenBruggencate moved to receive CRC 2020-10, CRC 2020-11, and CRC 2020-12 and waive confidentiality of all three. Commissioner Suzawa seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-</p>

SUBJECT	DISCUSSION	ACTION
		aye Chair Sandblom-aye Motion carried 7:0
Business	<u>CRC 2019-02 General Discussion on Charter Initiatives of Interest</u> Vice Chair TenBruggencate stated that this item is no longer needed.	Vice Chair TenBruggencate moved to receive CRC 2019-02. Commissioner Kapali seconded. Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye Motion carried 7:0
	<u>CRC 2019-04 Discussion and possible action on proposal to amend Charter section 23.06 relating to claims.</u> Vice Chair TenBruggencate reminded the Commissioners that this is a housekeeping item that allows the Charter to comply with the language in State Law.	Vice Chair TenBruggencate moved to approve CRC

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		2019-04 for placement on the November ballot and prepare required material. Commissioner Suzawa seconded. Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye Motion carried 7:0
	<p><u>CRC 2019-05 Discussion and possible action on proposal to amend Charter section 11.04 relating to the minimum requirements for the position of Chief of Police.</u></p> <p>Vice Chair TenBruggencate stated that he has no objections on this item but was interested in hearing Administrator Ching’s thoughts on this item.</p> <p>Ms Ching responded that she feels strongly that the Charter is an over-arching document and that one of the concerns of the Police Commission is that the requirements are so low, yet they were able to hire, unlike County Engineer position that is not able to get applicants. She does not feel that it is absolutely necessary to make the changes in the Charter.</p> <p>Vice Chair TenBruggencate found the Police Commission’s concerns compelling. The fact that there is a good commission and a year with lots of candidates doesn’t mean that they are</p>	

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	<p>not right of the fact that more stringent standards are needed.</p> <p>Commissioner Kapali clarified that the Police Commissioners were compelling with what they went through and agrees with Vice Chair and that the future commission is unknown and the current commission put in a lot of time and believes that the Charter needs to show to the public the level of qualifications and integrity of Chief of Police raises to a certain level.</p> <p>Chair Sandblom directed Commissioners to recommended language in the packet. Commissioner Suzawa has reservations that sometimes when push level up than there maybe no applicants.</p> <p>Commissioner Koga agrees with Commissioner Suzawa and Ms. Ching that they may get to a point of downgrading the qualifications, like County Engineer.</p> <p>Commissioner Kapali stated that as they move on in this time a bachelor's degree is like a high school diploma. She would like the Charter to reflect the higher standard.</p> <p>Vice Chair shared that currently in the Police Department there are individuals that meet the qualifications.</p> <p>Commissioner Suzawa hearing this is in agreement that it go on the ballot and let the public decide.</p> <p>Chair Sandblom reminded the Commissioners that in previous discussions it was suggested that the Police Commission participate in educational materials on this amendment.</p> <p>Chair Sandblom called for roll call vote.</p>	<p>Vice Chair TenBruggencate moved to approve CRC 2019-05 for placement on the November ballot. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye</p>

SUBJECT	DISCUSSION	ACTION
		Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye Motion carried 7:0
	<p><u>CRC 2019-06 Discussion and possible action on proposed Charter amendment regarding Ethics Disclosure Statements Requirements, Section 20.04 (A).</u></p> <p>Chair Sandblom asked Mr. Courson to share his recommendations.</p> <p>Commissioner Kapali pointed out that Mr. Courson recommended talking with the Union regarding regulatory employees.</p> <p>Mr. Courson clarified that it was a recommendation and not required. He provided language on regulatory disclosures being confidential as requested. He recommended that HR be contacted in regard to asking the Union about having regulatory employees disclose.</p> <p>Vice Chair is satisfied with the recommended language provided by Mr. Courson and likes that the disclosure will not be open to public inspection rather than confidential, because it is clear. He wondered if it should be deferred to January for the next ballot so that there is time to consult with Unions.</p> <p>Ms. Ching suggested that after the meeting they will look at a Emergency meeting to look at ballot questions and to defer Ethics issue and she will contact HR regarding the amendment. She clarified that there are four options: 1. Defer to next year, 2. Vote Against, 3. Approve, 4. Defer to next meeting.</p>	<p>Vice Chair TenBruggencate moved to defer CRC 2019-06 to the next time the Commission meets, and staff has time to discuss with HR. Commissioner Koga seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 7:0
	<p><u>CRC 2019-14 Discussion and possible action on proposal to amend Charter section 9A.05 relating to the Prosecuting Attorney Vacancy in Office.</u></p> <p>Chair Sandblom reminded the Commissioners that this is another housekeeping amendment.</p> <p>Commissioner Kapali clarified that they are vetting out all the proposed amendments, but there will be an emergency meeting to really vet out the top 3 or 5? For her this particular amendment would be at the bottom of her list. She questioned if they are still going through another process on what will be on the ballot.</p> <p>Chair Sandblom clarified that CRC 2019-04 and CRC 2019-05 were approved to be placed on the November ballot, but this was a motion to approve. She asked if the emergency meeting to vet all the ones that pass out of this meeting with approved language.</p> <p>Ms. Ching hopes that this is the meeting will decide the items to be placed on the ballot and the next meeting would be to approve ballot questions.</p> <p>Mr. Courson did clarify that there are items that were approved and the one's that were not were those that there was a request from him for additional language. So that for this item, it was approved. Except for CRC 2019-06, the rest of them would be where it is prioritized. He suggested that the commissioners may want to skip the proposals that were approved and look at the ones where there was work to be done and need to be approved.</p> <p>Discussion by commissioners on motion and appropriateness as proposal language was previously approved. Mr. Courson suggested that the commission look at the items that he worked on and then proceed with the agenda.</p>	<p>Commissioner Suzawa moved to approve CRC 2019-14. Vice Chair TenBruggencate seconded.</p> <p>Commissioner Suzawa moved to amend her motion to approve CRC 2019-14.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-</p>

