

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 11/22/2021.

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	October 25, 2021	
Location	Teleconference	Start of Meeting: 3:07 p.m.	End of Meeting: 4:10 p.m.	
Present	Chair Reid Kawane, Vice Chair Lori Koga. Commissioners: Virginia Kapali, Marissa Sandblom, Jan TenBruggencate. 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 Reid Kawane, called the meeting to order at 3:06 p.m.	
Roll Call			Roll Call: Commissioner Kapali-here Commissioner Sandblom-here Commissioner TenBruggencate-here Vice Chair Koga-here Chair Kawane -here Quorum: 5 commissioners present	
Agenda			Commissioner TenBruggencate moved to approve the agenda as it stands. Commissioner Sandblom seconded. 5 Ayes, 0 Nays Motion carried 5:0	

SUBJECT	DISCUSSION	ACTION
Minutes	Open Session Minutes of September 27, 2021	<p>Commissioner TenBruggencate moved to approve the Minutes of September 28, 2020; Vice Chair Koga seconded.</p> <p>5 Ayes, 0 Nays Motion carried 5:0.</p>
Public Testimony	None.	No Action
Communication	<p><u>CRC 2021-07 Email received October 5, 2021 from Lonnie Sykos to the Charter Review Commission and the Board of Ethics asking what is acceptable ethical actions by our officials.</u></p> <p>Chair Kawane entertained a motion to receive for the record.</p> <p>Commissioner TenBruggencate acknowledged reading the letter and stated that there was a number of issues Mr. Sykos raised.</p>	<p>Commissioner TenBruggencate moved to receive item CRC 2021-07. Commissioner Kapali seconded.</p> <p>5 Ayes, 0 Nays Motion carried 5:0.</p>
Business	<p><u>CRC 2020-17 Discussion and possible action on meetings regarding proposed Charter amendment relating to Council Districting.</u></p> <p>Commissioner TenBruggencate stated that he is not interested in launching any proposal on districting. He acknowledged that there will likely be some interested, and he's prepared to wait and see if anything comes in.</p> <p>Commissioner Kapali believes that this was discussed last time and that there was a lot of discussion on it, including testimony. She stated that it did not make the list and asked if they go back and revisit this item. She questioned their role in continuing the discussion.</p>	

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	<p>Ellen Ching, Administrator, stated that two years ago we received something in May regarding districting and was discussed, however at the point it was on the agenda, Burt Lyons testified that he was in favor of districting, but not of the proposal that was presented. The commission decided not to put on ballot and would place on agenda when met again.</p> <p>Commissioner Kapali stated that she believes this might receive some traction this time around and perhaps as commissioners they may want to bring it up for discussion or wait as Commissioner TenBruggencate suggested for someone to bring up.</p> <p>Commissioner TenBruggencate stated that he is happy to discuss this issue. He is concerned that most districting proposals mean that residents vote on fewer members of their County Council, whether it's just those in their district, or just in their district plus 1 at-large. He acknowledged that there has been a fair number of people who said they like being able to vote on all. He mentioned a model in Maui County where districts are established, but the whole island votes on every person, and they lead their district. He shared an example of Akama, who was Lanai district candidate who sometimes lost on his own island but was seated because he got enough votes county wide. He's not sure that's an adequate remedy for the issue of providing district representation. He also commented that there are suggestions that we have 3 representative districts so we would not have to do separate reapportionment. We could use what has been established for the State House, but that doesn't divide equally into seven, on solution is to have one voted in at-large or to increase Council size to nine or reduce to six. He believes either proposal would have a lot of opposition. Could have each candidate state which district they reside and seat by district. He feels that we have a small Council and if there is a problem in one district the whole Council shows up, no one can say it's not their district. He stated he hasn't seen a proposal that stands out. He stated that their charge as the Commission is to identify changes to make the County run better and he hasn't seen it yet.</p> <p>Chair Kawane stated that he agrees with Commissioner TenBruggencate.</p> <p>Commissioner Sandblom asked about the history of the proposals.</p>	

