

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN MEETING SESSION

Approved as submitted 05/23/2022.

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	APRIL 25, 2022
Location	Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:08 p.m.	End of Meeting: 4:15 p.m.
Present	Chair Lori Koga, Vice Chair Jan TenBruggencate. Commissioners: Bronson Bautista, Marissa Sandblom, Coty Trugillo (via Microsoft Teams). Also: Hugo Cabrera, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti. Testifier: Bert Lyon.		
Excused	Reid Kawane		
Absent			

SUBJECT	DISCUSSION	ACTION
A. Call To Order		Chair Lori Koga, called the meeting to order at 3:08 p.m.
B. Roll Call		Roll Call: Commissioner Bautista-present Chair Kawane - excused Commissioner Sandblom- present Commissioner Trugillo-present Vice Chair TenBruggencate-present Chair Koga- present Quorum: 5 commissioners present
C. Approval of Agenda	<p>Chair Koga asked about adding another item regarding Salary Commission request, re: facsimile/digital signatures.</p> <p>Administrator Ching explained that the guidance received from Office of County Attorney is that the facsimile signature does not need to be changed to digital signatures cause those signatures are related to bonds, not all contracts, so Salary Commission has considered it a moot point.</p> <p>Chair Koga entertained a motion to approve the agenda.</p>	<p>Vice Chair TenBruggencate moved to approve the agenda. Commissioner Bautista seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>

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D. Minutes	<p><u>Open Session Minutes of March 28, 2022</u></p> <p>Chair Koga entertained a motion to approve the minutes of March 28, 2022.</p>	<p>Vice Chair TenBruggencate moved to approve the minutes of March 28, 2022. Commissioner Sandblom seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
E. Public Testimony	<p>Testimony received today by Mr. Jonathan Jay at 2:24 p.m.</p> <p>Mr. Bert Lyon present. He spoke during agenda item.</p>	<p>Vice Chair TenBruggencate received testimony submitted by Mr. Jay. Commissioner Sandblom seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
F. Communication	<p><u>None</u></p>	
G. Business	<p><u>CRC 2022-08 Discussion and possible action on the report 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 asked if any Commissioners had any questions regarding the PIG report.</p> <p>Mr. Bert Lyon, testifier, stated that he had comments on the report. He shared that on page 1, it would be helpful to know which years districting it was discussed and commission voted to not put it on ballot. He added that districting on neighboring counties, page 3, Maui Council passed a resolution on March 21, which proposed to eliminate the Charter amendment and on April 13, the Charter Commission passed a resolution which accepted the</p>	

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	<p>Council’s proposal, so that eliminated the Charter amendment on Maui to have three districts, three members at large, so they remain with nine at-large with a residency requirement. On page 11, he stated that the report notes that the cost of the Kaua’i County Council seat is less than the cost of a State House Representative campaign on Kaua’i or a Hawai’i County Council campaign despite the similarity of district size. He pointed out that this would only be applicable if there were on three County Council districts, if there were more than each would be smaller in size, and he believes it would be cheaper to campaign in a smaller district than a larger district. For example, he believes it would be cheaper if there were seven districts than if there were three. Consequently, testimony referenced on page 7, “the cost of campaigning for a district vs. island wide would be less” would likely only apply if there were more than three council districts. He continued that on page 12, regarding number of Hawai’i County Council candidates, 24 in 2020, which he believes this should be the number rather than the 26 in the report. He believes it’s much less and would only be applicable to only 3 districts, more candidates for more districts. Regarding the survey and contracting someone, he believes that the question should be as simple as possible like the 2016 survey.</p> <p>Administrator Ching explained that at this point the Commission will decide if they will adopt the recommendations, and which one(s).</p> <p>Vice Chair TenBruggencate asked Administrator Ching to outline the PIG’s recommendation.</p> <p>Administration Ching outlined recommendations as follow:</p> <ol style="list-style-type: none"> 1. The Commission should retain a consultant to formulate a plan to seek and obtain input of a maximum of 5% or registered voters or 2362, between 5-10% max. The input solicited should be on the larger questions below. 	

