

COUNTY OF KAUAI
 Minutes of Meeting
 OPEN MEETING SESSION

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	March 25, 2024
Location	Microsoft Teams, Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:01 p.m.	End of Meeting: 4:30 p.m.
Present	Chair Coty Trugillo (via Microsoft Teams). Commissioners: Reid Kawane (via Microsoft Teams), Lori Koga, Bronson Bautista, Commissioner Marissa Sandblom, and Jan TenBruggencate. Also: Charles Foster, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Clerk Arleen Kuwamura.		
Excused	Vice Chair Jaelyn Kaina		
Absent			



SUBJECT	DISCUSSION	ACTION
A. Call To Order		Chair Coty Trugillo called the meeting to order at 3:01 p.m.
B. Roll Call		Roll Call: Commissioner Bautista - present. Commissioner Kawane -present and alone. Commissioner Koga – present. Commissioner Sandblom - Present Commissioner TenBruggencate-present Vice Chair Kaina – excused. Chair Trugillo – present and alone. Quorum: 6 Commissioners present.
C. Approval of the Agenda		Commissioner TenBruggencate moved to approve the agenda. Commissioner Koga seconded the motion. Motion carried 6:0.
D. Minutes	<u>Open Session Minutes of January 22, 2024</u>	Commissioner TenBruggencate moved to

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	<p>Chair Trugillo entertained a motion to approve the January 22, 2024 minutes.</p>	<p>approve the minutes of January 22, 2024. Commissioner Koga seconded the motion.</p> <p>Motion carried 6:0.</p>
E. Public Testimony	<p><u>None</u></p> <p>Administrator Ching noted for the record that there was no request for testimony received however, there were two people present in the audience. The council person Ms. Felicia Cowden and Ms. La’akea Chun and the commission will be calling for testimony on the agenda.</p>	
F. Communication	<p><u>None</u></p> <p>Administrator Ching noted for the record that there were no communications.</p>	
G. Business	<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></p> <p>Administrator Ching asked if anyone wanted to testify on this item agenda. No one present wanted to testify on this agenda item.</p> <p>Administrator Ching reviewed the last meeting’s recommendations by the commission to send the written material to the County of Attorney’s office for review. It has been returned and proofed for form and legality.</p> <p>Commissioner TenBruggencate inquired about the next steps in this process. Administrator Ching informed the Commission regarding new law legislation passed that required all ballot questions to be accompanied by an opinion by the County Attorney and there is still information that remains unclear and needs to be sorted out as they work towards the target date for being approved in June. She also noted the commission was on</p>	<p>None.</p> <p>Commissioner TenBruggencate moved to defer the ballot question without changes to the next meeting. Commissioner Sandblom seconded the motion.</p> <p>Motion carried 6:0.</p>

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	<p>track to meet the deadline County Attorney Charles Foster joined in the discussion.</p> <p>Commissioner TenBruggencate asked if after it was sent to the state, it would be for approval or if would changes be made at that level and returned to the commission.</p> <p>Mr. Foster's response was no, it would not. He explained the process and said the final sent would be complete. The commission continued asking questions and asking for direction on making the next motion.</p> <p>Administrator Ching stated the final approval would be in by June.</p> <p>Chair Trugillo asked if today's motion would be the final draft.</p> <p>Administrator Ching responded yes, but the final approval would be done in June.</p> <p>Commissioner TenBruggencate asked if this should be deferred to the next meeting, to which Administrator Ching stated it would be fine.</p> <p>Mr. Foster read the legislative ruling to the commission and after some discussion and staff doing a follow-up with the COA, the Commission was ready to make a motion.</p> <p>Commissioner Sandblom noticed a possible misinterpretation of words. Commissioner TenBruggencate suggested taking the background language fifth line after the word "completed" and adding the words "and report it to commission" or "received by the commission."</p> <p>Commissioner Sandblom felt that would do. When she read it earlier she thought someone could interpret the meaning differently. The new wording clarified the statement.</p>	<p>Commissioner TenBruggencate moved to withdraw the motion to defer. And moved to amend the language of the ballot question to remove the word after the word "results" and in place add the words "starts when the commission receives the investigation report."</p> <p>Commissioner Sandblom seconded the motion. Motioned carried 6:0.</p> <p>Commissioner TenBruggencate moved to defer to the next meeting.</p>

