

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 08/07/2020

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	June 29, 2020
Location	Teleconference	Start of Meeting: 12:12 p.m.	End of Meeting: 2:46 p.m.
Present	Chair Marissa Sandblom, Vice Chair Jan TenBruggencate. Commissioners: Virginia Kapali, 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			
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Sandblom called the meeting to order at 3:03 p.m.
Roll Call	Chair Sandblom requested a roll call.	Roll Call: Commissioner Kapali-here Commissioner Kawane-here Commissioner Koga-here Commissioner Stack-present Commissioner Suzawa-here Vice Chair TenBruggencate-here Chair Sandblom-here Quorum -seven commissioners present
Agenda	Chair Sandblom entertained a motion to approve the agenda.	Vice Chair TenBruggencate moved to approve the agenda as it stands. Commissioner Kawane seconded. Voice vote: 7 ayes, 0 nays Motion carried 7:0

SUBJECT	DISCUSSION	ACTION
<p>Public Testimony</p>	<p>Verbal and Written testimony was received on item CRC 2020-17 regarding council districting.</p> <p>Donovan Cabebe provided verbal testimony in support of CRC 2020-17, council districting, asking Commission to put proposed amendment submitted (on file) on the ballot.</p> <p>Bert Lyon verbally read his written testimony (on file) regarding CRC 2020-17.</p> <p>Commissioners asked questions of Mr. Lyon regarding clarification of recommended districts and variance.</p> <p>Mr. Lyon's responded with his rationale for dividing districts as he did, taking into account density and commonality using 2010 census.</p> <p>Commissioner Kawane shared a screen shot of what happened in 2018 on the house votes that showing the population per district and the registered voters which is fairly even.</p> <p>Chair Sandblom shared that what was being shared showed that District 14 has 15,369 voters, District 15 has 14,662, and District 16 has 14,430 with percent registered turnout in 2018 at 56%, 53%, 58% respectively.</p> <p>Mr. Cabebe commented that the three districting is not so concerned with geographic equality but with population equality.</p> <p>Mr. Lyon responded that any number of districts other than three would require a reapportionment of districts.</p> <p>Mr. Cabebe stated that the proposal he presented would be a simple transition.</p>	<p>No Action</p>
<p>Communication</p>	<p><u>None</u></p>	<p>No Action</p>

SUBJECT	DISCUSSION	ACTION
<p>Business</p>	<p><u>CRC 2020-17 Discussion and possible action on proposed Charter amendment relating to Council Districting.</u></p> <p>Vice Chair stated that the Commission should study this item, and develop thoughts about which districting amendment should go on. He stated that they are not able to put multiple proposals on, they need to pick the one that they feel is the best for the general public to vote on. He stated that it should stay on the agenda and consider public meetings to gather more of the range of ideas.</p> <p>Mr. Cabebe clarified that the proposal he submitted does not have an At-large member in response to Commissioner Stack’s question.</p>	<p>Vice Chair TenBruggencate moved to defer CRC 2020-17 to the next meeting and keep on the agenda. Commissioner Stack 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>Ayes-7 Nays-0 Motion carried 7:0</p>
	<p><u>CRC 2019-05 Discussion and possible action on amendments to the proposed language to Charter Section 11.04 relating to the minimum requirements for the position of Chief of Police, ballot question, and educational material.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Teresa Tumbaga, Deputy County Attorney, went over the amendment edits and three suggestions to clear up the ambiguity (on file).</p> <p>Commission discussed the suggestions presented regarding the ballot question and Charter language.</p> <p>Vice Chair TenBruggencate supported the second option.</p> <p>Commissioner Kapali suggested stating <u>and</u> college educational requirements or bachelors degree instead of plus educational requirements in the ballot question.</p> <p>Ms. Tumbaga corrected the ballot question 10 years to 15 years.</p> <p>Ms. Ching stated that this will be the last time that the amendments will be before the Commission and that they will be transmitted to the County Clerk after this. She suggested voting on each item separately.</p> <p>Commissioners discussed educational material regarding 15-year work history and possible need to have the years of experience described add up. Commissioners found it to be clear.</p>	<p>Commissioner Suzawa moved to accept suggestion #2 for the Charter language for CRC 2019-05. Vice Chair TenBruggencate seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-1 Motion carried 6:1</p> <p>Vice Chair TenBruggencate moved that the ballot question read Shall police chief qualifications (Section 11.04) be increased to require 15 years law enforcement experience and a bachelor's degree?</p>