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	<ul style="list-style-type: none"> • Their opinion on districting • Their opinion on whether there is better representation in the council or in the house • What form of districting 3, 5 or 7 <p>Based on Mr. Lyon’s testimony for simpler questions and allowing the consultant to have more flexibility to determine size of sample. She suggested that if they wanted to adopt recommendation 1, that they would leave it more flexible, and allow consultant to work with Commission on questions and sample size.</p> <ol style="list-style-type: none"> 2. The Commission would retain a consultant to conduct a study on the cost of districting in general, as well as with 3-5-7 districts. She noted that the Office of Boards and Commissions does not have a budget to retain these consultants and she would need to submit it based on what the commission wants to do. 3. Upon obtaining the results on the inputs and cost the Commission should deliberate on the larger questions of the pros and cons of districting and equal worth of each person’s vote. 4. Upon obtaining the report the Commission should deliberate of the larger question of the benefits of districting and if it will result on improvements. 5. Any future proposal must include an appropriation commission. 6. Upon obtaining the reports, future considerations should start with the 2006 ballot question proposal. 7. Upon obtaining the reports, the consideration should start with three districting first. 8. Upon obtaining the reports, the commission should start with the concept of a seven-member Council for cost containment and efficiency. 9. Get the consultant before making any decisions to move forward on the ballot. 	

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	<p>Chair Koga asked if there are people doing surveys.</p> <p>Administrator Ching, answered yes, probably on Oahu, and they would probably not need to come here to do survey and therefore should not be a problem, and as far as the cost containment that would probably be an accounting firm.</p> <p>Vice Chair TenBruggencate commented that the letter from Mr. Jay asserted that it was the job of the Charter Review Commission is to confirm the issue in question is worthy of consideration by the voters. He thinks that it misstates what the job of the Commission is. He stated that what he reads in the Charter is very simple, they can only put items on the ballot which they believe are necessary and desirable. So, he does not believe that they do not have the authority to put an item on the ballot to just allow people to express an opinion. He went on to state that the issue that has baffled the Commission over time is that if districting, which districting. He believes that recommendation needs to be addressed before anything else is dealt with, and that on an island of this size a smaller sample than 5% may reveal information that may be in the high 90% accuracy level. He is proposing receiving with thanks the PIG report and ask staff to research the details involved in what it will take to obtain the budget required, how big the budget needs to be, and bring it back to the commission so they may proceed with asking the public to help with the concept of if they want districting, what kind of districting. If this path is taken, there will be nothing on this ballot as budget process will take time.</p> <p>Administrator Ching addressed the budget issue and stated that should the proposal be accepted, she would be researching the cost and submitting with her budget which is done in December. Her current budget is in its final stages and she would be researching and submitting it with her December 2022 budget request.</p>	

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	<p>Vice Chair TenBruggencate suggested that a mid-budgeting request to the Council could be made to speed up the process. If not, they would be running up to the 2024 election. He noted that the Council could say no, but they could request it as soon as they have a number, if they would consider it.</p> <p>Commissioner Sandblom stated that she wanted to be clear in response to Mr. Jay’s letter. She went on to state that no place did they recommend no action be taken and made nine recommendations to take action and move forward. She explained that there were areas where they made comparisons with Hawai’i Island County for some of the costs and ratios, and no where did they talk about pinning district against district, the main consideration to take is that they had robust discussion on the many options of districting, 3, 5, 7, and looked at pros and cons of each. Each led them to more questions and how would it actually play out and consider the unintended consequences. She addressed the 3-2-1 scenario and she stated that they did discuss this scenario, there are three distinct districts and do they have to live in the district for a period of time and what may happen if the person elected had to move because they are renting and house is being sold and they were only able to find something outside of the district, would there need to be a special election. They did consider several options and looked at what it would mean for the County. There is nine recommendations, and it was difficult for them to agree on what was the front runner, and there is still a lot of questions.</p> <p>Commissioner Bautista agreed with Commissioner Sandblom and noted that with the testimonies more questions come up and it opens another door with questions that they went through in the PIG trying to find answers for. Everything had pros and cons and none of them could say one is the front runner. Agrees that seeking more answers would be great and number one would address that.</p> <p>Mr. Lyon commented that it was wise for the PIG to want to defer and get</p>	

