

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 08/07/2020

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	June 22, 2020
Location	Teleconference	Start of Meeting: 3:05 p.m.	End of Meeting: 3:55 p.m.
Present	Vice Chair Jan TenBruggencate. Commissioners: Lori Koga, Patrick Stack, Carol Suzawa, Reid Kawane. Also: Teresa Tumbaga, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused	Chair Marissa Sandblom, Commissioner Virginia Kapali		
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order	Chair Sandblom, and Commissioner Kapali are excused.	Vice Chair TenBruggencate called the meeting to order at 3:03 p.m.	
Roll Call		Vice Chair TenBruggencate reviewed the list of participants on the teleconference and confirmed quorum with 5 commissioners present.	
Agenda	Vice Chair TenBruggencate asked if any amendments to agenda.	Hearing none the agenda stood approved as submitted.	
Minutes	Open Session Minutes of May 18, 2020	Without objection the open session minutes of May 18, 2020 stand approved.	
Public Testimony	Verbal and Written testimony was received on item CRC 2020-17 regarding council districting. Donovan Cabebe provided verbal as well as written testimony (on file) in support of CRC 2020-17, council districting.	No Action	

SUBJECT	DISCUSSION	ACTION
	<p>Bert Lyon provided verbal testimony to consider having more districts than the proposed three, possibly 6, and having voters vote by district.</p>	
<p>Communication</p>	<p><u>CRC 2020-14 Memorandum received on June 2, 2020 from Felicia Cowden, Councilmember, regarding a request for Ellen Ching, Boards and Commissions Administrator, to provide a briefing on the proposed amendments to the Kaua'i County Charter to the County Council at the June 17, 2020 Committee of the Whole Meeting.</u></p> <p>Vice Chair TenBruggencate informed the Commissioners that Ms. Ching provided a briefing at the Council meeting and that he was also in attendance on-line. He recommended receiving the communication.</p>	<p>Commissioner Stack moved to receive CRC 2020-14. Commissioner Suzawa seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-15 Confidential communication from Deputy County Attorney Teresa Tumbaga relating to CRC-2019-05 proposing an amendment to Charter Section 11.04 relating to the minimum requirements for the position of Chief of Police.</u></p> <p>Vice Chair TenBruggencate asked Deputy County Attorney Tumbaga if the confidential communication could be discussed publicly.</p> <p>Ms. Tumbaga replied that the Commission could if they want to.</p> <p>Vice Chair TenBruggencate entertained a motion to waive the privilege.</p> <p>Ms. Tumbaga summarized her memo, explaining the previously approved language and amendments that made the language ambiguous. She offered three edits to clear up the ambiguity for the Commission to consider.</p>	<p>Commissioner Kawane moved to waive confidential privilege for CRC 2020-15 and discuss. Commissioner Suzawa seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>

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	<p>Vice Chair TenBruggencate stated that a special meeting will need to be held to finalize language on this and other items. He suggested that this be discussed at that special meeting which will be open to the public on a date to be determined.</p>	<p>Commissioner Kawane moved to discuss this item at a special meeting, date to be determined. Commissioner Koga seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
<p>Business</p>	<p>Ms. Ching summarized testimony received prior to today’s meeting:</p> <ul style="list-style-type: none"> • Written testimony from Norma Sparks, Donovan Cabebe, Steven Sparks, Joel Guy in favor of the amendment regarding districts. • Written testimony from Dana Bekeart wanting amendments. • Testimony from Alan Parker in favor of all of the proposed charter amendments. • Testimony from Carol Beardmore against districts. • Testimony from Marge Dente with concerns about districts. <p>Vice Chair TenBruggencate recommended that the items be added to the agenda for the next meeting so that they are available to be reviewed by the public.</p>	<p>Commissioner Suzawa moved to add the testimonies received for this item to the agenda for the next meeting to be part of the discussion. Commissioner Kawane seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2020-16 Update and discussion on response to Councilmember Cowden’s request for a briefing on proposed Amendments to the Kaua’i County Charter.</u></p> <p>Ms. Ching shared that the briefing went smoothly, but there were a couple of amendments proposed by Council members, specifically to the Water Manager and County Engineer. She asked to put those two on the next agenda for the Commission to hear the amendments proposed by Council members.</p> <p>Vice Chair TenBruggencate asked staff to schedule special meeting.</p>	<p>Commissioner Suzawa moved to receive CRC 2020-16. Commissioner Kawane seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting.</u></p> <p>Vice Chair TenBruggencate noted that he heard two additional callers join the meeting and opened public testimony. Randy Francisco and Jonathan Jay were asked if they had testimony to present.</p> <p>Mr. Francisco declined.</p> <p>Mr. Jay provided testimony in support of the proposal for Council Districting and letting the voters decide.</p> <p>Mr. Lyon commented that it would be advantages for the Commission decide to place the proposal on the ballot, he asked that they allow for two competing proposals on the ballot. 3 districts vs. 6 districts, including 1 at large.</p> <p>Vice Chair TenBruggencate stated that in the past the County Attorney has said that could not be done. He asked Ms. Tumbaga to take judicial notice and that she may get a request on if and how to do that.</p> <p>Mr. Jay clarified that there was concern on the proposal regarding the residency requirement, living in the district, and he wants to strike that language from the proposal due to the unintended</p>	

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	<p>consequence.</p> <p>Commissioners discussed next steps for this item.</p> <p>Vice Chair TenBruggencate suggest to defer this item if Commission is not ready to take action.</p>	<p>Commissioner Koga moved to defer CRC 2020-17 to the next meeting. Commissioner Suzawa seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-18 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper.</u></p> <p>Ms. Ching discussed with Commission the suggestion to do a commentary to The Garden Island Newspaper as part of public education. She shared that Vice Chair TenBruggencate has offered to draft a commentary to be run before the ballots go out. The Commission will have time to review, discuss and vote on the commentary.</p> <p>For the record Vice Chair TenBruggencate stated that if there are nay votes he will ask for a roll call vote.</p>	<p>Commissioner Suzawa moved to defer CRC 2020-18 to the next meeting. Commissioner Koga seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2020-13 Discussion and possible action on plan for public education.</u></p> <p>Ms. Ching reported that the Boards and Commissions Office has put in a robust budget item for the Charter amendments for digital public education materials. It will be based on approval of the budget and she will report back at that time.</p>	

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	<p>Vice Chair TenBruggencate took judicial notice that the County is in the middle of the COVID-19 crisis and anticipates a drop in revenue and so the Commission should watch their spending with the knowledge that they have a mission to make sure the public understands what they are voting on.</p> <p>Vice Chair TenBruggencate recommended deferral and call for a motion.</p>	<p>Commissioner Koga moved to defer CRC 2020-18. Commissioner Stack seconded.</p> <p>Voice Vote: Ayes-5 Nays-0 Motion carried 5:0</p>
Announcements	<p>Next meeting: Monday, July 27, 2020, 3:00 p.m., Teleconference</p> <p>Vice Chair TenBruggencate noted that there may be a special meeting prior to this regularly scheduled meeting.</p>	
Adjournment	<p>Vice Chair TenBruggencate hearing no objections adjourned the meeting.</p>	<p>Vice Chair TenBruggencate hearing no objections adjourned the meeting at 3:55pm.</p>

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Jan TenBruggencate, Vice Chair

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