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		<p>Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-1 Motion carried 6:1</p> <p>Commissioner Kapali moved to accept educational material for CRC 2019-05. Vice Chair TenBruggencate seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye</p>

SUBJECT	DISCUSSION	ACTION
		Chair Sandblom- aye Ayes-6 Nays-1 Motion carried 6:1
	<p><u>CRC 2019-06 Discussion and possible action on amendments to the proposed language to Charter Section 20.04 relating to who must file a disclosure statement, ballot question, and educational material.</u></p> <p>Ms. Tumbaga went over her edits of the ballot question, charter language and educational material.</p> <p>Commissioner Kapali expressed her concern on the ballot question matching the changes of the Charter language and include the addition of the heads and deputies of all departments, agencies, and divisions.</p> <p>Ms. Ching clarified that the language is being amended to include those that are already completing disclosures and the ballot question did not include them for brevity.</p>	<p>Vice Chair TenBruggencate moved to approve the new language as proposed and including the minor changes to the ballot question, the charter language and the educational material to defer CRC 2019-06.</p> <p>Commissioner Kawane seconded.</p> <p>Vice Chair TenBruggencate withdrew his motion. Commissioner Kawane withdrew his second.</p> <p>Vice Chair TenBruggencate moved to approve a ballot question that reads, “Shall the list of county officials required to file ethics disclosures (Section 20.04) be expanded to include the</p>

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	<p>Commissioner Kapali questioned Nicholas Courson’s previous memo regarding using confidential vs. not be open to public inspection.</p> <p>Ms. Tumbaga reviewed Mr. Courson’s memo regarding using confidential.</p> <p>Commissioners discussed regulatory employees and union involvement.</p> <p>Chair Sandblom entertained a motion regarding the charter language.</p>	<p>managing director, agency and division heads, and regulatory employees?” 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>Ayes-7 Nays-0 Motion carried 7:0</p> <p>Vice Chair TenBruggencate moved to approve the Charter language proposed by the Deputy County Attorney for CRC 2019-06 which includes the word shall after regulatory employees and keeping everything else as is. Commissioner Kawane seconded.</p>

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	<p>Chair Sandblom entertained a motion regarding the educational material.</p>	<p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- nay Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0 Motion carried 7:0</p> <p>Vice Chair TenBruggencate moved to approve the educational material for CRC 2019-06 as proposed by Deputy County Attorney which includes changes in material heading and minor changes in subsequent language. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye</p>

SUBJECT	DISCUSSION	ACTION
		Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye Ayes-7 Nays-0 Motion carried 7:0
	<p><u>CRC 2019-21 A Discussion and possible action on amendments to the proposed language to Charter Section 13.02 relating to the minimum requirements for the position of County Engineer, ballot question, and educational material.</u></p> <p>Ms. Tumbaga went over the edits, adding also to the ballot question, may but is not required to, instead of shall to the charter language.</p> <p>Ms. Ching explained that Council made some suggestions to clarify and to leave in registered engineer and that is reflected in the edits.</p> <p>Commissioner Kapali referred to Mr. Courson’s memo of Feb. 13, 2020 suggesting adding civil or structural engineer.</p> <p>Ms. Ching shared she is comfortable with going with a registered engineer and not stipulating as she is confident the hiring body will be rigorous in review of qualifications. She shared that they are looking for a manager with engineering experience.</p> <p>Vice Chair TenBruggencate stated he would vote against the motion as he does not feel the word “also” is needed.</p>	<p>Commissioner Kapali moved to approve CRC 2019-21A edited ballot question to read as such, “Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as the County Engineer, head of the Department of Public Works?” Commissioner Suzawa seconded.</p>

