

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 11/19/2021.

Board/Commission:	BOARD OF ETHICS	Meeting Date	October 15, 2021
Location	Teleconference	Start of Meeting: 1:02 p.m.	End of Meeting: 1:41 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Ryan de la Pena, Kelly Gentry, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching and Support Clerk Malialani Kelekoma.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Burriss called the meeting to order at 1:02 p.m. Roll call: Member de la Pena: present Member Gentry: present Member Toyofuku: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Six members present, which constituted a quorum.	
Approval of Minutes	<u>Open Session Minutes of September 17, 2021</u>	Secretary Latkiewicz moved to accept the minutes as presented. Member de la Pena seconded. Voice vote: 6 ayes, 0 nays Motion carried 6:0	

SUBJECT	DISCUSSION	ACTION
Public Testimony	<p>Chair Burriss asked guest if they had any testimony to offer.</p> <p>Mr. Lay responded no.</p> <p>Ms. Bodon did not respond.</p>	No action
Communication	<p><u>BOE 2021-29 Email received October 5, 2021 from Lonnie Sykos to the Charter Review Commission and the Board of Ethics asking what is acceptable ethical actions by our officials.</u></p> <p>Chair Burriss noted that there were specific items addressed to the Board of Ethics, but not in the form of a complaint. She asked Deputy County Attorney Larrimore if it would be appropriate to send a response.</p> <p>Deputy County Attorney Aaron Larrimore responded that the complaint is from a community member and he hasn't alleged any particular complaint. He stated that the communication was also published. If the Board wants to follow up and clarify that if he wants more to done he would need to follow the requirements of the Charter and Code to send in a complaint, it would be in order.</p> <p>Chair Burriss called for a motion to receive the communication.</p> <p>Chair Burriss called for a motion to ask Deputy County Attorney Larrimore to draft a letter to Mr. Sykos to advise of appropriate steps to file a complaint to the Board.</p> <p>Deputy County Attorney clarified that he will draft a letter for Chair Burriss to sign as Chair.</p>	<p>Member de la Pena moved to receive BOE 2021-29. Vice Chair Shiraishi seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Member de la Pena moved to have Deputy County Attorney draft letter to Mr. Sykos for Chair Burriss' signature. Secretary Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
Request for Advisory Opinion	<u>None</u>	
Business	<p><u>BOE 2021-30 Discussion and possible action on letter from Charter Review Commission regarding request for proposals to amend the Charter.</u></p> <p>Chair Burriss asked Administrator Ellen Ching if she thought there was anything that the Board should be looking at for Charter amendments.</p> <p>Ms. Ching said no, none has come to mind, and reminded the Board that a number of complaints was received from the community regarding former Councilmember Brun. She is not sure if that would be something that the Board of Ethics would want to take up as a proposal. She stated that many community members were not aware that the Board’s purview is limited to specific violations to the Code of Ethics. Other issue that was tabled was fine structure. She noted that this is a very preliminary stage of the process. A simple paragraph on what want to see changed and why is sufficient. The Charter Commission may invite someone from the Board to explain the proposal at one of their meetings, they will discuss and then decide if they want to move forward. It’s at that point that more extensive work will need to be done on proposal.</p> <p>Chair Burriss asked if there are any other groups or boards likely to propose any amendments.</p> <p>Administrator Ching stated that there has been some discussion. The two things that potentially will be discussed before Charter Review is the issue of districting, and rank voting. She explained that districting has come up before and that rank voting gives the option to vote as to who is first, second and third choice, a different way of conducting an election. Also not sure if discussions will come up regarding avoiding the cost of a special election.</p> <p>Chair Burriss asked if there was a timeframe and whether the members could go home and think about this and perhaps propose something next month.</p> <p>Administrator Ching confirmed that would be fine.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Burriss asked if anyone had anything at this time.</p> <p>Members responded no.</p>	<p>Vice Chair Shiraishi moved to receive BOE 2021-30 and put on agenda for next months meeting. Member de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>Disclosures</p>	<p><u>Employee:</u></p> <ol style="list-style-type: none"> 1. Arryl Kaneshiro, Councilmember <p>Chair Burriss asked if there were any comments or questions regarding the nature of consulting involved in the employment.</p> <p>No response from members.</p>	<p>Vice Chair Shiraishi moved to approve. Member Toyofuku seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>Executive Session</p>	<p><u>ES-018 Pursuant to Hawai'i Revised Statutes §92-4, §92-5(a)(4), §92-9(a)(1-4) and (b), the purpose of this Executive Session is for the Board to approve or amend the Executive Session Minutes of September 17, 2021, and to consult with its attorney on issues pertaining to the Board's powers, duties, privileges, immunities, and /or liabilities as they may relate to this item.</u></p> <p><u>ES-004 BOE 2021-08 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received February 8, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua'i County Charter section 20.02 B, 20.02 E and 20.02 F.</u></p> <p><u>No officer or employee of the county shall:</u></p> <p><u>B. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer or employee's official duties or use such information for the officer or employee's personal gain or for the benefit of anyone.</u></p>	

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	<p><u>E. Use the officer or employee’s official position to secure a special benefit, privilege, or exemption for the officer or employee or others.</u></p> <p><u>F. Use county property for other than public activity or purpose.</u></p> <p><u>ES-012 BOE 2021-22 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received July 29, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua’i County Charter section 20.02 E, Standards of Conduct.</u></p> <p><u>ES-013 BOE 2021-23 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received July 29, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua’i County Charter section 20.02 E, Standards of Conduct.</u></p> <p><u>ES-014 BOE 2021-24 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received July 29, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua’i County Charter section 20.02 E, Standards of Conduct.</u></p> <p><u>ES-015 BOE 2021-25 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received July 30, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua’i County Charter section 20.02 E, Standards of Conduct.</u></p> <p><u>ES-016 BOE 2021-26 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received August 3, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua’i County Charter section 20.02 E, Standards of Conduct.</u></p>	<p>Vice Chair Shiraishi moved to go into Executive Session at 1:25 p.m. Member de la Pena seconded.</p> <p>Voice Vote: 6 ayes, 0 nays. Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
Return to Open Session		<p>The Board resumed in Open Session at 1:39 p.m.</p> <p>Roll call: Member de la Pena: present Member Gentry: present Member Toyofuku: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Six members present, which constituted a quorum.</p>
	<u>Ratify on Board actions taken in Executive Session.</u>	<p>Member de la Pena moved to ratify the actions taken by the Board in Executive Session. Member Toyofuku seconded.</p> <p>Voice Vote: 6 ayes, 0 nays. Motion carried 6:0</p>
Announcements	Next Meeting: Friday, November 19, 2021 at 1:00pm	
Adjournment		Hearing no objections Chair Burriss adjourned the meeting at 1:41 p.m.

Submitted by: _____ Reviewed and Approved by: _____
Anela Segreti, Administrative Specialist Susan Burriss, Chair

Approved as circulated.

Approved with amendments. See minutes of _____