SUBJECT	DISCUSSION	ACTION
		<p>aye Chair Sandblom-aye Motion carried 7:0</p> <p>Commissioner Suzawa moved to approve CRC 2019-14 for placement on the November ballot and prepare required material</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate- aye Chair Sandblom-aye</p> <p>Motion carried 7:0</p>
	<p>Chair Sandblom, on the suggestion of Mr. Courson, moved to take items out of order.</p>	<p>Chair Sandblom moved to take items out of order to address CRC 2019-20 amd CRC 2019-21 A to discuss clarity on the opinions from the County Attorney on these</p>

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		<p>items before reverting back to the original agenda. Commissioner Koga seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-no Chair Sandblom-aye</p> <p>Motion carried 6:1</p>
	<p><u>CRC 2019-20 Discussion and possible action on proposal to introduce a Charter amendment creating a Department of Environmental Services.</u></p> <p>Chair Sandblom asked if there were any questions for the County Attorney regarding changes in the language of the proposed amendment.</p> <p>Vice Chair TenBruggencate shared that he had a conversation with the Managing Director and he shared that with COVID-19 crisis the County is going to be in financial stress and it's not a time to set up a new department and he recommends that the commission withdraw this item. His suggestion is that they defer to a future commission item.</p> <p>Ms. Ching confirmed that the administration would like to withdraw this item due to the current crisis.</p>	<p>Commissioner Kawane moved to defer CRC 2019-20 to next year. Commissioner Stack seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Sandblom entertained a motion.</p>	<p>Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye</p> <p>Motion carried 7:0</p>
	<p><u>CRC 2019-21 A Discussion and possible action on proposal to amend Charter section 13.02 regarding the requirements for the position of County Engineer.</u></p> <p>Vice Chair TenBruggencate stated that the language is clear and has been approved for form and legality.</p>	<p>Vice Chair TenBruggencate moved to approve CRC 2019-21 A for language and placement on the November ballot. Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-nay Vice Chair TenBruggencate-aye Chair Sandblom-aye</p> <p>Motion carried 6:1</p>
	<p><u>CRC 2019-18 Discussion and possible action on proposal to amend Charter sections 29.01, 29.03 relating to Salary Commissions organization and resolution process.</u></p> <p>Vice Chair TenBruggencate shared that in the same discussion with the Managing Director that this was another item that in this time of budget distress that any proposal to reduce the</p>	<p>Commissioner Kawane moved to defer CRC 2019-18 to next year. Commissioner Kapali</p>

SUBJECT	DISCUSSION	ACTION
	<p>authority involved in making salary recommendations would likely not pass, and it is not a good time to consider this item. He strongly supports this and recommends that they defer.</p> <p>Ms. Ching shared that she has not discuss this item specifically with administration, but she does feel that anything to do with salary is not a good time and important to be sensitive.</p> <p>Chair entertained a motion.</p>	<p>seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye</p> <p>Motion carried 7:0</p>
	<p><u>CRC 2019-21 C Discussion and possible action on proposal to amend Charter section 17.04 regarding the requirements for the position of Manager and Chief Engineer of the Water Department.</u></p> <p>Commissioner Suzawa clarified that the reason she approves this item in comparison to CRC 2019-21 A is because there is a body of seven hiring, and she feels that they can scrutinize the qualifications better.</p> <p>Commissioner Kapali stated that this is a good time to have both positions on the ballot for consistency for the voters to see that the bigger picture is being looked at.</p>	<p>Commissioner Suzawa moved to approve CRC 2019-21 C for placement on the ballot. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye</p> <p>Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
Announcements	<p>Next meeting: Monday, May 18, 2020, 3:00 p.m., Place TBD</p> <p>Ms. Ching summarized the items passed to be placed on the ballot: CRC 2019-04, CRC 2019-05, CRC 2019-14, CRC 2019-21A, CRC 2019-21 C. CRC 2019-06 is deferred to the next meeting. CRC 2019-18 and CRC 2019-20 are deferred to next year.</p> <p>Ms. Ching will notify Commission regarding emergency meeting. She explained that she does not want to get behind on sending ballot items to Council.</p>	
Adjournment	<p>Chair Sandblom entertained a motion to adjourn.</p>	<p>Ms. Suzawa moved to adjourn the meeting. Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane-aye Commissioner Koga-aye Commissioner Stack-aye Commissioner Suzawa-aye Vice Chair TenBruggencate-aye Chair Sandblom-aye</p> <p>Motion carried 7:0</p> <p>Meeting adjourned at 4:24pm.</p>

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Submitted by: _____
Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
Marissa Sandblom, Chair

- Approved as circulated.
- Approved with amendments. See minutes of 5/18/2020 meeting.