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	<p>Ms. Ching again stated that the charter language edited version is based on comments from Council members.</p>	<p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- aye Vice Chair TenBruggencate- nay Chair Sandblom- nay</p> <p>Ayes-5 Nays-2 Motion carried 5:0</p> <p>Vice Chair TenBruggencate moved to approve CRC 2019-21A edited charter language, in the second sentence, “The county engineer may but is not required to be a registered engineer,”. Commissioner Suzawa seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye</p>

SUBJECT	DISCUSSION	ACTION
		<p>Commissioner Suzawa- aye Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-7 Nays-0 Motion carried 7:0</p> <p>Vice Chair TenBruggencate moved to approve the previously approve language for the educational material. 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>Ayes-7 Nays-0 Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2019-21 C Discussion and possible action on amendments to the proposed language to Charter Section 17.04 relating to the minimum requirements for the position of Manager and Chief Engineer of the Department of Water, ballot question, and educational material.</u></p> <p>Ms. Tumbaga went over the edits.</p> <p>Commissioner Kapali clarified that if motion approved it will go through it will be the original ballot question with the insertion of Supply before the question mark. She shared her concern of consistency between the two similar amendments. She will not vote on the motion because it is not consistent with CRC 2019-21 A.</p> <p>Ms. Tumbaga gave another suggestion, “Shall an individual who has extensive work and supervisory experience in an engineering or related field, but is not a registered engineer, be qualified ...” That will show that it’s opening up to someone that does not have a license would qualify and make it more clear.</p> <p>Vice Chair TenBruggencate offered a suggestion, “Shall an individual who is a registered engineer or has extensive experience in an engineering or related field be qualified to serve as manager and chief engineer of the Department of Water Supply?”</p> <p>Ms. Suzawa shared concern that someone might read it that there is not a registered engineer and what is happening is to expand the qualifications.</p> <p>Ms. Tumbaga suggested, “Shall an individual who is not a registered engineer but has extensive work and supervisory experience be qualified to serve as manager ...”</p> <p>Commissioners continued discussion on clarifying the question so that voters understand that qualifications currently state a registered engineer and that what is being added is that someone who has extensive experience in an engineering or related field and is not a registered engineer would qualify for manager and chief engineer of the Department of Water Supply.</p>	<p>Vice Chair TenBruggencate moved to approve CRC 2019-21 C with the single edit to read, “Shall an individual who has extensive work and supervisory experience in an engineering or related field be qualified to serve as manager and chief engineer of the Department of Water Supply?.” Commissioner Koga seconded.</p> <p>Vice Chair TenBruggencate withdrew his motion. Commissioner Koga withdrew her second.</p>

SUBJECT	DISCUSSION	ACTION
		<p>Vice Chair TenBruggencate moved to approve CRC 2019-21 C revised ballot question to read, “Shall an individual who is a registered engineer or has extensive work and supervisory experience in an engineering or related field be qualified to serve as manager and chief engineer of the Department of Water Supply?” Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- abstained Commissioner Suzawa- nay Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-5 Nays-1 Abstain-1 Motion carried 5:1:1</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Suzawa commented on the second edit that added extra verbiage to the charter language and is not in the language for county engineer.</p> <p style="text-align: center;"><i>Commissioner Suzawa left the meeting at 2:03pm.</i></p> <p>Ms. Ching acknowledged that a section was put back in to address concerns of the council.</p> <p>Chair Sandblom entertained a motion on CRC 2019-21 C educational material which has no changes previously approved.</p>	<p>Vice Chair TenBruggencate moved to approve the edited charter language of CRC 2019-21 C and all the language therein. Commissioner Kapali seconded. Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- abstained Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p> <p>Vice Chair TenBruggencate moved to approve the educational material as it stands.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair TenBruggencate stated that he will be voting against the motion as he prefers not being consistent to being unclear.</p>	<p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p> <p>Commissioner Kapali moved to amend the ballot question for CRC 2019-21 C to read, “Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as manager and chief engineer of the Department of Water Supply?” Commissioner Koga seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye</p>

