

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as amended 1/24/22.

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	December 20, 2021	
Location	Teleconference	Start of Meeting: 3:04 p.m.	End of Meeting: 4:45 p.m.	
Present	Chair Reid Kawane, Vice Chair Lori Koga. Commissioners: Bronson Bautista, Virginia Kapali joined at 3:06pm, Jan TenBruggencate. Also: Hugo Cabrera, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti. Testifiers: Bert Lyon, Jonathan Jay, Jade Tanigawa, Lyndon Y.			
Excused	Marissa Sandblom			
Absent				
SUBJECT	DISCUSSION		ACTION	
Call To Order			Chair Reid Kawane, called the meeting to order at 3:04 p.m.	
Roll Call			Roll Call: Commissioner Bautista-present Commissioner Kapali-dropped from teleconference at 3:06pm Commissioner Sandblom-excused Commissioner TenBruggencate-here Vice Chair Koga-present Chair Kawane -here Quorum: 4 commissioners present	
Agenda	Commissioner TenBruggencate stated that under CRC 2021-04 he hopes that Commission will consider some previous amendments but no change to agenda.		Commissioner TenBruggencate moved to approve the agenda. Vice Chair Koga seconded. 4 Ayes, 0 Nays Motion carried 4:0	

SUBJECT	DISCUSSION	ACTION
Minutes	Open Session Minutes of November 22, 2021	Commissioner TenBruggencate moved to approve the Minutes of November 22, 2021; Vice Chair Koga seconded. 4 Ayes, 0 Nays Motion carried 4:0.
Public Testimony	<u>Testimony received from Councilmember Felicia Cowden on December 3, 2021, regarding CRC 2020-17.</u>	Commissioner TenBruggencate moved to receive. Vice Chair Koga seconded. 4 Ayes, 0 Nays Motion carried 4:0.
Communication	<u>None</u>	
Business	<u>CRC 2020-17 Discussion and possible action on meetings regarding proposed Charter amendment relating to Council Districting.</u> Bert Lyon testified on the 2016 report (on file) and the survey that was done. He stated that districting was favored by 71% to have districting in some form, 29% against. He went on to break down most popular proposals from question one of the surveys, on question two he noted that people voted that they were wanting to vote per district only, and on question three majority favored candidate must live in district, and that the two most favored were 5 district and 2 at large or 7 districts. He stated that the proposal didn't go through that year because of another proposal on the ballot for a County Manager and if that had past then a district election wouldn't work.	