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	<p>Commissioner TenBruggencate added perhaps changing the ballot question to read, “written investigation results start when the commission receives the investigation report.”</p>	<p>Commissioner Sandblom seconded the motion.</p> <p>Motion carried 6:0.</p>
<p>Public Testimony</p>	<p><u>None.</u> Administrator Ching asked if anyone wanted to testify on this item agenda. No one present wanted to testify on this agenda item.</p>	<p>None.</p>
	<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 this was submitted to the County Attorney and returned approved for form and legality. However, until the final vote in June, this is open for the commission to amend or tweak at the commission's pleasure and ultimately defer to the next meeting.</p>	<p>Commissioner Sandblom moved to defer the amended changes in the heading Section 28.05 in two places to the COA.</p> <p>Commissioner Koga seconded the motion.</p> <p>Motion carried 6:0.</p>
<p>Public Testimony</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 asked if anyone wanted to testify on this item agenda. No one present wanted to testify on this agenda item.</p> <p>Administrator Ching presented the ballot questions from last month's meeting noting the red redrafting requested by the commission and deletions have a black strike running through the language for review and feedback.</p>	<p>None.</p>

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	<p>Commissioner TenBruggencate suggested a change in the Charter amendment language. The concern is the commission is not proposing Open Space Commission spend money directly for maintenance. The Commission is proposing they be allowed to give money that will be allowed to be used for maintenance to community organizations. The change would be the word “for” to “toward.”</p> <p>Administrator Ching reviewed changes made from the last meeting with the commission and clarified the adoption of these newly added changes as well as substituting “for” to “toward.”</p> <p>Commissioner Kawene pointed out that the formatting reading of it was Section C, 1a 2b. this is how the commission would finalize it or should it read a, b, c, d, and e?</p> <p>Mr. Foster discussed the bracketing for sections and commission ensued with discussion and explanation of the structured formatting.</p> <p>Chair Trugillo asked if the ballet question be a question with a question mark. The commission agreed it should.</p> <p>Commissioner TenBruggencate clarified his motion would be deferred with three changes. 1)is the question mark in the ballot question, 2) the addition of the word “this” under the purpose, and 3) changes the word “for to “toward” in the first line.</p>	<p>Commissioner TenBruggencate clarified his motion would be defer with three changes. 1)is the question mark in the ballot question, 2) the addition of the word “this” under the purpose, and 3) changes the word “for to “toward” in the first line.</p> <p>Commissioner Kawane seconded the motion.</p> <p>Motion carried 6:0.</p>
<p>Public Testimony</p>	<p><u>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.</u></p> <p>Administrator Ching asked if anyone wanted to testify on this item agenda. No one present wanted to testify on this agenda item.</p>	<p>None.</p>

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	<p>Administrator Ching presented a review of the the ballot questions from last month's meeting noting the Commission's desire was for students to serve on all boards and commissions. She referred them to Option #2 in the packet. Secondly, the language recommendations would also be indicated there as well. Likewise, consideration for age versus junior or senior and other past discussion requests and concerns were discussed in-depth. Finally, she called La'akea to come today due to the Commission's questions for her input.</p> <p>Commissioner TenBruggencate thanked La'akea for being present today. But stated he had an additional change before moving on regarding the "position filled by a Kaua'i resident." The commission changed the wording to "the ex-officio student position be filled by Kaua'i residents" to make it apparent that there are multiple students after a protracted debate about how to make the statement more explicit.</p> <p>Ms. Chun had a question regarding Section number 24.03 or 24.02. Commissioner TenBruggencate explained the differences in sections where some are 03 and others are 02.</p> <p>Ms. Chun stated after reviewing Option #1 and Option #2, she preferred Option #2 because it opens the positions up to high school juniors and seniors, and those who desire to work or know more about government will have an earlier start with working on their senior projects. Ms. Chun pointed out looking back, that her desire would have been to start this project much earlier so she would have more time with the commission in these meetings and gain valuable experiences.</p> <p>The commission shared concerns and thoughts on the reading of the language. Administrator Ching referred questions and concerns to the Kaua'i County Attorney Mr. Foster. A lengthy discussion ensued</p>	