SUBJECT	DISCUSSION	ACTION
		Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- nay Chair Sandblom- nay Ayes-4 Nays-2 Excused-1 Motion carried 4:2:1
	<p><u>CRC 2019-14 Discussion and possible action on amendments to the proposed language to Charter Section 9A.05 relating to a vacancy in the Office of Prosecuting Attorney, ballot question, and educational material.</u></p> <p>Ms. Tumbaga went over edits, including addition of section B to the charter language for clarity.</p>	<p>Vice Chair TenBruggencate moved to approve the edited ballot question for CRC 2019-14. Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa-</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair asked for further clarification of edits to the charter language from Ms. Tumbaga that the language highlighted in the two places at beginning and section B are not changes, and in the charter and added for context.</p>	<p>excused Vice Chair TenBruggencate-aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p> <p>Vice Chair TenBruggencate moved to approve as amended that the charter language for CRC 2019-14 with language that is currently in the charter and the change of a year to eighteen months. Commissioner Kapali seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa-excused Vice Chair TenBruggencate-</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Sandblom entertained a motion on the educational material.</p> <p>Commission discussed the use of could versus shall. Ms. Tumbaga had no objection to using the word shall in the educational material.</p>	<p>aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p> <p>Vice Chair TenBruggencate moved to approve the edited educational material for CRC 2019-14 with an amendment in the last sentence of the second paragraph changing the work could to shall. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p>
	<p><u>CRC 2019-04 Discussion and possible action on amendments to the proposed language to Charter Section 23.06 relating to notice of Claims against the County, ballot question, and educational</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>material.</u></p> <p>Ms. Tumbaga informed the Commission that the “the” is in the charter and added.</p>	<p>Vice Chair TenBruggencate moved to adopt the language as proposed for the ballot question, charter language and educational material for CRC 2019-04. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- aye Chair Sandblom- aye</p> <p>Ayes-6 Nays-0 Excused-1 Motion carried 6:0:1</p>
	<p>Vice Chair asked the Commission whether they wanted to reconsider the language for the county engineer so that it matches the water manager for consistency.</p> <p>Commissioners discussed that consistency between the two amendments simplifies things for the voters.</p>	<p>Commissioner Kapali moved to reconsider the ballot</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commission discussed the process to reconsider the motion.</p> <p>Ms. Ching asked the Commission to leave it the way it is. She emphasized the need to get applicants to fill positions and the simpler the question the better chance for it to pass.</p>	<p>question of CRC 2019-21 C. Commissioner Kawane seconded.</p> <p>Roll Call Vote: Commissioner Kapali-aye Commissioner Kawane- aye Commissioner Koga- aye Commissioner Stack- aye Commissioner Suzawa- excused Vice Chair TenBruggencate- nay Chair Sandblom- aye</p> <p>Ayes-5 Nays-1 Excused-1 Motion carried 5:1:1</p>
	<p><u>CRC 2020-18 Discussion and possible action on a Commentary by Commission to The Garden Island Newspaper.</u></p> <p>Vice Chair wrote an op ed for the Garden Island Newspaper regarding the six amendments. It was not made a part of the packet and will be included for next months meeting.</p> <p>Commissioners discussed the districting proposal and that it will not be on the ballot this year and not part of the commentary.</p>	
	<p><u>CRC 2020-13 Discussion and possible action on plan for public education.</u></p> <p>Ms. Ching will give an update at next month's meeting on this item.</p>	
Announcements	<p>Ms. Ching, Vice Chair TenBruggencate, Chair Sandblom thanked the Commission and staff for the work done on proposed charter amendments for the ballots.</p>	

SUBJECT	DISCUSSION	ACTION
	Next meeting: Monday, July 27, 2020, 3:00 p.m., Teleconference	
Adjournment	Chair entertained a motion to adjourn.	Commissioner Kawane moved to adjourn. Commissioner Kapali seconded. Voice Vote: 6 ayes, 0 nays Motion carried 6:0 Meeting adjourned at 2:46pm.

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Marissa Sandblom, Chair

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