SUBJECT	DISCUSSION	ACTION
	<p data-bbox="695 310 1199 342"><i>Commissioner Kapali joined at 3:14pm</i></p> <p data-bbox="369 383 1514 634">Commissioner TenBruggencate responded to Mr. Lyon’s comments that he recollected that the last time districting was on the ballot in 2006 when it was 3 district and 4 at-large and it got nearly 50% of the vote. He further stated that it’s problematic to determine which proposal is most likely to gain a majority and makes the most sense for our community. He stated that many speakers have expressed that they want to vote for most of the members of the Council so they may speak to more than one councilmember. He asked if Mr. Lyon’s proposal could address that.</p> <p data-bbox="369 675 1503 886">Mr. Lyon responded that he’s married to seven districts due to natural division of island, referring to Planning districts which is 6 because of lumping Kapaa and Wailua together. He has spoken to representatives and the have been receptive to his proposal. He also pointed out that vote in 2006, Commissioner TenBruggencate mentioned was also voted on in 1982 and 1990, but that the survey was 10 years after, and opinions may have changed.</p> <p data-bbox="369 927 1465 992">Commissioner TenBruggencate clarified that Mr. Lyon’s proposal that one only votes within their district.</p> <p data-bbox="369 1040 1514 1146">Mr. Lyon responded that if Commission is not ready to move forward with full districting he would not be opposed to a similar situation as Maui County as a bridge to have districts set up, but not as a permanent thing.</p> <p data-bbox="369 1187 1524 1430">Testifier Jonathan Jay stated that he wants to encourage the Commission to move forward with some strong regional representation, that they have options that they may adopt. In regard to Maui, he does not believe that anyone from outside of a district should be able to vote for a representative in another district. He does not insist the “3x2x1” proposal is the only good option before the CRC but feels that each off the two other proposals would also be a great improvement over the present non-regionally representative at-large-only status quo.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner TenBruggencate stated that everyone online is against the Maui option. Mr. Lyon stated that the 7 district and Ms. Sparks 3 members per district are good options.</p> <p>Chair Kawane stated that the Commission also needs to consider if Elections Division can handle any of the changes.</p> <p>Mr. Jay stated that by adopting three district option would be easiest.</p> <p>Commissioner Kapali agrees with both testifiers with moving forward with districting. She asked for clarification on whether if potential candidates need to be a resident of the district.</p> <p>Mr. Jay stated that it's up to Commission, and that if all agree that want to only allow district residents to vote for their representative. If want to also choose to have a residency for candidate, it would give a stronger regional representation.</p> <p>Commissioner Kapali stated that she believes the candidate should reside in the district. She further stated that she's not sure about residents no longer having seven votes which they are used to.</p> <p>Mr. Jay would support candidate residency.</p> <p>Mr. Lyon stated that his proposal and Dr. Sparks proposal both have residency requirement for candidate. He also restated that in the 2016 report the number of people that wanted to vote for all 7 candidates was 34%, whereas 65% wanted to vote for candidate from their district.</p> <p>Commissioner TenBruggencate stated that of the five proposals, four allow for everyone to vote on most of the members. Question is whether this is a critical issue. He and Mr.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Lyon discussed this issue.</p> <p>County Clerk Jade Tanigawa stated that she and Mr. Yoshioka, Elections Division, are available for questions.</p> <p>County Clerk Tanigawa stated that if Commissioners wanted to incorporate districting into next election it would be difficult. She is aware it's not possible because question would need to be on the ballot, but that would need to be clarified with the public. There would also be concern on which would be chosen regarding drawing of lines.</p> <p>Commissioner TenBruggencate stated that anything voted on in 2022 election would not be in place till the 2024 election.</p> <p>Mr. Yoshioka added that in regard to establishing district lines can be a drawn out process. Timing is also critical as to how the lines are developed. His counterparts in other Counties form commissions and piggyback on the data developed through the State reappropriation commission. He understands the County of Hawaii entered into a contract with a GIS company to assist, approximately costing \$30,000, involving public hearings, etc. Any plan could be subject to revisions. It could be time consuming.</p> <p>Commissioner Kapali asked if with State Legislative Districts, 14, 15, 16, lines are drawn according to apportionment, so if follow those lines, they would just be implementing how it's voted, is that correct.</p> <p>Mr. Yoshioka stated that if we have 3 council members elected by districts and districts aligned with the state Rep lines, then we would not be required to develop our own lines, but that would entail four members elected at large or another option would be to have multi member districts following the state Rep lines. But it would sort of be odd because you have 7 council members 3 Rep districts? How do you determine? How many members in each group district?</p> <p>Commissioner TenBruggencate replied that there's another wrinkle and that is we have</p>	