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	<p>regarding clarifying and tweaking various minor language and punctuation errors in the ballot question background.</p> <p>Ms. Chun expressed her gratefulness seeing the final ballot questions and stated how it came together perfectly. The commission expressed its gratitude for the experience of working with her on this project to fruition and congratulated her on the great work.</p>	<p>Commissioner TenBruggencate moved to defer the item with these changes presented 1) ballot language second line to read “Commissions to be filled by Kaua‘i resident High School Juniors or Seniors?” 2) In The first line of the background, the word “commission” will be made plural. 3) Third line of the background, the addition of the word “the” as it appears on our agenda as appears in red. 4) Second paragraph in the background “Ex-officio student positions are to be filled by Kaua‘i residents” plural. 5) Removing the word “a” and making the word “resident.” And on the last page of the item, 6) Section “O” the fourth line after the word “ex-officio member, a comma (,) would be inserted.</p> <p>Commissioner Bautista seconded the motion. Motion carried 6:0.</p>
<p>Public Testimony</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> <p>Administrator Ching asked if there was anyone who wanted to testify on this item agenda. She called on a testifier to present her testimony.</p> <p>The testifier introduced herself as Council Member, Ms, Felicia Cowden.</p>	<p>Ms. Felica Cowden</p>

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	<p>Ms. Cowden claimed that upon reading the question, it was unclear to her that it would have a direct bearing on her. Ms. Cowden felt that she should have been able to understand it, but she was unable to.</p> <p>Ms. Cowden recommended consideration and proceeded to read parts of the Section on the insurance coverage “As shown being amended to allow insurance policy coverage associated with the performance of the official duties for all employees to protect the county against financial loss.”</p> <p>Ms. Cowden pointed out that insurance coverage or surety bonds should be in terms that people can understand the insurance coverages. Secondly, she asked if people left something blank, was the interpretation of that a yes or a no? or did it fall to the wayside?</p> <p>It was clarified by Administrator Ching that blank votes were not tallied. According to Commissioner TenBruggencate, there are differences between the County and the State. Every question posed was met with a thorough discussion with the Commission.</p> <p>To make the various types and coverage more understandable, Ms. Cowden offered her recommendations. She added that she thought people would be confused and would glance at the question without reading the background information. The commission, along with Commissioner TenBruggencate, noted that the purpose of the Surety bond was just for people who handled money and to protect the county against theft, the Charter’s goal is to make sure there is language to cover those employees. The problem is acquiring Surety bonds no longer exists. The task at hand is to make sure there is some form of coverage. He also provided a thorough historical overview of this ballot question.</p>	

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	<p>Administrator Ching noted the language originated from the Kaua‘i County Attorney’s Office. Following extensive deliberation and the Commission's response to queries posed by Ms. Cowden, the next phase of the review was initiated.</p> <p>Chair Trugillo reviewed with the commission and read the last question from the previous meeting on the Surety bond and all commissioners agreed it was an improvement however, there was a disconnect between the ballot question and what the amendment states, and her concern is the ballot question will not reflect what the amendment would be.</p> <p>Mr. Foster noted the language and wording of the Surety bond were for legal proposes. However, If the commission wanted to change it, they could.</p> <p>Commissioner Bautista stated from the outside looking in to understand the language, he suggested changing “shall be bonded” to shall be insured.” Which would be correct with what we are asking. A lengthy discussion ensued between the commissioners decided to have the word added “or insurance” after bonds in all places of the amendment.</p> <p>Administrator Ching requested a motion to ensure that the wording satisfies their demands, Administrator Ching added that she will also be collaborating with Commissioner TenBruggencate and County Attorney Mr. Foster.</p>	<p>Commissioner Koga moved for Administrator Ching, County Attorney Charles Foster, and Commissioner TenBruggencate to work on amendment language for clarity and legality. Commissioner Sandblom seconded the motion.</p> <p>Motion carried 6:0.</p>
	<p><u>CRC 2023-09 Discussion and possible action on proposed Charter amendments for 2024 ballot.</u></p>	<p>None</p>
<p>H. Announcements</p>	<p>Next Meeting: April 22, 2024</p>	

SUBJECT	DISCUSSION	ACTION
I. Adjournment		Hearing no further business Chair Trugillo adjourned the meeting at 4:30 p.m.

Submitted by: _____

Reviewed and Approved by: _____

Arleen Kuwamura, Commission Clerk

Coty Trugillo, Chair

Approved as circulated.

Approved with amendments. See minutes of _____