

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN MEETING SESSION

Approved with amendments on 3/28/22.

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	FEBRUARY 28, 2022	
Location	Teleconference	Start of Meeting: 3:00 p.m.	End of Meeting: 3:46 p.m.	
Present	Chair Lori Koga, Vice Chair Jan TenBruggencate. Commissioners: Bronson Bautista, Reid Kawane, Marissa Sandblom. Also: Hugo Cabrera, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.			
Excused	Virginia Kapali			
Absent				
SUBJECT	DISCUSSION		ACTION	
A. Call To Order			Chair Lori Koga, called the meeting to order at 3:00 p.m.	
B. Roll Call			Roll Call: Commissioner Bautista-present & alone Commissioner Kapali- excused Commissioner Kawane - present & alone Commissioner Sandblom -present & alone Vice Chair TenBruggencate - present & alone Chair Koga - present & alone Quorum: 5 commissioners present	
C. Approval of Agenda			Vice Chair TenBruggencate moved to approve the agenda. Commissioner Bautista seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0	
D. Minutes	<u>Open Session Minutes of January 24, 2022</u> Vice Chair TenBruggencate corrected the roll call in the minutes to clarify		Vice Chair TenBruggencate moved to approve the minutes of February 28, 2022	

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	<p>that no one in the dental waiting room was able to hear or participate. Commissioner Kawane corrected page 6, second paragraph, first sentence, “tries” should be “tried”.</p>	<p>as edited. Commissioner Kawane seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
<p>E. Public Testimony</p>	<p>Bert Lyon stated that he was on to hear the PIG report and stated he submitted an email, regarding 2014 and 2016 reports.</p> <p>Administrator Ching stated that she received the email and is gathering the materials for the PIG and will be sending it to them and as part of their report the Commission will be receiving the emailed report as well.</p> <p>Jonathan Jay stated that he was interested in a review of the milestones and timelines that are necessary to get districting proposal to the County Council. He is requesting clarification.</p> <p>Chair Koga stated that the PIG will be helping the Commission with that.</p> <p>Vice Chair TenBruggencate asked Mr. Jay what specifically he’s looking for.</p>	

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	<p>Mr. Jay stated he’s not familiar with the milestones, deadlines to get a proposal on to the ballot.</p> <p>Administrator Ching stated that a meeting with the County Clerk will be sometime in June.</p> <p>Mr. Jay clarified that he would like the steps and processes shared with him. He would like to see a districting ballot on the November ballot so that if passed it can go into effect in 2024.</p> <p>Chair Koga responded that the PIG will be making recommendations to the Commission on where they go from here and thanked Mr. Jay for his comment.</p>	
F. Communication	<u>None</u>	
G. Business	<p><u>CRC 2022-06 Update of the Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) is to provide a written recommendation on how and whether to create districting for our County Council.</u></p> <p>Chair Koga thanked Commissioners Sandblom, Bautista, and Kawane for volunteering to be part of the PIG and asked if they have a report.</p> <p>Commissioner Kawane reported that the PIG met twice and are still in the process of finalizing the report. They will be meeting March 9 and 25 to finalize the report.</p> <p>Chair entertained a motion to defer.</p>	<p>Commissioner Kawane moved to defer CRC 2022-06 to the next meeting. Vice Chair TenBruggencate seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays</p>

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	<p><u>CRC 2020-17 Discussion and possible action on proposing a Charter amendment relating to Council Districting.</u></p> <p>Chair Koga entertained a motion to defer.</p>	<p>Motion carried 5:0</p> <p>Vice Chair TenBruggencate 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>Administrator Ching stated that the Salary Commission worked up a report and a detailed proposal, but it was not completed for a specific agenda item and will be on next month's agenda.</p>	<p>Vice Chair TenBruggencate moved to defer CRC 2021-04 to next meeting when PIG will have their findings. Commissioner Kawane seconded.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>
	<p><u>CRC 2022-05 Discussion and possible action on proposed Charter amendment to remove Article XXX relating to the Electric Power Authority.</u></p> <p>Chair Koga asked for clarification that it has been approved for ballot and just needed County Attorney review.</p>	