SUBJECT	DISCUSSION	ACTION
	<p>had canoe districts in the past at one time the North Shore was part of a district that included part of Oahu as well, and another time, the North Shore was part of a district that included part of Maui. Currently we have 3 districts on Kaua'i, but if the state lines changed and suddenly one of those districts wasn't all Kaua'i, we'd have to draw our own lines.</p> <p>Mr. Yoshioka confirmed.</p> <p>The Commission discussed the state of the island when Canoe districts existed, how a change in population made it possible to have full districts based on census.</p> <p>Mr. Lyon clarified that he believes Kaua'i had three quarters of a Senate seat and about one and a quarter House seats if you add everything up. It satisfied the one man vote if they gave a little more power to the Senate seat and a little less to the House seat and that's how they came up with the one and one, and that pass constitutional muster and that's that's how it was changed from canoe district to just a single member districts with one senator and three House members.</p> <p>Commissioner TenBruggencate stated that they need to assume that any districting that is employed should include language on reapportionment, in case there are changes in State apportionments.</p> <p>Mr. Lyon stated that the seven-district proposal would be the more attractive.</p> <p>Commissioner Kapali stated that she thinks that setting up a committee to research may be needed. Perhaps a survey of the public to see what they may want regarding placing district on the ballot again.</p> <p>Vice Chair Koga stated that she likes the 3+2+1 proposal and the simplest.</p> <p>Commissioner TenBruggencate stated that he is leaning to the 4 districts with 3 at large.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>He went on to say that there would be a need for reapportionment for 4 districts, but every voter on the island would get to vote for 4 seats. So you would have you would have the comfort that there were 4 people who dependent on you for their vote. He also stated that he wouldn't mind leaving it the way it is but I think that ability that the voters feel that they have blood in the game is has has value.</p> <p>Administrator Ching pointed out that new Commissioner Bautista may have some comments.</p> <p>Commissioner Bautista stated that his biggest question is how the community feels. He's trying to understand how it would affect the voters and would they understand it and need for voters to come out for their districts. Also, that he may feel someone in another district could help the whole island and he would want to vote for them.</p> <p>Administrator Ching shared that Commission has the option to form a Permitted Interaction Group to look more closely on the districting issue and how the community feels. She also noted that the Commission at the last election was the first to do a digital campaign and results showed clearly that more voters were engaged, understood what they were voting on, and voted.</p> <p>Commissioner Kapili spoke on voter engagement and acknowledged the work and possibility of using digital media to find out what public wants. She asked what the final deadline is to get proposal on ballot.</p> <p>Commissioner TenBruggencate stated that the job of the Commission is to put things on the ballot for the voters to consider that we think make the County run better. He stated that he does find value in looking at what people's ideas are using social media and find out which among proposals people really like.</p> <p>Administrator Ching stated that she would recommend that if there was to be a survey, she would want it to be with a public information/education piece that comes before the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>survey. If a districting question appears, that they would be more prepared to vote on it. She stated that it would take time. She reported that the deadline to get ballot question to County Clerk is June and does not feel the deadline would be made if want to do a deep dive.</p> <p>A discussion on budget needed to run such a campaign ensued with Commission, County Clerk and Administrator.</p> <p>Commission engaged in a lengthy discussion of doing a poll or survey by choosing maybe three proposals and using social media, a survey engine, or a community organization to do one on behalf of the Commission.</p> <p style="text-align: center;"><i>Vice Chair Koga left the meeting at 4:21pm</i></p> <p>Commissioners discussed forming a group to look at during this survey and Administrator explained that forming a Permitted Interaction Group needed to be on the agenda. They also discussed submitting questions as individuals to the Chair. Discussions lead to whether an additional meeting will be needed for January 2022.</p> <p>Administrator Ching suggested an additional meeting in January and would recommend that the meeting only have one agenda item on districting. She will check with IT regarding the possibilities and processes to get something out. She would also suggest a formation of a PIG.</p>	<p>Commissioner TenBruggencate moved to have staff schedule an additional meeting for January with districting being the only agenda item, have Administrator Ching check with IT regarding possibilities and processes to get a survey or something out and adding an agenda item to form a PIG. Commissioner Kapali seconded.</p> <p>4 Ayes, 0 Nays</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 4:0.
	<p><u>CRC 2021-04 Discussion and possible action on Charter Initiatives of interest.</u></p> <p>Commissioner TenBruggencate asked that staff report on some possible proposals from the past to reconsider.</p> <p>Administrator Ching suggested that some housekeeping ballot questions that was on the ballot and did not pass. For example the amendment to have the County to be like KIUC, to run electric company, it was proposed, but did not pass.</p>	<p>Commissioner TenBruggencate moved to defer and keep on agenda CRC 2021-04 for the next meeting. Commissioner Kapali seconded.</p> <p>Ayes-4 Nays-0 Motion carried 4:0</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 a proposal that that sort of came to mind as an alternative for how to deal with our elections and that he's had conversations with our elections officials who suggests that this currently it's technologically unworkable and I'm ready to receive this.</p> <p>County Clerk Tanigawa thanked the Commission for recognizing the challenges they would have with the voting system. She also asked if counsel had reviewed state statutes as the State is responsible for voting.</p> <p>Commissioner TenBruggencate agreed that this is not for a local undertaking.</p>	<p>Commissioner TenBruggencate moved to receive CRC 2021-06. Commissioner Kapali seconded.</p> <p>Ayes-4 Nays-0 Motion carried 4:0</p>
	<p><u>CRC 2021-08 Discussion and possible action on proposing a Charter amendment relating to Prosecutor Attorney vacancy.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner TenBruggencate thanked the elections officials for running an excellent election that ended Saturday and is continuing for the prosecutor’s office. He went on to state that one of the things that needs to be considered is the cost and the extraordinary efforts required to conduct a special election, not in conjunction with a regular election, and it is unsustainable going forward. He went on that the proposal before the commissioners still hasn't been reviewed by attorneys, but this proposal is that in the future, if there is a similar vacancy in the prosecutor’s office the deputy would serve until such time as an election can be held in conjunction with a regular election.</p> <p>County Clerk Tanigawa stated that the Council, after recognizing cost of special election, they were willing to move ahead and is happy to hear that Commission is moving ahead. The proposal is in-line with Council.</p>	<p>Commissioner TenBruggencate moved to send proposal to County Attorney for review and edits. Commissioner Kapali seconded.</p> <p>Ayes-4 Nays-0 Motion carried 4:0</p>
Announcements	<p>Next Meeting: January 24, 2022 Special meeting to be coordinated by staff.</p>	
Adjournment		<p>Hearing no objections Chair Kawane adjourned the meeting at 4:45pm</p>

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Reid Kawane, Chair

- () Approved as circulated.
- (X) Approved with amendments. See minutes of 01/24/2022