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	<p>Administrator Ching stated that she would need to research more, but that it was on the agenda, June 22, 2020, and following agenda, and that there is a history of districting being placed on the ballot and not passing.</p> <p>Commissioner TenBruggencate stated that it was placed on the ballot several times and has always lost, but by smaller amounts in the most recent ones. He stated that there has been an argument to give it another chance as there seems to be a desire for districting. If most of the Commission felt it was a good idea, they can consider it, but they also need to pick the right one as there are several.</p> <p>Commissioner Kapali recalled that she was looking at trying to build a wider group of candidates for County Council and trying to look at more of the younger generation to become involved. She was thinking that it may encourage younger generation to get involved in County Council if it was a smaller representation, neighborhood, community, district, rather than the whole island.</p> <p>Commissioner Sandblom asked if part of the thinking was part-time councilmembers.</p> <p>Commissioner Kapali believes that was discussed. She is looking at what can get younger generation involved and progressively move forward.</p> <p>Commissioner TenBruggencate responded to Commissioner Sandblom’s question that some members have worked a full-time job while serving, some served full-time. The intent may have been that it was a part-time job, but the Charter doesn’t say that. May want to look at prohibiting outside employment, would we benefit from a member that does the daily things we all due versus a full-time politician.</p> <p>Administrator Ching stated that the question of districting came up in 1992, 1996 and 2006. Staff shared the proposal from 1982 by Council (on file), and the other years as well. She stated that districting goes hand in hand with re-apportionment. In 1990, Council also proposed a non-specific districting amendment to start in 1992. She stated that the 1996 proposal has 5 districts</p>	

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	<p>which the latest proposal does not.</p> <p>Commissioner TenBruggencate went over the proposed amendments stating that the first one was 3 by district and 4 at-large, this one is 5 district and 2 at-large and requires the County appropriate commission to select the size of the district.</p> <p>Commissioner Sandblom asked if we had five districts would it also change the House of Representatives.</p> <p>Commissioner TenBruggencate answered no.</p> <p>Administrator Ching answered that on the State side the reapportionment is in line with the Census Bureau. If the County was not going to follow State would need a reapportionment committee, and it may have to because it's based on the census numbers in that "district". The State is doing a reapportionment. She recapped the four times that it has come up, 1982, 1992, 1996, 2006.</p> <p>Commissioner TenBruggencate noted that the first and last ones, you would vote for 5, 4 at-large and one in your own district. The oldest and newest proposals that made the ballot. Local reapportionment could mimic the State, as long as it remained 3, but if Kauai wanted more would require a local reapportionment committee would need to be formed. Every 10 years is a new census, and it would be looked at every 10 years to make sure it covers same number of people.</p> <p>Administrator Ching shared the proposal last submitted to the Charter Commission in 2020. She went over that it talked about 9 members, 3 for each of the Council districts that mimic House of Reps.</p> <p>Commissioner TenBruggencate that they did not remember that sometimes one of the Kauai districts also has a piece of another island. If they were to do this proposal, they would have to put language in that as long as there's three full districts on Kauai this works, if not would need</p>	

