

COUNTY OF KAUAI
Minutes of Meeting
OPEN MEETING SESSION

Approved

Approved as submitted 06/20/2022.

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	MAY 23, 2022
Location	Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:17 p.m.	End of Meeting: 4:53 p.m.
Present	Chair Lori Koga. Commissioners: Bronson Bautista, Reid Kawane (3:30pm), Marissa Sandblom, Coty Trugillo. Also: Teresa Tumbaga, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti. County Attorney Matthew Bracken.		
Excused			
Absent	Vice Chair Jan TenBruggencate		

SUBJECT	DISCUSSION	ACTION
A. Call To Order		Chair Lori Koga, called the meeting to order at 3:17 p.m.
B. Roll Call		Roll Call: Commissioner Bautista-present Chair Kawane – tardy arrived at 3:30pm Commissioner Sandblom- present Commissioner Trugillo-present Vice Chair TenBruggencate-absent Chair Koga- present Quorum: 4 commissioners present
C. Approval of Agenda	Chair Koga entertained a motion to approve the agenda.	Commissioner Sandblom moved to approve the agenda. Commissioner Trugillo seconded. Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0
D. Minutes	<u>Open Session Minutes of April 25, 2022</u> Chair Koga entertained a motion to approve the minutes of April 25, 2022.	Commissioner Sandblom moved to approve the minutes of April 25, 2022. Commissioner Bautista seconded.

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		Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0
E. Public Testimony	<p><u>CRC 2022-10 Written testimony dated April 23, 2022 from Gary Hooser regarding CRC 2022-08 and CRC 2020-17.</u></p> <p>Commissioner Sandblom noted that Mr. Hooser referenced a no action recommendation in the PIG report and she clarified that that was not one of the recommendations.</p>	<p>Commissioner Trugillo moved to receive testimony for the record. Commissioner Sandblom seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>
F. Communication	<p><u>CRC 2022-11 Possible conflict of interest and recusal dated May 12, 2022, from Vice Chair Jan TenBruggencate on CRC 2022-05, relating to a proposed charter amendment to remove Article XXX relating to the Electric Power Authority.</u></p> <p>Chair Koga entertained a motion to receive CRC 2022-11.</p>	<p>Commissioner Sandblom moved to receive CRC 2022-11. Commissioner Bautista seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>
	<p><u>CRC 2022-12 Memo dated May 17, 2022, from Matthew Bracken, County Attorney, relating to a proposed Charter amendment to remove Charter Section 19.17 Surety Bonds.</u></p> <p>Chair Koga entertained a motion to receive CRC 2022-12.</p>	<p>Commissioner Bautista moved to receive CRC 2022-12. Commissioner Trugillo seconded.</p> <p>Voice Vote: 4 Ayes, 0 Nays Motion carried 4:0</p>
G. Business	<p><u>CRC 2020-17 Discussion and possible action on proposing a Charter amendment relating to Council Districting.</u></p> <p>Administrator Ching reported to the Commission that Mr. Lyon’s continues to email on the status of this item. She asked if the Commission</p>	

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	<p>wanted to keep this item on the agenda. She noted that it was deferred at the last meeting and continue it on the agenda.</p> <p>Chair Koga clarified that if the move to receive it will go off the agenda.</p> <p>Deputy County Attorney Tumbaga clarified that a motion could be made to be taken off the agenda and Chair may have it on the agenda at any times. Or the Chair may use her discretion to have it on the agenda or not.</p> <p style="text-align: center;"><i>Commissioner Kawane joined the meeting at 3:30pm</i></p>	<p>Commissioner Trugillo moved to defer CRC 2020-17. Commissioner Kawane seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
	<p><u>CRC 2021-08 Discussion and possible action on proposed ballot question, purpose, and background to amend Charter Section 9A.05. Vacancy in Office related to the Office of the Prosecuting Attorney.</u></p> <p>Administrator went over the suggested proposed language and edits made.</p> <p>Deputy County Attorney Tumbaga read the exact language as edited for the Background and Purpose to the Commission.</p> <p>Commission discussed proposed language and edits for background and purpose.</p> <p>Administrator Ching read the ballot question: “Shall the County Charter be amended to require that future elections for Prosecuting Attorney occur at the same time as the County’s regularly scheduled election”.</p> <p>The Commissioners worked with the Deputy County Attorney and Administrator on a revised purpose: “The purpose of this amendment is to amend the County Charter to avoid the high cost of conducting a special election for the sole purpose of filling a vacancy of the Prosecuting</p>	<p>Commissioner Sandblom moved to approve the revised ballot question as presented for CRC 2021-08. Commissioner Bautista seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p> <p>Commissioner Sandblom moved to approve the revised purpose for 2021-08, taking out “an independent” and replacing with “for the sole purpose of electing a prosecuting</p>

