

COUNTY OF KAUAI
Minutes of Meeting
OPEN MEETING SESSION

Draft to be Approved

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	April 22, 2024
Location	Microsoft Teams, Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:09 p.m.	End of Meeting: 3:35 p.m.
Present	Chair Coty Trugillo (via Microsoft Teams). Commissioners: Reid Kawane (via Microsoft Teams), Lori Koga, and Jan TenBruggencate. Also: Charles Foster, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Clerk Arleen Kuwamura.		
Excused	Vice Chair Jaelyn Kaina and Commissioner Bronson Bautista		
Absent			

SUBJECT	DISCUSSION	ACTION
A. Call To Order		Chair Coty Trugillo called the meeting to order at 3:09 p.m.
B. Roll Call		Roll Call: Commissioner Bautista - excused. Commissioner Kawane -present and alone. Commissioner Koga – present. Commissioner TenBruggencate-present Vice Chair Kaina – excused. Chair Trugillo – present and alone. Quorum: 4 Commissioners present.
C. Approval of the Agenda		Commissioner TenBruggencate moved to approve the agenda. Commissioner Koga seconded the motion. Motion carried 4:0.
D. Minutes	<u>Open Session Minutes of February 26, 2024</u>	Commissioner Koga moved to approve the minutes of February 26, 2024. Commissioner

