

COUNTY OF KAUAI
 Minutes of Meeting
 OPEN MEETING SESSION

Board/Commission:	CHARTER REVIEW COMMISSION	Meeting Date	May 20, 2024
Location	Microsoft Teams, Boards & Commissions Conference Room, Lihue Civic Center	Start of Meeting: 3:02 p.m.	End of Meeting: 3:33 p.m.
Present	Vice Chair Jaclyn Kaina (via Microsoft Teams). Commissioners: Reid Kawane (via Microsoft Teams), Lori Koga(via Microsoft Teams), Jan TenBruggencate, La’akea Chun, and Bronson Bautista (<i>entered meeting at 3:08 pm</i>). Also: Charles Foster, Deputy County Attorney. Boards & Commissions Office Staff: Administrator Ellen Ching, Clerk Arleen Kuwamura.		
Excused	Chair Coty Trugillo		
Absent			



SUBJECT	DISCUSSION	ACTION
	<i>Before the start of the meeting, Admin. Assistant to the County Clerk Eddie Topenio Jr. gave the Oath of Office to newly appointed Charter Commissioner La’akea Chun.</i>	
A. Call To Order		Vice Chair Kaina called the meeting to order at 3:02 p.m.
B. Roll Call		Roll Call: Commissioner Bautista - <i>entered the meeting at 3:08 pm.</i> Commissioner Kawane -present and alone. Commissioner Koga – present and alone. Commissioner TenBruggencate-present Commissioner Chun -present Vice Chair Kaina – present and alone. Chair Trugillo – excused. Quorum: 5 Commissioners present.
C. Approval of the Agenda		Commissioner TenBruggencate moved to approve the agenda. Commissioner Koga seconded the motion.

SUBJECT	DISCUSSION	ACTION
		Motion carried 5:0.
D. Minutes	<u>Open Session Minutes - None</u>	None
E. Public Testimony	<u>None</u> Administrator Ching stated for the record, there was no person(s) in the audience or virtually wanting to testify.	
F. Communication	<u>None</u> <i>Commissioner Bautista entered the meeting at 3:08 pm.</i> Administrator Ching noted for the record that there were no communications.	
G. Business	<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 stated this would be the final vote for all the commissioners to determine whether this question will go on the ballot. All of the questions and the background information were sent to the County Attorney’s office and it was returned. For this CRC 2021-01 a suggestion in the background and not required for legality. Commissioner TenBruggencate asked the County Attorney to explain the proposed modifications along with their rationale. Mr. Foster brought up the County Attorneys' office procedure, which in this instance was delegated to a different lawyer who conducted an initial review. The	Commissioner TenBruggencate moved to approve with the amendment. Commissioner Koga seconded the motion. Madame Chair Kaina called for a roll call vote: Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Commissioner Chun - Aye. Vice Chair Kaina – Aye.

SUBJECT	DISCUSSION	ACTION
	<p>lawyer was confused by the wording and took it to mean that it would make sense. This proposal was made only for internal office understanding and had nothing to do with law.</p> <p>Commissioner TenBruggencate affirmed his support for his motion and said he thought it was an improvement.</p> <p>Administrator Ching noted that since the commission was in the finalization stage, she wanted clarification on understanding the Background language. She proceeded to read “The Language of the Charter (Kaua’i County Charter, section 11.03.C) currently says the police Commission must, “Receive, consider, and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the chief of police within ninety days.” Ms. Ching asked if it ended there.</p> <p>Commissioner TenBruggencate noted it continued and began reading further “This language is unclear because some investigations can take over 90 days to complete and this amendment would clarify that the Commission shall submit a written report of its findings to the Chief of Police within 90 days after the investigation has been completed.” He clarified that what Ms. Ching read and what he read was the sum of what was being proposed.</p>	<p>Motion Passes 6:0.</p> <p>Commissioner TenBruggencate moved the Charter Review Commission to approve the ballot question 11.03 concerning investigations of the police department and the background purpose language to include ballot question language to be approved and this matter be processed to be sent to the county council clerk to be placed on this year’s ballot.</p> <p>Commissioner Koga seconded the motion.</p> <p>Madame Chair Kaina called for a roll call vote:</p> <p>Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Commissioner Chun - Aye. Vice Chair Kaina – Aye.</p> <p>Motion Passes 6:0.</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>Commissioner TenBruggencate moved to approve this amendment Section 28.04 with the proposed amendments.</p> <p>Commissioner Bautista seconded the motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Administrator Ching noted that this was similar to the previous one which had some suggestions from the County Attorney’s Office</p> <p>Commissioner TenBruggencate asked the County Attorney to explain the proposed modifications with their rationale.</p> <p>Mr. Foster noted the proposed suggested changes to omit the words ”currently only” in the Background section. It reads “The County Cost Control Commission is currently only authorized to eliminate programs and services and reduce cost.” He stated the section of the charter that provides it, is the Duty Section 28.04. The amendment does not make any alterations, instead, it inserts language in 28.05. Mr. Foster continued to read sections of the charter and explained the differences.</p>	<p>Madame Chair Kaina called for a roll call vote:</p> <p>Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Commissioner Chun - Aye. Vice Chair Kaina – Aye.</p> <p>Motion Passes 6:0.</p> <p>Commissioner TenBruggencate moved to approve the ballot question, background, purpose, and Charter amendment as previously voted and to send this to the county council clerk to be placed on this year's ballot.</p> <p>Commissioner Kawane seconded the motion.</p> <p>Madame Chair Kaina called for a roll call vote:</p> <p>Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Commissioner Chun - Aye. Vice Chair Kaina – Aye.</p>

