



## CHARTER REVIEW COMMISSION

BRONSON BAUTISTA, CHAIR  
COTY TRUGILLO, VICE CHAIR

JACLYN KAINA, COMMISSIONER  
REID KAWANE, COMMISSIONER  
LORI KOGA, COMMISSIONER  
MARISSA SANDBLOM, COMMISSIONER

### Meetings of the Charter Review Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Commission's website upon completion and approval.

### Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
  - Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to [akuwamura@kauai.gov](mailto:akuwamura@kauai.gov) or mailed to the Charter Review Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
  - Written testimony received by the Charter Review Commission at least 24 hours prior to the meeting will be distributed to all Charter Review Commission Members prior to the meeting.
  - Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Board during the meeting and added to the record thereafter.
  - Any late testimony received will be distributed to the members after the meeting is concluded.
- **Oral testimony** will be taken during the public testimony portion of the meeting.
  - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing [akuwamura@kauai.gov](mailto:akuwamura@kauai.gov) or calling (808) 241-4881. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
  - Per the Charter Review Commission's and Chairs practice, there is three-minute time limit per testifier per agenda item.
  - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speaker.

### **SPECIAL ASSISTANCE**

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, CONTACT THE OFFICE OF BOARDS AND COMMISSIONS AT (808) 241-4917 OR [ADAVIS@KAUAI.GOV](mailto:ADAVIS@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

CRC REGULAR SESSION NOTICE AND AGENDA

Monday, January 22, 2024

3:00 pm or shortly thereafter

Boards & Commissions Conference Room, Pi'ikoi Building, STE. 300

**Microsoft Teams Conferencing Information**

Click on the link below or enter the url in your network browser to join on your computer or mobile app by

**VIDEO:**

<http://bit.ly/3SehiuH>

Meeting ID: 244 216 413 684

Passcode: pHxUae

Or

Dial phone number and enter conference ID to call in and join by **AUDIO:**

Phone: [+1 469-848-0234](tel:+14698480234) United States, Dallas

Phone Conference ID: 965 573 716#

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. ELECTION OF OFFICERS**

1. CRC 2023-10 Election of Chair and Vice Chair for 2024 Calendar year.

**D. APPROVAL OF AGENDA**

**E. APPROVAL OF MINUTES**

1. December 04, 2023, Minutes

**F. PUBLIC TESTIMONY**

**G. COMMUNICATION**

**H. BUSINESS**

1. **CRC 2024-01** Discussion and possible action on ballot question, purpose, and background on proposed Charter Amendments to Section. 11.03 (C) as proposed by the Police Commission.
2. **CRC 2024-02** Discussion and possible action on ballot question, purpose, and background on proposed Charter Amendments Section 28.05 as proposed by the Cost Control Commission.
3. **CRC 2024-03** Discussion and possible action on ballot question, purpose, and

background on proposed Charter Amendments to Article XIX, Section 19.15(C) as proposed by the Public Access, Open Space and Natural Resources Preservation Fund Commission.

4. **CRC 2023 -07** Discussion and possible action on County Attorney's proposal RE: Removal of Requirement for Surety Bonds in Charter Section 19.17
5. **CRC 2024 -04** Discussion and possible action on proposed Charter Amendments to Section 24.03 proposed by the public to create an ex-officio position on the Charter Review Commission for youth.
6. **CRC 2023-09** Discussion and possible action on proposed Charter amendments for 2024 ballot.

I. **ANNOUNCEMENTS**

Next Meeting: Monday, February 26, 2024, at 3:00 pm.