SUBJECT	DISCUSSION	ACTION
	<p>Chair Trugillo entertained a motion to approve the January 22, 2024 minutes.</p>	<p>TenBruggencate seconded the motion. Motion carried 4:0.</p>
<p>E. Public Testimony</p>	<p><u>None</u> Administrator Ching stated for the record, there was no person(s) in the audience or virtually wanting to testify.</p>	
<p>F. Communication</p>	<p><u>None</u> Administrator Ching noted for the record that there were no communications.</p>	
<p>G. Business</p>	<p><u>CRC 2024-01 Discussion and possible action on the ballot question, purpose, and background on proposed Charter Amendment to Sec. 11.03(C). as proposed by the Police Commission.</u> Administrator Ching referred the commission to the ballot question for review of two changes requested by the commission at the last meeting. 1) Delete in the question “at the end of the actual investigation” and replace it with “when the commission receives the investigation report” and change it to clarify as it will appear in the publication 2) note at the bottom “Charter material to be repealed as bracketed and stricken’ and “new charter material is underscored.”</p>	<p>Commissioner TenBruggencate moved to approve as amended and submitted. Commissioner Koga seconded the motion. Motion carried 4:0.</p>
<p>Public Testimony</p>	<p><u>None.</u> Administrator Ching stated for the record, there was no person(s) in the audience or virtually wanting to testify.</p>	<p>None.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2024-02 Discussion and possible action on the ballot question, purpose, and background on proposed Charter Amendments Section 28.05 as proposed by the Cost Control Commission.</u></p> <p>Administrator Ching presented the ballot questions from last month's meeting noting the yellow highlight does not appear on the actual publication. 1) For the correction instead of "28.04," it is "28.05." And 2) the note on the bottom will appear for publication.</p> <p>Commissioner TenBruggencate stated he thought a case was made for in the third line in the background adding the words where it states "increase in spending" adding the words "a short-term increase in spending may result in longer-term efficiencies." I mentioned to staff that I would be recommending that but realizing there are other situations I will not be recommending the change.</p>	<p>TenBruggencate moved to approve as amended and submitted. Commissioner Koga seconded the motion.</p> <p>Motion carried 4:0.</p>
	<p><u>CRC 2024-03 Discussion and possible action ballot question, purpose, and background on proposed Charter Amendment to Article XIX, Section 19.15(C) as proposed by the Public Access, Open Space and Natural Resources Preservation Fund Commission.</u></p> <p>Administrator Ching referred the commission to the second-page review of changes requested by the commission at the last meeting 1)The change was the word "for" to "toward." 2) In the question top page, the "period" was deleted and a "question mark" was inserted. As well as the note on the bottom.</p>	<p>Commissioner TenBruggencate moved to approve as amended and submitted. Commissioner Koga seconded the motion.</p> <p>Motion carried 4:0.</p>
	<p><u>CRC 2024-5 Discussion and Possible action on County Attorney's proposal RE: Removal of Requirement for Surety Bonds in Charter Section 19.7.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>After a long discussion at the previous meeting, Administrator Ching stated that she wanted to go over the changes and draw attention to the ballot questions forwarded to the County attorney's office. She also stressed the significance of the language satisfying the Attorney's office's legal needs, as they submitted the proposal.</p> <p>She then proceeded to review the changes made 1) in the Questions, To insert "the use of" in red, and delete "policy coverage" and insert "Certain or." So the question would read, "Shall the Charter be amended to allow the use of insurance policies for certain or all employees to protect the County against financial loss?" For the Background, 2) delete the "parenthesis around Kaua'i County Charter Section 19.17." So it would read, "Currently Kaua'i County Charter Section 19.17 states, insert "states." And Under Purpose, 3) Insert "and protect the county against financial loss or theft." Finally, at the bottom, 4) insert the "Note: Charter material to be repealed is bracketed and stricken. New charter materials is underscored."</p> <p>Administrator Ching referred the commission to Deputy County Attorney, Mr. Foster. He stated he felt that this final language in his opinion it was approved for form and legality and did meet the requests of the Kaua'i County Attorney's Office, the presenter, and the commissions in delivering what they said they wanted and it was a job well done.</p> <p>Commissioner TenBruggencate questioned whether "loss and theft" are redundant in the Purpose section. He noted he thought there could be theft in items that had no financial value. In which case it would be fine and not a big deal and I asked if others had concerns about it. Seeing there was none.</p>	<p>Commissioner TenBruggencate moved to approve as recommended.</p> <p>Commissioner Koga seconded the motion.</p> <p>Motion carried 4:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2024 – 06 Discussion and possible action on proposed Charter Amendments to Section 23.02 proposed by the public to create ex-officio youth positions on Boards and Commissions.</u></p> <p>Administrator Ching presented a review of the ballot questions from last month's meeting stating the ballot question changes 1) deleted the word “the” and inserted “boards and commissions” and deleted “charter Review Commission” noting it is no longer a Charter Review Commission and replaces it with Charter Section 23.02. 2) The Amendment in the Question deletes “Kaua‘i residents.” The question would read, “Shall the Charter be amended to establish ex-officio positions for youth on Boards and Commissions, to be filled by Kaua‘i residents high school juniors, or seniors? 3) the amendment would be adding a section “O” and the change would be deleting “or” and inserting “ and will not” and adding at the end”(Amended 2024).” The new reading would be “A student member for each board of commission may be appointed and may be removed by the mayor, with the approval of the council. The student member shall be at the time of appointment a high school junior or senior. The student member will be an ex-officio member, will not necessary for quorum, will not vote, and will not be a party to any executive session. (Amended 2024)” and the note on the bottom will be in publication.</p> <p>Commissioner TenBruggencate stated he noticed we are saying in the ballot question that it is a “Kaua‘i resident” but we are not saying “Kaua‘i resident” in “Section “O.” He asked if it should be inserted. After some discussion with the commission, Mr. Foster stated yes, for clarity, it should be stated in Section “O”.</p>	<p>Commissioner TenBruggencate moved to amend the language of the Charter Amendment Section “O” to add the words “Kaua‘i resident” before the words “high school juniors or seniors” on line three (3).</p> <p>Commissioner Kawane seconded the motion. Motion carried 4:0.</p> <p>Commissioner TenBruggencate moved to approve and accept this Charter Amendment as amended on line three (3).</p> <p>Commissioner Koga seconded the motion. Motion carried 4:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>CRC 2023-09 Discussion and possible action on proposed Charter amendments for 2024 ballot.</u></p> <p>Administrator Ching pointed out that the commission was getting close to the deadline and that the May meeting would take place at the end of the month. If the commission agreed, she proposed that all ballot questions and all of the information with the Ramseyer format for the Charter amendments to be sent to the Kaua'i County Attorney's Office for review to keep the process moving forward and ensure that the finalized items could be sent to the county clerk by the June deadline.</p>	<p>Commissioner Koga moved to approve and send ballot questions and information to the County Attorney's Office to review for finalization of language for the upcoming deadline.</p> <p>Commissioner TenBruggencate seconded the motion.</p> <p>Motion carried 4:0.</p>
H. Announcements	Next Meeting: May 20, 2024	
I. Adjournment		Hearing no further business Chair Trugillo adjourned the meeting at 3:35 p.m.

Charter Review Commission
Open Session
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Submitted by: _____
Arleen Kuwamura, Commission Clerk

Reviewed and Approved by: _____
Coty Trugillo, Chair

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