SUBJECT	DISCUSSION	ACTION
		Motion Passes 6:0.
	<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>Commissioner TenBruggencate asked if they could make a single motion. Madam Chair Kaina replied, yes.</p>	<p>Commissioner TenBruggencate moved to approve the language in the packet for the Ballot question for the Charter Section 19.15(C) regarding Public Access, Open Space and Natural Resources Preservation Fund approving the Ballot question language, background, purpose, and the Charter amendment and to move this on to the County Council Clerk Office for placement on the 2024 election ballot.</p> <p>Commissioner Koga seconded the motion.</p> <p>Madame Chair Kaina called for a roll call vote:</p> <p>Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Commissioner Chun - Aye. Vice Chair Kaina – Aye.</p> <p>Motion Passes 6:0.</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 19.17.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner TenBruggencate noted since there was no proposing amendments he would make a motion.</p>	<p>Commissioner TenBruggencate moved to approve the Ballot question language, background, purpose, and the Charter amendment as stated in the packet and to move this on to the County Council Clerk Office for placement on the 2024 election ballot.</p> <p>Commissioner Bautista seconded the motion.</p> <p>Madame Chair Kaina called for a roll call vote:</p> <p>Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Commissioner Chun - Aye. Vice Chair Kaina – Aye.</p> <p>Motion Passes 6:0.</p>
	<p><u>CRC 2024 – 06 Discussion and possible action on proposed Charter</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>Amendments to Section 23.02 proposed by the public to create ex-officio youth positions on Boards and Commissions.</u></p> <p>Commissioner Chun requested to be recused from this agenda item due to a conflict of interest.</p> <p><i>3:26 pm Commissioner Chun left the meeting.</i></p> <p>Commissioner TenBruggencate requested an explanation from the County Attorney regarding the changes made and the rationale behind the recommendation.</p> <p>According to Mr. Foster, the previous statement read, "The Charter will be amended too," but the new wording is, "This amendment would." The revised wording, "this amendment would," is more in line with the amendment form we've been using and approved. "The Charter will be amended too" seems like a strong statement.</p> <p>The addition is also "purely" for "clarity and remedy." That's the only thing we suggested.</p>	<p>Commissioner TenBruggencate moved to approve the proposed amendments for discussion.</p> <p>Commissioner Kawane seconded the motion.</p> <p>Madame Chair Kaina called for a roll call vote:</p> <p>Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Vice Chair Kaina – Aye.</p> <p>Motion Passes 5:0.</p> <p>Commissioner TenBruggencate moved to approve the Ballot question language, background, purpose, and the Charter amendment on the ballot question to create an ex-officio youth positions on Boards and Commissions Charter Section 23.02 and to move this on to the County Council Clerk Office for placement on the 2024 election ballot.</p> <p>Commissioner Koga seconded the motion.</p> <p>Madame Chair Kaina called for a roll call vote:</p>

SUBJECT	DISCUSSION	ACTION
		Commissioner Bautista – Aye. Commissioner Kawane - Aye. Commissioner Koga – Aye. Commissioner TenBruggencate- Aye. Vice Chair Kaina – Aye. Motion Passes 5:0.
	<u>CRC 2023-09 Discussion and possible action on proposed Charter amendments for the 2024 ballot.</u> <i>3:30 pm Commissioner Chun returned to the meeting.</i> Administrator Ching stated there was nothing to discuss on this item.	
H. Announcements	Next Meeting: June 24, 2024	
I. Adjournment		Hearing no further business Chair Kaina adjourned the meeting at 3:33 p.m. 6:0.

Submitted by: _____
Arleen Kuwamura, Commission Clerk

Reviewed and Approved by: _____
Jaclyn Kaina, Vice Chair

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