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	<p>Attorney”.</p> <p>Deputy County Attorney Tumbaga read the edited portion of the background: “The recent resignation of the Prosecuting Attorney triggered a special election for the sole purpose of electing a Prosecuting Attorney, pursuant to the Charter ...”.</p>	<p>attorney” version. Commissioner Trugillo seconded.</p> <p>Commissioner Sandblom amended her motion to approve the version noted in the minutes. Commissioner Trugillo seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p> <p>Commissioner Kawane moved to approve the revised background as presented for CRC 2021-08. 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>No discussion.</p>	<p>Commissioner Kawane moved to approve the revised ballot question, purpose, and background as written/presented for CRC 2022-05. Commissioner Trugillo seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
	<p><u>CRC 2022-09 Discussion and possible action on a proposal to amend</u></p>	

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	<p><u>Article XXIX of the Charter allowing the Salary Commission authority to establish the maximum salaries of all elected and appointed officials.</u> Administrator Ching went over the amendments presented (on file) that Deputy County Attorney Hugo noted regarding salary range to salary maximum, and amendment by Vice Chair TenBruggencate regarding a grammatical correction.</p> <p>Deputy County Attorney Tumbaga suggested additional edits to the presented background, The Salary Commission presents its research, reports, and a resolution to the County Council, who can reject all or portions of the resolution by a vote of 5 or more of its members”. Another edit would be to the fourth sentence, which talks about what reports included, “salaries inversions should be singular salary inversions before the parentheses.</p>	<p>Commissioner Sanblom moved to approve the amended ballot language and purpose as edited for CRC 2022-09. Commissioner Kawane seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p> <p>Commissioner Kawane moved to approve the revised background for CRC 2022-09. Commissioner Trugillo seconded.</p> <p>Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</p>
	<p><u>CRC 2022-12 Discussion and possible action on a proposed Charter amendment to remove Charter Section 19.17 Surety Bonds.</u></p> <p>County Attorney Matthew Bracken presented an overview of the proposed Charter amendment to remove Charter Section 19.17 Surety Bonds to the Commission. He explained that the County currently has insurance which covers Civil and Criminal acts of employees the same way that bonds would</p>	

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	<p>to protect the County. He explained that bonding employees in addition to the insurances would be an added expense for the County as they would need to bond all employees working with funds. He went on to state that the County has not been purchasing bonds, though it is stated in the Charter, and he would like to correct this.</p> <p>The Commission asked questions regarding the County not bonding employees and the County Attorney Bracken stated that in his eight years the County has never bonded employees and he believes that is because of the insurance coverage.</p> <p>They Commission shared concern about coverage for the employees. County Attorney Bracken explained that insurance covers civil acts but not criminal acts by an employee.</p> <p>He went on to share what he and the Director of Finance look at insurance policies needs and costs annually and he suggested inviting the Director to explore more about the policies and cost savings.</p> <p>The County Attorney provided and shared proposed Charter language.</p> <p>Commissioner Sandblom shared that she is not clear that the intent in 19.17 is included in 19.16, the intent of protecting employees.</p> <p>Commissioner Trugillo shared she is uncomfortable with the purpose to reduce cost of government when they are not currently purchasing surety bonds.</p> <p>County Attorney Bracken shared that he does want the County to comply with the law. He stated that across the nation may counties do not purchase surety bonds and people were using this law to remove officials from office.</p>	

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	<p>Commissioner Sanblom stated that she has concerns on the wording that is being proposed.</p> <p>Administrator Ching asked for more discussion on what they would like to see, as well as possible changes to 19.16.</p> <p>Commissioner Trujillo stated that she sees a protection for employees in 19.17, but not in the broad scope of 19.16 so is concerned that that's all that would be left and there will be no requirement to protect employees.</p> <p>County Attorney Bracken stated that there are employee protections anywhere else in the Charter, but are in other documents, for example collective bargaining agreements. Non-union employees have it in other State laws. He also clarified that he does not believe that people can be removed from office by not having bonds, but it came to his attention because people have tried in other counties.</p> <p>Administrator Ching stated that there are a number of things in the Charter that are outdated or doesn't reflect what the County is currently doing, and it is in the purview of the Commission to look at that.</p> <p>Commissioner Sandblom clarified that Council can decide who needs to be bonded and could say that none require it. County Attorney Bracken affirmed but added that there are no resolutions on this.</p> <p>Discussion regarding deleting the second sentence of 19.17 who specifically needs to be bonded rather than deleting the entire section.</p> <p>Commissioner Sandblom suggested having this item on the agenda next month with a redraft of the language and asking the Director of Finance to</p>	<p>Commissioner Sanblom moved to have County Attorney Bracken return with amended ballot language, purpose, and background. Commissioner Trujillo seconded.</p> <p>Voice Vote:</p>

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	attend to answer some questions.	5 Ayes, 0 Nays Motion carried 5:0
H. Announcements	Next Meeting: June 27, 2022 Commission discussed need for an earlier meeting in June. Administrator Ching and the Commission congratulated Chair Koga on her Small Business Association award.	Commission scheduled a special meeting for June 20, 2022.
I. Adjournment		Hearing no objections Chair Koga adjourned the meeting at 4:53 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 _____