

Jan TenBruggencate  
Chair  
Marissa Sandblom  
Vice Chair

Members:  
Virginia Kapali  
Carol Suzawa  
Patrick Stack  
Lori Koga  
Reid Kawane

**COUNTY OF KAUAI CHARTER REVIEW COMMISSION  
NOTICE OF MEETING AND AGENDA**

Monday, Sept. 30, 2019  
3:00 p.m. or shortly thereafter  
Mo'ikeha Building, Meeting Room 2 A/B  
4444 Rice Street, Lihu'e, HI 96766

**CALL TO ORDER**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

Open Session Minutes of August 26, 2019

**COMMUNICATIONS**

- CRC 2019-09 Letter received from the Cost Control Commission dated September 9, 2019 regarding Charter Proposal to amend Article XXVIII Cost Control Commission.
- CRC 2019-10 Letter received from the Civil Service Commission dated September 10, 2019 regarding communication dated July 3, 2019, request for proposal to amend the Charter.
- CRC 2019-11 Memorandum received from the Liquor Control Commission dated September 13, 2019 regarding proposed 2020 Charter Amendment.

**BUSINESS**

- CRC 2019-02 General Discussion on Charter Initiatives of Interest
- CRC 2019-03 Discussion on County Auditor Position
- CRC 2019-05 Proposal to add to Charter, qualifications for Police Chief  
Police Commission Chair to discuss proposal
- CRC 2019-06 Letter received from Board of Ethics dated June 28, 2019 regarding Ethics Disclosure Statements Requirements  
Board of Ethics Chair to discuss proposal

- CRC 2019-08            Email received from the Prosecuting Attorney to Charter Commission dated July 19, 2019 regarding Charter Amendment Proposals to Section 1.03B1 and Section 9A.05A
- Prosecuting Attorney to discuss proposals
- CRC 2019-09            Letter received from the Cost Control Commission dated September 9, 2019 regarding Charter Proposal to amend Article XXVIII Cost Control Commission.
- Cost Control Chair to discuss proposal
- CRC 2019-11            Memorandum received from the Liquor Control Commission dated September 13, 2019 regarding proposed 2020 Charter Amendment.
- Liquor Control Commission representative to discuss proposal

**ANNOUNCEMENTS**

Next Meeting: Monday, October 28, 2019, 3:00 p.m., in the Mo'ikeha Building, Meeting Room 2A/2B

**ADJOURNMENT**

**NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawai'i Revised Statutes §92-7(a), the Commission 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.

- ES-011            Pursuant to Hawai'i Revised Statutes (HRS) §92-4, §92-5 (a) (4), the County Attorney will provide a briefing, discussion, and consultation regarding the letter received from the Board of Ethics dated June 28, 2019 regarding Ethics Disclosure Statements Requirements.

cc: Deputy County Attorney Nicholas Courson

**PUBLIC COMMENTS and TESTIMONY**

Persons wishing to offer comments are encouraged to submit written testimony at least 24 hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only; and
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and
5. If testimony is based on a proposed Charter amendment, list the applicable Charter provision.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Charter Review Commission

Attn: Anela Segreti

Office of Boards and Commissions

4444 Rice Street, Suite 150

Līhu‘e, HI 96766

E-mail: [asegreti@kauai.gov](mailto:asegreti@kauai.gov)

Phone: (808) 241-4917      Fax: (808) 241-5127

**SPECIAL ASSISTANCE**

**IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR [ASEGRETI@KAUAI.GOV](mailto:ASEGRETI@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 ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission:	<b>CHARTER REVIEW COMMISSION</b>	Meeting Date	<b>August 26, 2019</b>
Location	Mo‘ikeha Building, Meeting Room 2 A/B	Start of Meeting: 3:00 p.m.	End of Meeting: 3:44 p.m.
Present	Chair Jan TenBruggencate, Vice Chair Marissa Sandblom. Members: Carol Suzawa, Virginia Kapali, Patrick Stack, Lori Koga, Reid Kawane. Also: Deputy County Attorney Adam Roversi. Boards & Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
<b>Call To Order</b>		Vice Chair TenBruggencate called the meeting to order at 3:00 p.m. with seven members present which constituted a quorum.	
<b>Agenda</b>		Hearing no adjustments to the agenda Chair TenBruggencate approved the agenda.	
<b>Communications</b>	<p><u>CRC 2019-08 Confidential communication received from Deputy County Attorney Adam Roversi on July 30, 2019 regarding amendment to Charter Section 23.06.</u></p> <p>Chair TenBruggencate explained that Mr. Roversi does not object to the communication be discussed in open session and he recommended that they waive the confidentiality and move it into the open session.</p>	Vice Chair Sandblom moved to waive confidentiality on CRC 2019-08 and to discuss in open session. Ms. Suzawa seconded. Motion carried	