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	<p>to reapportion ourselves.</p> <p>Vice Chair Koga asked if it addressed if a Council member moved.</p> <p>Administrator Ching mentioned that it has come up in the House.</p> <p>Commissioner Kapali asked if our 7 is a problem?</p> <p>Vice Chair Koga stated that she feels that everybody is getting a piece of the pie and no district is neglected.</p> <p>Administrator Ching also added that there is a cost to adding more council members.</p> <p>Commissioner Kapali stated that with this in mind and what Commissioner TenBruggencate stated as the role of the Commission, to put on ballot what they feel helps the County Government run more efficiently. She feels that we currently are doing the best it can with the dynamics of our community and cost is tremendous once you add more, then let it be. She would not bring it up as a proposal for a ballot question.</p> <p>Administrator Ching asked how the Commission wants staff to proceed.</p> <p>Commissioner TenBruggencate made a motion to defer and get the ballot question history. He also suggested that the authors of the last proposal be invited to the next meeting.</p> <p>Administrator Ching also suggested inviting the Burt Lyons also to be invited and to include the testimony received from the last proposal.</p> <p>Commissioner TenBruggencate also suggested tracking down a report done previously regarding districting. Public meetings were held, and it was found that it should the way it is.</p>	<p>Commissioner TenBruggencate moved to defer CRC 2020-17 and get more information from staff regarding the ballot question history and reach out to Donovan Cabebe, Jonathan Jay, and Burt Lyons. Commissioner Kapali seconded.</p> <p>Ayes-5 Nays-0 Motion carried 5:0</p>

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	<p><u>CRC 2021-04 Discussion and possible action on Charter Initiatives of interest.</u></p> <p>Staff Anela Segreti notified Commissioners that staff have not received to date any proposals, and that it would be on most agendas this month.</p> <p>Administrator Ching elaborated that some of the Commissions deferred the item this month and asked for a link to the agenda and itemized sections that they may want to look at in the Charter regarding terms, etc. They will decide in November if they want to send out a proposal. She has asked administration if they have any proposals to bring forward, she will reach out again. She brought up that the Commission may want to look at the Special Election and what can be done to avoid the cost of it for the County. She also reminded them that the public was not happy about a Councilmember was charged and continued to receive a salary. Nothing has been brought up, but it is something she has gotten feedback on.</p>	<p>Commissioner TenBruggencate moved to defer and keep on agenda CRC 2021-04 for the next meeting. Commissioner Sandblom seconded.</p> <p>Ayes-5 Nays-0 Motion carried 5:0</p>
	<p><u>CRC 2021-06 Discussion and possible action on proposing a Charter amendment relating to Ranked-Choice Voting.</u></p> <p>Commissioner TenBruggencate stated that this was his proposal but has changed his view on it. It was a response to the cost of the Special Election and the situation that there are two candidates, and both need to be voted on in primary and general. He went on to explain ranked-choice voting. He stated that it avoids the situation of not having a majority. In discussion with Elections, the automated counting system is not able to do this and would need to be done manually. It takes a lot of manpower to count the ballots. One proposal to address the cost would be to re-adopt the 50% + 1 and not have to hold a second election. Another would be to if a vacancy occurs it is filled by some process with nomination by the administration and approval of Council until the next regularly scheduled election. He no longer feels that ranked-choice voting is the best option but should consider some others.</p> <p>Commissioner Kapali agreed that this is too much at this time.</p>	<p>Commissioner Kapali moved to table CRC 2021-06. Commissioner TenBruggencate seconded.</p> <p>Ayes-5 Nays-0 Motion carried 5:0</p>

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	<p>Chair Kawane asked Commissioner TenBruggencate to work with staff on alternative proposals.</p> <p>Commissioner TenBruggencate stated that he is ready to let this go and see what other commissions may bring forward.</p> <p>Commissioner Kapali stated that she liked the idea of filling the vacancy with a process until the next election. She is looking at efficiency as well as cost.</p> <p>Commissioner TenBruggencate volunteered to work with staff on it.</p>	<p>Commissioner Kapali moved to look at alternative method, do research and to come up with something. Commissioner TenBruggencate seconded.</p> <p>Ayes-5 Nays-0 Motion carried 5:0</p>
Announcements	<p>Next Meeting: November 22, 2021, at 3:00 p.m.</p> <p>Commissioner TenBruggencate stated that the Commission usually cancels the December meeting, but wonders if they should have an early meeting in the month in case they need to review proposals.</p> <p>The December meeting has been cancelled, but they may have a special meeting if needed.</p>	
Adjournment		<p>Hearing no objections, the meeting was adjourned at 4:10pm.</p>

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Reid Kawane, Chair

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