J. **ADJOURNMENT**

**NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawaii Revised Statutes §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Charley Foster, Deputy County Attorney

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN MEETING SESSION

**Draft to be Approved**

Board/Commission:	<b>CHARTER REVIEW COMMISSION</b>	Meeting Date	<b>December 4, 2023</b>
Location	Microsoft Teams, Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:01 p.m.	End of Meeting: 4:40 p.m.
Present	Chair Bronson Bautista. Commissioners: Reid Kawane (via Microsoft Teams), Lori Koga, Marissa Sandblom. Also: Charles Foster, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Davis, Clerk Arleen Kuwamura.		
Excused	Vice Chair Coty Trugillo		
Absent	Jaclyn Kaina		

SUBJECT	DISCUSSION	ACTION
<b>A. Call To Order</b>		Chair Bronson Bautista, called the meeting to order at 3:01 p.m.
<b>B. Roll Call</b>		Roll Call: Commissioner Kaina -absent Commissioner Kawane -present and alone Commissioner Koga – here Commissioner Sandblom- present Vice Chair Trugillo -excused Chair Bautista - here Quorum: 4 commissioners present
<b>C. Approval of Agenda</b>	Chair Bautista moved on to approval of the agenda.	Commissioner Koga moved to approve the agenda as presented. Commissioner Sandblom seconded.  Motion carried 4:0
<b>D. Minutes</b>	<u>Open Session Minutes of October 23, 2023</u>  Chair Bautista entertained a motion to approve the minutes of October 23, 2023.	Commissioner Kawane moved to approve the minutes of October 23, 2023. Commissioner Koga seconded. Motion carried 4:0

SUBJECT	DISCUSSION	ACTION
<b>E. Public Testimony</b>	<u>None</u>  Administrator Ching noted for the record that there was no testimony received and that there are testifiers present to testify on specific items under business.	
<b>F. Communication</b>	<u>None</u>	
<b>G. Business</b>	<u>CRC 2023-03 Discussion and possible action on Police Commission proposed Charter amendment to Sec. 11.03(C).</u>  Deputy County Attorney Chris Donahoe testified on behalf of the Police Commission, was commissions attorney as per last month. He went over the current Charter language and noted that the issue is what does the 90 days mean. The current language was challenged by an attorney because an investigation of a citizen complaint took longer than 90 days. The interpretation is that from start (receiving complaint) to end (report to Police Chief) must be done in 90 days. Concerns: 1) the procurement of an investigator can take over 30 days and if counted against the 90 it limits the amount of time for the investigation. 2) individuals involved can stonewall the investigation, delay until 91 <sup>st</sup> day and cooperate and then they can't because it's over the 90 days. 3) if intensive investigation is necessary, it would not be fair that if not completed in 90 days it will go	

