



COUNTY OF KAUAI
 Minutes of Meeting
 OPEN SESSION

Approved as submitted 02/18/2022.

Board/Commission:	BOARD OF ETHICS	Meeting Date	January 21, 2022
Location	Teleconference	Start of Meeting: 1:03 p.m.	End of Meeting: 2:43 p.m.
Present	Chair Kelly Gentry, Vice Chair John Latkiewicz, Secretary Ryan de la Pena. Members: Susan Burriss, Mia Shiraishi, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching, and Support Clerk Anela Segreti.		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order	Vice Chair Latkiewicz chaired today's meeting.	Vice Chair Latkiewicz called the meeting to order at 1:03 p.m. Roll call: Member Burriss: present & alone Member Shiraishi: present & alone Member Toyofuku: present & alone Secretary de la Pena: present & alone Vice Chair Latkiewicz: present & alone Chair Gentry: present with 5yo son Owen Gentry Six members present, which constituted a quorum.
Approval of Agenda		Member Shiraishi moved to accept the agenda as submitted. Secretary de la Pena seconded. Voice vote: 6 ayes, 0 nays Motion carried 6:0

SUBJECT	DISCUSSION	ACTION
Approval of Minutes	<p><u>Open Session Minutes of December 17, 2021</u></p> <p>Vice Chair Latkiewicz entertained a motion to accept the minutes as presented.</p>	<p>Member Shiraishi moved to accept the minutes as presented. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
Public Testimony	<u>None</u>	
Communication	<u>None</u>	
Request for Advisory Opinion	<u>None</u>	
Business	<p><u>BOE 2021-32 Discussion and possible action on implementation of the new ordinance regarding disclosure statements.</u></p> <p>Administrator Ching stated that the staff are holding off on implementation pending the other agenda items and have the whole package before moving forward is her understanding.</p> <p>Deputy County Attorney Larrimore stated that there was an interest of the Board to have a fine schedule with the disclosure, but that is not something that could have a quick turnaround. He went on to say that it could be discussed later but may want to see new law implemented before fine schedule.</p> <p>Administrator Ching asked if at a minimum the rules should be in place adding the regulatory employees, and secondarily the fine schedule.</p> <p>Deputy County Attorney Larrimore does not know that the rule adding the regulatory employees is necessary to implementation.</p> <p>Member Toyofuku stated that he would be comfortable with moving ahead with</p>	

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	<p>implementation.</p> <p>Deputy County Attorney Larrimore suggested that they discuss the next two items and then strategize on implementation.</p> <p>The Board moved on to next item.</p> <p>Board returned to this item after completing motions on BOE 2021-34 and BOE 2021-35.</p> <p>Deputy County Attorney Larrimore clarified that though you don't want to be out of sync with Rules, there is a Charter Amendment and Ordinance that would trump the Rules and recommends implementation and make steps to amend Rule as soon as possible.</p> <p>Administrator Ching suggested that the Board move for staff to move forward with implementation.</p>	<p>Member Burriss moved for staff to move forward with implementation of the new ordinance by sending out emails to those stated in the ordinance to file disclosures. Member de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
	<p><u>BOE 2021-34 Discussion and possible action on revisions to Board Rules and Regulations.</u></p> <p>Deputy County Attorney Larrimore went over memo (on file) regarding revisions to the Board Rules and Regulations. The memo sets out a schedule of research, review, and suggestions of rules to change. This would be a lengthy process over a year to thoroughly look at rules and move to public rule making process, adaptation, and finalization. If they want to make one or two small changes to the rules to be in concert with the new legislation, they could start that this month.</p> <p>Member Burriss stated that the rules have been rather bare boned and questioned how involved they want to get into this other than fine schedule.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Administrator Ching stated that they do need to update where it says who must file a disclosure. She stated that it has been problematic on the process of complaints and believes more clarity would be guidance to the Board.</p> <p>Member Shiraishi stated that she thinks that the aligning the rules with the new Charter Amendment should be done now, and that the rest of the rules could be done later and procedural guidance in the rules would be helpful.</p> <p>Administrator Ching suggested that the Board could look at establishing a Permitted Interaction Group (PIG) to look at a deep dive.</p> <p>Member Burriss asked if rules could be clearer to the general public.</p> <p>Administrator Ching stated that there could be a preamble created that mimics the language in the Charter, but that may not be clear to all. A solution could be developing a brochure that could describe the role of the Board.</p> <p>Vice Chair Latkiewicz entertained a motion to amend the Board’s Rules and Regulations.</p> <p>Chair Burriss clarified that they could pluck out the things that need immediate attention and then do a deeper dive.</p> <p>Deputy County Attorney responded that they could do it simultaneously, two rounds of rulemaking, first round would make minimal changes to harmonize with new legislation and move forward with those changes, then a second round with a deeper dive. Could do it concurrently, begin to do research, but then do the first round now, or can stack up and do first round and then second round.</p>	<p>Member Shiraishi moved to amend the Board’s Rules and Regulations and to start by taking a surgical approach and then doing a deeper dive. Member Burriss seconded.</p> <p>Member Shiraishi amended her motion and moved to amend the Ethic’s Rules to comply with the new</p>

SUBJECT	DISCUSSION	ACTION
		<p>ordinance. Member Burriss seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Member Toyofuku moved to place the formation of a PIG (Permitted Interaction Group) to do a thorough review of the rules and provide amendments on the next agenda.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
	<p><u>BOE 2021-35 Discussion and possible action on a disclosure/fine schedule.</u></p> <p>Deputy County Attorney Larrimore reminded the Board that there was some work done on a fine schedule that would go along with disclosures. He has done research on what was previously done and recommends that the Board rethink what exactly they are looking to achieve. Depending on what they may want to do would determine what they would need to work on.</p> <p>The Board discussed when to file, annually or upon hire or appointment and when there are changes. Concerns about volume of disclosures and having the resources for policing and reviews. Staff shared the practice of sending an email out annually reminding people to file if new and to refile if there is any changes.</p>	<p>Member Burriss moved to place on the next agenda to form a PIG to review a proposed fine schedule and present a proposed fine schedule. Chair Gentry seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
Disclosures	<u>None.</u>	
Executive Session	<p><u>ES-001 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 December 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> <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-005 BOE 2022-01 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 discussion the Status Report on the investigation of 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>Secretary de la Pena moved to go into Executive Session at 2:03 p.m. Member Toyofuku 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 2:40 p.m.</p> <p>Roll call: Member Burriss: present Member Shiraishi: present Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: present Chair Gentry: present Six members present, which constituted a quorum.</p>
	<u>Ratify on Board actions taken in Executive Session.</u>	<p>Member Burriss moved to ratify the actions taken by the Board in Executive Session. Secretary de la Pena seconded.</p> <p>Voice Vote: 6 ayes, 0 nays. Motion carried 6:0</p>
Announcements	Next Meeting: Friday, February 18, 2022, at 1:00pm	
Adjournment		<p>Secretary de la Pena moved to adjourn the meeting at 2:43 p.m. Member Shiraishi seconded.</p>

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist John Latkiewicz, ViceChair

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