

Approved

COUNTY OF KAUAI
Minutes of Meeting
SPECIAL MEETING SESSION

Approved as amended 02/28/2022.

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	JANUARY 24, 2022
Location	Teleconference	Start of Meeting: 3:04 p.m.	End of Meeting: 3:43 p.m.
Present	Chair Lori Koga, Vice Chair Jan TenBruggencate. Commissioners: Bronson Bautista, Virginia Kapali, Reid Kawane, Marissa Sandblom. Also: Hugo Cabrera, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Lori Koga, called the meeting to order at 3:04 p.m.	
Roll Call		Roll Call: Commissioner Bautista-present & alone Commissioner Kapali- present & alone Commissioner Sandblom- present & alone Commissioner TenBruggencate-here, not alone (in dental waiting room, and no one able to hear or participate) Vice Chair Koga- present & alone Chair Kawane - present & alone Quorum: 6 commissioners present	
Agenda		Vice Chair TenBruggencate moved to approve the agenda. Commissioner Kawane seconded. Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0	

SUBJECT	DISCUSSION	ACTION
<p>Business</p>	<p><u>CRC 2020-17 Discussion and possible action on proposing a Charter amendment relating to Council Districting.</u></p> <p>Administrator Ching reported that the Permitted Interaction Group (PIG) met once and are scheduled to meet again this Wednesday.</p> <p>Chair Koga entertained a motion to defer.</p>	<p>Commissioner Kawane moved to defer CRC 2020-17 to next meeting when PIG will have their findings. Commissioner Bautista seconded.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>
	<p><u>CRC 2021-04 Discussion and possible action on Charter Initiatives of interest.</u></p> <p>Chair stated there are two to discuss. One regarding Electric Power and Salary Commission.</p> <p>Chair Koga started the discussion with the proposed amendment regarding electric power. Electric Power.</p> <p>Vice Chair TenBruggencate recused himself from this discussion as it may be a possible conflict because he sits on the board of KIUC (Kauai Island Utility Cooperative).</p> <p style="text-align: center;"><i>Vice Chair TenBruggencate left the meeting at 3:11pm</i></p> <p>Administrator Ching gave background on the Charter amendment which was approved in the 2002 General Election in response to the proposed sale of Kauai Electric Company to KIUC. They wanted to ensure that electricity</p>	

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	<p>would continue in case it did not go through. In 2018 the proposed amendment was on the ballot and did not pass. This would be a housekeeping amendment as KIUC has now been in operation for several years.</p> <p>Chair Koga asked if it did not pass because people did not understand it.</p> <p>Administrator Ching stated that she would simplify the ballot question, do you want the County to run the Electric Company, yes or no.</p> <p>Commissioner Kapali suggested that this goes back on the ballot this year with the Office of the County Attorney to come up with a question.</p> <p>Administrator Ching explained that the committee would draft, the question, purpose, and background for review by the Commission. The County Attorney would review the Ramseyer version for form and legality. She welcomed suggestions from the Commissioners.</p> <p>Chair Koga started the discussion regarding the memo from the Salary Commission.</p> <p style="text-align: center;"><i>Vice Chair TenBruggencate rejoined the meeting at 3:22pm</i></p> <p>Administrator Ching clarified that they are looking at two issues. One the use of digital signatures. She asked Deputy County Attorney Cabrera if he had anything on that issue.</p>	<p>Commissioner Kapali moved to include the proposed amendment regarding the Electric Power Amendment for the ballot with a complete review by the Administrator and resources to develop a draft as a ballot question. Commissioner Sandblom seconded.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Deputy County Attorney Cabrera stated that he would need to look into it.</p> <p>Administrator Ching stated that the second one was proposed in the past on several ballots, 1988, 2006, 2012, 2018, for the Salary Commission be able to pass a resolution on regarding salaries of Department Heads, deputies, etc. She understands that in other counties the salary commission may approve salary resolutions. This commission would like to set and approve a salary resolution with a maximum salary. This would give them more flexibility and be time sensitive to set maximum salaries based on conditions at the time. She clarified that what was sent is what is currently in the Charter. The Salary Commission will do more work if the Commission wants to proceed. The portion that they will be amending will be approval by Council. She explained that they will do a more detailed proposal to the Commission.</p> <p>Vice Chair TenBruggencate stated that Kaua'i County has more than any other county has significant citizen involvement with more Commissions that hire their department heads. He is in support of the Salary Commission being the authority.</p> <p>Commissioner Sandblom stated that there was concern about citizens having an impact on County budget, but it was clear that it was a maximum and that the County did not have to offer the maximum. She also remembers that the digital signature was also okay, but she would like to hear Deputy County Attorney Cabrera's take on it.</p> <p>Administrator Ching clarified that the Commission is looking at setting a max and so there is flexibility. She also stated that maximum salaries were not given out by the Mayor until one year of satisfactory performance, even though it was passed. Commissions also gave raises after performance evaluations; some gave raises after the evaluation others did pay retro-active to July. She went on that Kauai has the most department heads hired by commissions.</p>	

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	<p>Chair Koga asked if it is the same ballot amendment that was placed on the ballots in 1988, 2006, 2012, 2018 and did not pass.</p> <p>Administrator Ching answered that the commission tried to simplify the question, and in 2018 it read, “shall Article 29, Salary Commission sections 29.01 and 29.03 be amended to give the salary commission authority to establish the maximum salaries of all elected and appointed officials and to add the Director of Human Resources and Director of Finance as ex-officio non-voting members of the commission.” She thinks that the question got complicated because it was trying to provide authority to the salary commission and composition of the salary commission. She went on in 2012 there were 8 ballot questions and having too many ballot questions is problematic. She went on that the question read, “should the Salary Commission establish maximum salaries for officers which shall include the prosecuting attorney and all deputies and allow for elected officials, officers to accept salaries lower than the minimum.” She feels that it’s three questions as one and people get confused.</p> <p>Chair Koga asked if there would also be educational material.</p> <p>Administrator Ching said yes if the Commission approves it and that it would come at the end, because it’s in next years budget. It is mandated that it would be published 30 days before the election. The public information campaign would need to have commission vote on and if approved in budget she could move on.</p> <p>Administrator Ching noted that there will be a timeline that all proposed amendments will need to be sent to the County Clerk for the ballot, and she is looking at the end of May, very beginning of June, but that she and staff need to meet with the County Clerk to schedule.</p>	<p>Vice Chair TenBruggencate moved to invite the Salary Commission to send their proposal on both amendments that they would like to be considered. Commissioner Kapali seconded.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
Announcements	Next Meeting: February 28, 2022	
Adjournment		Hearing no objections Chair Koga adjourned the meeting at 3:43pm

Submitted by: _____
Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
Lori Koga, Chair

() Approved as circulated.

(X) Approved with amendments. See minutes of 02/28/2022 meeting.