SUBJECT	DISCUSSION	ACTION
		7:0
<b>Approval of Minutes</b>	<u>Open Session Minutes of July 22, 2019</u>	Approved with no objections.
<b>Business</b>	<p><u>CRC 2019-02 General Discussion on Charter Initiatives of Interest</u></p> <p>Chair TenBruggencate asked if there were any new Charter initiatives that Commissioners would like to discuss. Hearing none. Chair requested that this item be kept on the agenda for next month.</p>	No action.
	<p><u>CRC 2019-03 Discussion on County Auditor Position</u></p> <p>Chair TenBruggencate explained that there was a long discussion last month as reflected in the minutes. Council is going through their process and item will be kept on the agenda, subject to their coming to a conclusion to hire or not.</p>	Mr. Stack moved to defer CRC 2019-03. Ms. Suzawa seconded. Motion carried 7:0.
	<p><u>CRC 2019-04 Discussion on Charter Section 23.06. Claims</u></p> <p>Confidentiality has been waived on CRC 2019-06 relating to this item.</p> <p>Adam Roversi, Deputy County Attorney explained that the proposed language was voted on in last meeting, and asked that the County Attorney’s office draft the remainder of the language for the ballot. He proposed a question, as well as a purpose clause and background section (see communication on file). This would bring the Charter in line with State Law. Language could go straight on the ballot and educational material.</p> <p>Mr. Roversi explained that this gives the Commission the explanatory language and that everything requires two approvals. If approved today, it would go into the “basket” of approved ballot provisions for the 2020 elections. At a future meeting the Commission needs to vote again after they’ve gone through their process.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Discussion of timing of votes and process. Went over Rules of the Charter Review Commission 4e.</p> <p>Mr. Stack asked about the number of ballot items and voter response.</p> <p>Ellen Ching, Administrator, is doing a study on ballot measures, how many for each election year and the vote (pass/fail) which she will report on to the Commission.</p> <p>Ms. Koga asked what a no vote is on an amendment. For Kauai elections it's a straight yes against no.</p> <p>Discussion on charge of Charter Review Commission is to put things Charter amendments on ballot that they think makes the County run better.</p>	<p>Ms. Koga moved to approve CRC 2019-04. Ms. Suzawa seconded. Motion carried 7:0.</p>
	<p><u>CRC 2019-05 Proposal to add to Charter, qualifications for Police Chief</u></p> <p>Chair TenBruggencate explained that the Police Commission is not yet available, but plan to be so he recommended that they defer and take it up next week.</p> <p>Ms. Ching explained that a meeting was cancelled. She is also assuring that when they send a recommendation to the Commission they will also elect a spokesperson to discuss with Charter Commission.</p> <p>Discussion of why this has come up. Qualifications do not require an undergraduate degree and they are recommended that this be added.</p>	<p>Ms. Sandblom moved to defer CRC 2019-05. Ms. Kapali seconded. Motion carried 7:0.</p>
	<p><u>CRC 2019-06 Letter received from Board of Ethics dated June 28, 2019 regarding Ethics Disclosure Statements Requirements</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching explained that the Board met on Friday and they elected the Chair to be the spokesperson.</p> <p>Discussion about what they are asking for. Is it a change to the Charter or the instruction sheet. Clarification that issue is around specific positions being required to complete a disclosure, but why not anyone who is delegated to act on behalf of a Director, and not just the Director of Finance and the Deputy. Explanation of the authority of the Director of Finance.</p> <p>Chair TenBruggencate asked if the County Attorney could look into whether the Director of Finance has the authority to delegate beyond the Deputy and language regarding succession in the Charter.</p> <p>Mr. Roversi cited Section 7-07b of the Charter which talks about the absence of, temporary disability or vacancy of the Mayor, only names three entities, Mayor, Managing Director, Director of Finance and stops there. But he is aware there is a more extensive list that has been followed but it is not in the Charter.</p> <p>Discussion of second point in the letter regarding new key titles/positions to be listed in the Charter. Suggest that they take a look at what is included in the Salary Ordinance and who needs to file a disclosure statement.</p>	<p>Ms. Sandblom moved to defer CRC 2019-06. Ms. Koga seconded. Motion carried 7:0.</p>
	<p><u>CRC 2019-08 Email received from the Prosecuting Attorney to Charter Commission dated July 19, 2019 regarding Charter Amendment Proposals to Section 1.03B1 and Section 9A.05A</u></p> <p>Chair TenBruggencate understands that the Prosecuting Attorney is suggesting that for the Prosecutor and Mayor's office that if there are only two people running that the winner of the primary is elected.</p> <p>Discussed that there is a lot to consider. Some people only vote in general election and if</p>	