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	<p>more answers to the many questions. He went on to state that in talking about a consultant he noticed a Colin Moore that Maui had consulted with from UH Public Policy that they may want to start in that direction. He commented on recommendation number six, start with the 2006 ballot question proposal which was three district and four at-large, he felt that at least if they look at 2016 survey, that he believes that any other survey will have similar results to, that proposal was the least popular, only receiving 8% of the vote in 2016, which he did not feel meant it was the most popular. He pointed out the in the 2016 survey that the five district, two at-large was the most popular, and seven district, zero at large was only 1% difference. He also reminded the Commission that the PIG from 2013 recommended the five district, two at large proposal. He feels one of these would be better to start with than the three district, four at large. He went on to comment on residency, with Hawai'i Island and Oahu may be to look at, 90 days is what he's read, and if move, continue to work through term and then next election would need to run for new district.</p> <p>Administrator Ching suggested that they take each recommendation separately for adoption.</p> <p>Commissioner Sandblom recommended all nine, but if there are any that do not seem to fit to let the PIG know.</p> <p>Vice Chair TenBruggencate suggested that the Commission accept the PIG report with its recommendations and use the recommendations as the guide for future actions. What they are doing if they proceed down this path is passing to the County Council, and they will need to decide if they will be providing the funds. He feels that the process should be started and will be occupying their time for the next year in a half. Staff will need to start looking at companies, costs and developing a budget and getting it to the County Council. In discussions once someone is picked than go back to report and</p>	

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	<p>limit to a Council scenario with seven Councilmembers as one of the recommendations was and consider the various alternatives. He suggested receiving the report and let the document continue to guide them.</p>	<p>Commissioner Bautista moved to receive the PIG report and adopt the recommendations in regard to how they move forward in districting. Commissioner Sandblom seconded.</p> <p>Roll Call Vote: Commissioner Bautista-aye Chair Kawane - excused Commissioner Sandblom- aye Commissioner Trugillo-aye Vice Chair TenBruggencate-aye Chair Koga- aye 5 Ayes, 0 Nays Motion carried 5:0</p>
	<p><u>CRC 2020-17 Discussion and possible action on proposing a Charter amendment relating to Council Districting.</u></p>	<p>Vice Chair TenBruggencate moved to defer CRC 2020-17 and continue to have it appear on the agenda. Commissioner Bautista seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>

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	<p><u>CRC 2022-09 Discussion and possible action on a proposal to amend Article XXIX of the Charter allowing the Salary Commission authority to establish the maximum salaries of all elected and appointed officials.</u></p> <p>Administrator Ching went over the proposed ballot question is simpler than previously put on the ballot. Purpose and background information has been added.</p> <p>Commissioners reviewed submitted proposed ballot question, purpose, and background.</p> <p>Vice Chair TenBruggencate commented on the proposed purpose presented. He would reword it to say that the purpose is to efficiently establish salaries that attract and retain the best and the brightest. He will assist Administrator Ching on this with the Commissions permission.</p>	<p>Vice Chair TenBruggencate moved to resubmit the proposal to staff for clarity and bring back to Commission at the next meeting to review. Commissioner Bautista seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
	<p><u>CRC 2022-05 Discussion and possible action on proposed ballot question, purpose, and background on Charter amendment to remove Article XXX relating to the Electric Power Authority.</u></p> <p><i>Vice Chair TenBruggencate recused himself at 4:09pm</i></p> <p>Administrator Ching discussed the second draft of the questions, purpose, and background with the Commission. She noted that instead of using roman numerals she used numbers for clarity.</p> <p>Commission found draft to be acceptable.</p>	<p>Vice Chair TenBruggencate recused himself from this item, he is a member of the KIUC board.</p> <p>Commissioner Sandblom moved to approve as presented the ballot question, purpose, and background for proposed Charter amendment removing Article XXX. Commissioner Bautista seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0:1 recused</p>

SUBJECT	DISCUSSION	ACTION
H. Announcements	Next Meeting: May 23, 2022	Vice Chair returned to meeting at 4:15pm
I. Adjournment		Hearing no objections Chair Koga adjourned the meeting at 4:15 p.m.

Submitted by: _____
Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
Lori Koga, Chair

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