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	<p>Administrator Ching clarified that since it has been reviewed by the County Attorney, the Commission may want to take the ballot question separate from the purpose and background and the proposed amendment.</p> <p>Commissioner Sandblom recalls that it is more housekeeping and that it was put on the ballot before and was not approved. She asked if the ballot question, purpose, and background is the same as before?</p> <p>Administrator Ching clarified that it is the same and is not sure why it was not passed. She is thinking that the Commission should look at the ballot question, purpose, and background. The proposed amendment has been approved by the County Attorney, so she feels that part is fine.</p> <p><i>Vice Chair TenBruggencate recused himself from this item, he holds a seat on the KIUC board. He logged out at 3:18pm.</i></p> <p>Administrator Ching explained that the Board can decide to put it on the ballot today or that they could defer that and then they could look at the ballot question, purpose, and background. There will be another opportunity before final is transmitted to County Clerk for the ballot.</p> <p>Administrator Ching explained that the proposal for the electrical authority that is being proposed is the same as what was on the ballot in 2018. She went on to discuss with Commission why this housekeeping item may not have passed. She feels that voters may have been confused using “electrical authority”. They discussed the use of the digital and newspaper campaign helped people to understand the ballot questions. Also they may want to change the question so that it’s not as confusing.</p> <p>Commissioner Sandblom shared that she felt that the last time it was on the ballot there was a lot of ballot questions that may have been overwhelming</p>	

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	<p>and that she feels the purpose and background is solid, but that the question could be tweaked without it leaning one way or another.</p> <p>Deputy County Attorney stated that it since a whole section is being taken out of the Charter it would be better to note the exact article being removed so people know what it is.</p>	<p>Commissioner Kawane moved to have staff work on simplifying ballot question, purpose, and background for CRC 2022-05. Commissioner Sandblom seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0:1 recused</p>
	<p><u>CRC 2021-08 Discussion and possible action on proposal to amend Charter Section 9A.05. Vacancy in Office related to the Office of the Prosecuting Attorney.</u></p> <p><i>Vice Chair TenBruggencate returned to the meeting at 3:33pm</i></p> <p>Commissioner Sandblom asked if this proposal was the same as previously on the ballot.</p> <p>Vice Chair TenBruggencate clarified that this on addresses the issue of mid-term vacancies and says that the Deputy stays in office until the next election, instead of holding a special election.</p> <p>The Board clarified that the last amendment was due to the Charter being silent on a what to do about a vacancy during a specific period, 6-18 months of being in office. This was clarified in the last election but need to have a special election and cost involved was not clarified. This proposal would eliminate the County having to go through with a special election and the cost.</p> <p>Commissioner Sandblom clarified that the revised language that the Charter</p>	<p>Vice Chair TenBruggencate moved to approve and authorize the department to send this to the County Attorney for legal review.</p> <p>Vice Chair TenBruggencate amended his motion to approve this for the ballot, taking it off the agenda and on to the list for proposals to be put on the ballot for the November 2022 election ballot.</p> <p>Commissioner Sandblom seconded the</p>

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	would reflect is included, but not the ballot question and purpose. She asked if a motion was needed to ask staff to work on these for review.	<p>revised motion. Vice Chair TenBruggencate withdrew his motion and moved to approve this Charter Amendment subject to review of the associated documents to be prepared before the next meeting. Commissioner Sandblom removed her previous second and seconded this motion.</p> <p>Voice Vote: 6 Ayes, 0 Nays Motion carried 6:0</p>
H. Announcements	<p>Next Meeting: March 28, 2022</p> <p>PIG report will be reviewed by PIG in March and will include Mr. Lyon's suggestions. It may not be ready until April meeting.</p>	
I. Adjournment		Hearing no objections Chair Koga adjourned the meeting at 3:46pm

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Lori Koga, Chair

- () Approved as circulated.
- (X) Approved with amendments. See minutes of March 28, 2022