SUBJECT	DISCUSSION	ACTION
	there's only two people running another option may be to have them just go directly to the general election, as you tend to get more people voting in the general. Chair TenBruggencate suggested the Prosecuting Attorney be reinvited.	Ms. Suzawa moved to defer CRC 2019-08. Mr. Stack seconded. Motion carried 7:0
<b>Announcements</b>	Next meeting: Monday, September 23, 2019, 3:00 p.m., in the Mo'ikeha Building, Meeting Room 2A/2B.	
<b>Adjournment</b>		With no objection, Chair TenBruggencate adjourned the meeting at 3:44pm.

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

Reviewed and Approved by: \_\_\_\_\_  
 Jan TenBruggencate, Chair

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

**Presentation of the Permitted Interaction Group on its recommendations relating to item KPC 2019-017**

**SHALL ARTICLE XI, POLICE DEPARTMENT, SECTION 11.04, BE AMENDED TO REQUIRE A MINIMUM EDUCATION LEVEL, AS WELL AS AN INCREASE IN YEARS OF LAW ENFORCEMENT AND TRAINING EXPERIENCE LEVELS FOR THE POLICE CHIEF?**

**Purpose:** this amendment would increase the minimum level of formal education, as well as experience levels in law enforcement and training, any candidate for Chief of Police must have in order to be considered for that position. It would also require the law enforcement and training experience be obtained in a full service, public sector, peace officer capacity.

**Background:** Under the current charter there is no minimum educational level requirement for the Chief of Police. Additionally, as currently written, the charter requires that the Chief of Police only needs to have a minimum of five (5) years of training and experience in law enforcement, at least three (3) years of which shall be in a responsible, administrative capacity.

Policing, and the corresponding police management skills, knowledge, and abilities required of a Chief of Police have changed significantly since this charter section was written. The integration of technology (less than lethal options, body worn cameras, DNA, computer crime), collective bargaining and compliance with research based training and policing techniques require a police leader with greater levels of education. A Bachelors Degree in Administration of Justice, Public Administration, Business Administration, or related field of study, and many more years of law enforcement and management experience at the rank of lieutenant equivalent or higher is needed.

The charter needs to be amended to require that the Chief of Police possess a four year college degree and to increase the experience level to fifteen (15) years in training and law enforcement, at least three (3) years performing management level duties at the rank equivalent to lieutenant or higher.

Dean Toyofuku  
Chair

Mia Shiraishi  
Vice Chair

Susan Burriss  
Secretary



Members:  
Susan Burriss  
Michael Curtis  
Ryan de la Pena  
Maureen Tabura  
Mary Tudela

**COUNTY OF KAUA'I BOARD OF ETHICS**

c/o Office of Boards & Commissions  
4444 Rice Street, Suite 150  
Lihue, HI 96766

RECEIVED

June 28, 2019

Mr. Ricky Watanabe  
Chair Charter Review Commission  
c/o Office of Boards & Commissions  
4444 Rice Street, Suite 150  
Lihue, HI 96766

JUN 6 2019

BOARDS & COMMISSIONS

Re: Board of Ethics (BOE) concerns regarding the Ethics Disclosure Statements Requirements

Dear Chair Watanabe:

During a recent Board of Ethics revision of the instructions to the Disclosure Statement the Board of Ethics members discovered a potential limitation that we felt important to bring to your commission's attention.