SUBJECT	DISCUSSION	ACTION
	<p>away. There can be two interpretations, 1) when the commission get's the report they have 90 days or 2) everything has to be done within 90 days. He stated that the proposed language would clarify, splitting into two sentences, 1) that that's when the commission would receive complaints brought by the public against the conduct of the department or any of it's members and 2) once an investigation has been completed and the commission has received the investigation report, the commission shall submit a report of their findings to the Chief within 90 days.</p> <p>Deputy County Attorney confirmed that the Police Commission rules do not state a timeline. The change in the Charter would make it more consistent with the Police Commission Rules. He also explained that the average length of an investigation varies, that complaints can be made to either the Police Department or Police Commission. The Police Commission can only say that complaint was sustained, they can't make recommendations, and the department will take care of it. When a complaint is made and there is body-cam footage the commission will usually read the report, review footage, and make a decision during a meeting. If an outside investigator is needed for a more serious allegation and more extensive interviews need to be made than the commission may seek an outside investigator and the procurement process may take more time. Clarifications in the rules which are being made those 90 days starts when the investigator gets the complaint. He clarified the process of the commission once the report is received, stating that each commissioner reviews, it's put on agenda for commission discussion, and they may then request the investigator or perhaps Human Resources to come in as well to answer any questions which would go to the next meeting. The final would be a report to the Police Chief.</p> <p>The Commission expressed concern that 90 days may not be enough, it was clarified that the 90 days starts when the investigative report is on the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>agenda. Discussion on whether there would need more clarification in the amendment. It was noted that it can be done in the purpose and background for the ballot. Also that it will be clear when the Police Commission rules and Charter are read together.</p>	<p>Commissioner Sandblom moved to approve the information provided. Commissioner Koga second.  Motion carried 4:0</p>
	<p><u>CRC 2023-05 Discussion and possible action on Cost Control Commission proposed Charter amendment to clarify, that its recommendation may include an initial increase of costs to realize savings in the future.</u></p> <p>Andre Lister, Cost Control Commission Vice Chair, gave background on the proposed amendment. He stated that the core goal is to review costs, spending with reducing or eliminating overlap in the County to create more efficiency. They are tasked with providing a report to County Council, but they have been tied to just looking at decreasing cost, and the Commission feels that they need to look at increasing cost with goal of greater cost cutting down the road. They feel that if they are able to identify places that may need to increase revenues that are there, then overtime that may decrease cost.</p> <p>The Commission discussed how the recommendations of the Cost Control Commission may include increasing or creating revenue sources that can overtime help to decrease costs for the County. It was clarified that the recommendations are made after research by the Cost Control Commission and that the amendment would allow them to make these types of recommendations.</p>	<p>Commissioner Kawane moved to receive the information provided. Commissioner Koga second.  Motion carried 4:0</p>
	<p><u>CRC 2023-06 Discussion and possible action on Public Access, Open Space and Natural Resources Preservation Fund Commission proposed Charter Amendment to Article XIX, Section 19.15(C) of the Charter of the County of Kaua'i.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Jodi Higuchi Sayegusa, Clerk of Open Space, and Shelea Koga, Open Space Planner discussed the proposal for the amendment. Ms. Higuchi Sayegusa provided background on the previous amendment in 2018 which allowed the fund to be used for improvements in addition to the purposes stated in the Charter. She gave successful examples of the use of the funds used for improvements and what the Commission is looking at supporting. She stated that what is missing is the long-term maintenance of the accesses or land acquisitions. She added that this proposal is to provide some start up monies to encourage stewards to come to the table to start up the maintenance connected to some of the land acquisitions or coastal improvements that the fund is funding. They are looking at 5% to be available for maintenance to the spaces that were acquired by the fund. They are also looking at a process through the rules on how the 5% will be accessed and dispersed and by whom, non-profit, private entity.</p> <p>Ms. Higuchi Sayegusa clarified that the 5% Administrative costs are to fund administration costs, i.e. positions, appraisals. Commissioner Sandblom suggested that the wording in subsection C may need to be clearer, re: admin vs. maintenance costs. She also clarified that 5% of the fund would be for maintenance and no more than 5% for administration. The fund receives approximately one million per year from Real Property Taxes, .5% of revenue.</p> <p>The Commission clarified that the Commission settled on 5% and that the two (admin and maintenance) are not inter-changeable, and if it's not used up it will roll over to the next year, it does not lapse in anyway. Currently there is approximately \$2 million or so in the fund.</p>	<p>Commissioner Koga moved to receive the information provided. Commissioner Sandblom second.</p> <p>Motion carried 4:0</p>
	<p><u>CRC 2023-07 Discussion and possible action on County Attorney's proposal RE: Removal of Requirement for Surety Bonds in Charter Section 19.17</u></p>	



SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching announced that the insurance broker asked to provide information to the Commission was not available for meeting and the County Attorney is requesting to be heard at the next meeting.</p>	<p>Commissioner Kawane moved to defer CRC 2023-07 to the next meeting. Commissioner Koga second.</p> <p>Motion carried 4:0</p>
	<p><u>CRC 2023-08 Discussion and possible action on proposed Charter amendment to create a position in the Open Space Committee for youth.</u></p> <p>La’akea Chun, Senior at Kawaikini went over her proposed amendment to Section 24.03 Charter Review. She clarified that her original letter to the Commission was for a position in the Open Space Committee or Charter Review Commission and after much consideration being on the Charter Commission would be best. She wants to target more highschoolers and that the ages of 17-18 would be most appropriate.</p> <p>Commissioner Sandblom asked if Ms. Chun had any thoughts about how a student would be chosen. Ms. Chun responded that perhaps going to each school and giving them an overview of what would be needed and seeing if there’s any interest.</p> <p>Deatri Nakea, Teacher at Kawaikini, responded that the process may be to approach Student Governments of the schools. She commended La’akea on how she saw the need in her community to involve youth in government, knowing that it would not be created until after she graduates but has the passion to pursue it.</p> <p>Administrator Ching suggested that working with administration would help to engage students.</p> <p>Commissioner Sandblom suggested that they keep in mind terms as they move along as to language and who would be appropriate as it wouldn’t</p>	<p>Commissioner Sandblom moved to receive the information provided. Commissioner Koga second.</p> <p>Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>fall into standard two- or three-year terms. A process to engage with schools yearly to have a different voice, and to look at calendar year versus school year.</p>	
	<p><u>CRC 2023-09 Discussion and possible action on proposed Charter amendments for 2024 ballot.</u></p> <p>Administrator Ching asked if there were any proposals that the Commission would like to have staff start drafting the information and justification and the working on the ballot questions. She reminded them that this process will be about 6 months with final vote for ballot in May or June.</p> <p>CRC 2023-03 – Police Commission Proposal</p> <p>CRC 2023-05 – Cost Control Proposal</p> <p>Commissioner Sandblom would like to see the language be more concise in the proposed amendment.</p> <p>CRC 2023-06 – Public Access Proposal</p> <p>Commissioner Kawane would like to see that there be clear information on administrative vs. maintenance. Administrator Ching will discuss with County Attorney and Ms. Higuchi Sayegusa on where to clarify it.</p>	<p>Commissioner Sandblom moved to go forward with permutating the ballot question, purpose and background information based on the information provided today for CRC 2023-03. Commissioner Kawane second.</p> <p>Motion carried 4:0</p> <p>Commissioner Koga moved to go forward with permutating the ballot question, purpose and background information based on the information provided today for CRC 2023-05. Commissioner Sandblom second.</p> <p>Motion carried 4:0</p> <p>Commissioner Sandblom moved to prepare the ballot question, purpose and background information based on the information provided today for CRC 2023-06. Commissioner Kawane second.</p> <p>Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>CRC 2023-07 – Surety Bonds Proposal</p> <p>Chair Sandblom commented that she wants to be sure that some commas are added to a sentence in the proposed amendment to be clear, i.e. “All such bonds shall be in favor of, and the premiums there on shall be paid by, the County.”</p> <p>Commissioners discussed with Administrator how voters may have been confused and thought that there would be no coverage for employees. Administrator Ching noted that the question needs to be worded so that it’s clearly stated that this is a cost saving measure and that all employees will still have the same coverage as they’ve had.</p> <p>CRC 2023-08 – Youth Position Proposal</p> <p>Commissioner Sandblom stated that to put together purpose and background that process needs to be thought through and a County Attorney’s opinion on hard rules and flexibility there is.</p> <p>Administrator Ching suggested that they go to County Attorney first to see if it is possible.</p> <p>Chair Bautista stated that he would like to have more than a yes or no answer and would like more feedback.</p>	<p>Commissioner Sandblom moved to refer CRC 2023-08 to the County Attorney for their review and feedback. Commissioner Koga second.</p> <p>Commissioner Sandblom amended her motion to refer CRC 2023-08 to the County Attorney for their review and feasibility. Commissioner Koga amended her second.</p> <p>Motion carried 4:0</p>
	<p><u>CRC 2023-10 Election of Chair and Vice Chair for 2024 Calendar year.</u> Commissioners discussed that with Vice Chair excused and new member coming on in January that they want to defer election.</p>	<p>Commissioner Koga moved to defer the election to the next meeting. Commissioner Sandblom seconded.</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 4:0
	<u>CRC 2023-11 Discussion and possible approval of the 2024 meeting schedule.</u>	Commissioner Kawane moved to approve the 2024 meeting schedule. Commissioner Sandblom seconded.  Motion carried 4:0
<b>H. Announcements</b>	Next Meeting: January 22, 2024 at 3:00 pm.  Correction the meeting will be at 3:00 pm. Not 1:00 pm. as noted on the agenda.	
<b>I. Adjournment</b>		Hearing no further business Chair Bautista adjourned the meeting at 4:40 p.m.

Submitted by: \_\_\_\_\_  
 Anela Davis, Administrative Specialist

Reviewed and Approved by: \_\_\_\_\_  
 Bronson Bautista, Chair

- ( ) Approved as circulated.
- ( ) Approved with amendments. See minutes of \_\_\_\_\_