From the Instruction sheet for disclosure statement's current language:

- I. WHO MUST FILE. The Mayor, Councilpersons, Prosecuting Attorney, all department heads and deputies, members of boards and commissions, the purchasing agent, and all candidates for elective office.

Revised language (**in bold**) by commission vote as of May 17, 2019:

- I. WHO MUST FILE. The Mayor, Councilpersons, Prosecuting Attorney, all department heads and deputies, members of boards and commissions, the purchasing agent, **any employee delegated or authorized to act on behalf of the director of finance and deputy director of finance in their absence**, and all candidates for elective office.

*An Equal Opportunity Employer*

**CRC2019-06**

Charter - Section 20.04. Disclosure Excerpt

- A. The mayor, councilpersons, all department heads and deputies, members of boards and commissions, the purchasing administrator and any employee delegated or authorized to act on behalf of the director of finance and the deputy director of finance in their absence shall within thirty days of assuming office, file with the board...etc.

Our commission had two concerns about the new language we approved which was copied from existing charter language:

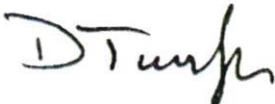
- 1) The limitation of the delegation authority disclosure requirement to only the finance department head and his/her deputy, and
- 2) The absence of recent new titles, i.e. managing director, mayor's chief of staff, etc.

The Board of Ethics did not feel it appropriate to update our language in any way that was broader in scope than that in the Charter.

As we understand it is the Charter Review Commission's defined role to review the operation of the county government under our charter, on behalf of the Board of Ethics, I respectfully request your study and review of broadening the requirement to file a disclosure statement to all individuals who are in a position that on occasion will serve as a department head or deputy with all the responsibilities of that position.

Secondly, that the listing of new key titles/positions be included in the Charter.

Sincerely,



Dean Toyofuku  
Chair - Kauai County Board of Ethics

## Anela Segreti

---

**From:** Ellen Ching  
**Sent:** Friday, July 19, 2019 8:08 AM  
**To:** Anela Segreti  
**Subject:** FW: Charter Amendment Proposals

Response from Prosecuting Office to Charter Commission

-----Original Message-----

From: Justin Kollar <jkollar@kauai.gov>  
Sent: Tuesday, July 16, 2019 12:57 PM  
To: Ellen Ching <eching@kauai.gov>  
Cc: Adam Roversi <aroversi@kauai.gov>  
Subject: RE: Charter Amendment Proposals

Section 1.03B1. should be amended to provide that "if there are only two candidates for the office of the Mayor or Prosecuting Attorney, the candidate who receives the highest number of votes in the primary election shall be elected."

Section 9A.05A. should be amended to provide that "If the unexpired term is less than eighteen months..."

Mahalo.

Justin F. Kollar  
Prosecuting Attorney

-----Original Message-----

From: Ellen Ching  
Sent: Tuesday, July 16, 2019 12:50 PM  
To: KCT Dept Head <DepartmentHeads@kauai.gov>  
Cc: KCT CC <Secretaries@kauai.gov>; Adam Roversi <aroversi@kauai.gov>  
Subject: Charter Amendment Proposals

Pls see the attached memo, regarding any charter amendments you would like the Charter Commission to consider. Should you have any questions, please feel free to contact me. I will be sending an calendar invite as a friendly reminder.

Mahalo,

Ellen Ching  
Administrator

County of Kaua'i  
Office of Boards and Commissions  
4444 Rice Street, Suite 150  
Lihue, HI. 96766  
Phone: (808) 241-4922  
Fax: (808) 241-5127  
Email: [eching@kauai.gov](mailto:eching@kauai.gov)  
Website: <https://www.kauai.gov/BoardsandCommissions>

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James Whitfield  
Chair

Joanne Nakashima  
Vice Chair



Members:  
Preston Chong  
Tyler Rodighiero

**COUNTY OF KAUA'I COST CONTROL COMMISSION**

C/o Office of Boards & Commissions  
4444 Rice Street, Suite 150  
Lihue, HI 96766

RECEIVED

September 9, 2019

SEP 09 2019

Vice Chair Jan TenBruggencate  
Charter Review Commission  
C/o Office of Boards & Commissions  
4444 Rice Street, Suite 150  
Lihue, HI 96766

BOARDS & COMMISSIONS

Re: Proposal to amend Article XXVIII Cost Control Commission

Dear Vice Chair TenBruggencate,

Our commission would like to propose changing the Cost Control Commission to a Cost Control and Revenue Enhancement Commission.

Rationale:

In addition to its goal to reduce the cost of county government while maintaining a reasonable level of public services, the amendment would allow the commission to explore revenue enhancement measures and expenditure rationalization to improve the fiscal position of the county.

As we understand, the Charter Review Commission's defined role is to review the operation of the county government under our charter. On behalf of the Cost Control Commission, I respectfully request you review broadening the duties and function of the Cost Control Commission.

Sincerely,

James Whitfield  
Chair - Kauai County Cost Control Commission

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QRC 2019-09



**CIVIL SERVICE COMMISSION**  
**OFFICE OF BOARDS AND COMMISSIONS**  
**THE COUNTY OF KAUA'I**

Richard Jose  
Chair

Jeffrey Iida  
Vice Chair

Fely Faulkner  
Commissioner

Elizabeth Hahn  
Commissioner

Vonnell Ramos  
Commissioner

Beth Tokioka  
Commissioner

Ricky Watanabe  
Commissioner

RECEIVED

September 10, 2019

SEP 10 2019

Chair Jan TenBruggencate  
Charter Review Commission  
4444 Rice Street  
Lihu'e, HI 96766

BOARDS & COMMISSIONS

Re: Communication dated July 3, 2019, request for proposal to amend the Charter

Chair Jan TenBruggencate:

The commission met at its regularly scheduled meeting and reviewed the July 3, 2019 communication. Currently the Civil Service Commission does not have any critical need to propose amendments to the Charter.

Thank you for the opportunity and please do not hesitate to contact the commission if you have any further questions.

Mahalo,

Jeffrey Iida  
Vice Chair, Civil Service Commission

CRC 2019-10



OFFICE OF BOARDS & COMMISSIONS  
OFFICE OF THE MAYOR  
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

ELLEN CHING  
ADMINISTRATOR

**MEMORANDUM**

September 13, 2019

TO: Jan TenBruggencate, Chair and members of the Charter Review Commission

FROM: Paul Endo, Chair

RE: Proposed 2020 Charter Amendment

The Liquor Commission is proposing an amendment to allow individuals serving on Commissions, Boards or Committees whose term will be ending to continuing serving on a different Commission, Board or Committee.

**Background:** In 2012, a similar Charter Amendment was proposed and appeared on the ballot and failed.

The question appeared on the ballot as follows:

"Should a county board or commission member whose term is ending be allowed to serve on a different county board or commission without being required to wait one year?"

**The following was provided as voter education:**

**RELATING TO SECTION 23.03 (H) – COUNTY BOARD AND COMMISSION MEMBER TERMS**

"Should a county board or commission member whose term is ending be allowed to serve on a different county board or commission without being required to wait one year? **Vote YES or NO**

**Background:** County board and commission members are prohibited from serving more than two consecutive terms on the same or different board or commission unless they take a one year break from serving.

**Explanation:** This restriction discourages qualified individuals from continuing to volunteer and use their acquired experience and knowledge in other areas of interest that may be beneficial to the county. The purpose of this amendment is to allow a county board or commission member to continue serving on a different board or commission without the need to take a one year break in service.



CRC 2019-11

The following (full text) was provided on the website:

**2. Proposing A Charter Amendment to Section 23.02 (H) Relating to County Board and Commission Member Terms**

**Charter Amendment**

Section 23.03 H of the Kaua`i County Charter is amended to read as follows:

**ARTICLE XXIII  
GENERAL PROVISIONS**

**“Section 23.02 Boards and Commissions.**

H. No member of any County board or commission shall be eligible for more than two consecutive terms on the same board or commission [or on two different boards or commissions of the county]. No person shall be eligible to serve on two different County boards or commissions at the same time. After the expiration of two consecutive terms on a board or commission, a member [no person] shall not be eligible for [appointment] reappointment to [any] the same [county] board or commission until one year has elapsed after such service. Any partial term of more than two years shall be considered a term as used herein.”