

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 03/18/22.

Board/Commission:	BOARD OF ETHICS	Meeting Date	February 18, 2022
Location	Teleconference	Start of Meeting: 1:00 p.m.	End of Meeting: 1:50 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	
A. Call To Order B. Roll Call		Chair Gentry called the meeting to order at 1:00 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 & alone Six members present, which constituted a quorum.	
C. Approval of Agenda	Chair Gentry entertained a motion to approve the agenda.	Member Shiraishi moved to accept the agenda as submitted. Member Burriss seconded. Voice vote: 6 ayes, 0 nays Motion carried 6:0	

SUBJECT	DISCUSSION	ACTION
D. Approval of Minutes	<p><u>Open Session Minutes of January 21, 2022</u></p> <p>Chair Gentry entertained a motion to accept the minutes as presented.</p>	<p>Secretary de la Pena moved to accept the minutes as presented. Vice Chair Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
E. Public Testimony	<p><u>None</u></p>	
F. Communication	<p><u>BOE 2022-02 Letter from County Clerk Jade Fountain-Tanigawa dated February 1, 2022, regarding the 2021 County of Kaua'i Lobbyist Registration.</u></p> <p>Chair Gentry entertained a motion to receive.</p>	<p>Secretary de la Pena moved to receive BOE 2022-02. Member Burriss seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
G. Request for Advisory Opinion	<p><u>None</u></p>	
H. Business	<p><u>BOE 2022-03 Update and discussion on implementation of disclosures for regulatory employees.</u></p> <p>Staff, Anela Segreti, reported that email was sent out to regulatory employees and division heads. Approximately 30 have been received and no complaints, but some needed additional instructions to complete form.</p> <p>Administrator Ching noted that Ms. Segreti is reviewing disclosures as they are submitted and asked for clarification where needed.</p>	<p>No action.</p>
	<p><u>BOE 2022-04 Discussion and possible action regarding the initiation of rulemaking to change Rule 3 of "Disclosure Requirements" the Kaua'i County Board of Ethics Rules and Regulations to bring it into alignment with the Kaua'i County Charter and Kaua'i County Code.</u></p>	

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	<p>Deputy County Attorney brought to the Board’s attention that the Rules filing of disclosure statements requirements and treatment of the documents are not in alignment with the current Charter and County Code. In 2020 there was a Charter Amendment to expand classes of who must file and what information can or cannot be released making the current rules not complete. He suggested that a change of language to Rule 3 be made to mimic the Charter and Ordinance and went over them as presented in agenda packet (on file).</p> <p>Administrator Ching clarified that a motion was approved last meeting to amend the rules. She suggested entertaining a motion to adopt the amendments and if passed another motion to schedule for publication and public hearing.</p> <p>Member Burriss clarified that they are adopting amendments for Rules 3.1 as well as 3.2. Vice Chair Latkiewicz stated that is his intention.</p> <p>Administrator Ching suggested entertaining a motion to schedule for publication and public hearing, which is part of the process of rulemaking.</p> <p>Deputy County Attorney Larrimore clarified with Administrator Ching that the hearing will be part of a regular meeting.</p>	<p>Vice Chair Latkiewicz moved to adopt the amendments to Rule 3, disclosure statements 3.1 and 3.2. Secretary de la Pena seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye</p> <p>Motion carried: 6:0</p> <p>Member Burriss move to schedule publication and hearing of proposed amendments to Rule 3. Member Shiraishi seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye Motion carried: 6:0</p>
	<p><u>BOE 2022-05 Discussion and possible action regarding establishing and defining the scope of a Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) would be to do a thorough review of the rules and provide amendments.</u></p> <p>Deputy County Attorney Larrimore stated that it is his opinion that the Board do a thorough review of the rules. The Rules and Regulations are somewhat old, it was last</p>	

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	<p>amended in 2013, with most of it written before that. He recommends that they form a Permitted Interaction Group or otherwise to begin the process of reviewing the Rules. It's his opinion that the Permitted Interaction Group is the best way to do this administratively. He feels it will be prudent to go through all the rules and see what other jurisdictions rules look like to come up with recommendations and go about the rule making process.</p> <p>Administrator Ching reminded the Board that they did adopt a motion to form a PIG, but it would need to be put on the agenda to form this legally and that is why it is on the agenda today. She outlined that the formation of a PIG: 1. Adopt motion to adopt PIG, 2. Define the scope of the PIG, 3. Designate who is going to be on the PIG.</p> <p>Administrator Ching clarified that the motion made by Member Burriss to form a pig to do a thorough review of the rules, could be taken and then do a clarifying motion on the scope. Member Burriss amended her motion to remove the thorough review.</p> <p>Administrator Ching clarified that the second motion would be to define the scope of the PIG to do a thorough review of the Board of Ethics Rules and provide any recommendations of amendments.</p>	<p>Member Burriss moved to form a Permitted Interaction Group (PIG) to do a thorough review of the Rules and provide suggested amendments. Member Shiraishi seconded.</p> <p>Member Burriss amended her motion to form a Permitted Interaction Group (PIG). Member Shiraishi seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye Motion carried 6:0</p> <p>Member Burriss moved to define the scope of the PIG to do a thorough review of the Board of Ethics Rules and provide any recommendations of amendments. Member Shiraishi seconded.</p> <p>Roll call vote: Member Burriss: aye Member Shiraishi: aye Member Toyofuku: aye Secretary de la Pena: aye Vice Chair Latkiewicz: aye Chair Gentry: aye Motion carried 6:0</p>

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	<p>Chair Gentry asked for volunteers for the PIG.</p> <p>Vice Chair Latkiewicz volunteered.</p> <p>Member Burriss declined to any PIG due to her schedule.</p> <p>Administrator Ching reminded the Board that a PIG must be three members and that Member Shiraishi will be ending her term at the end of March.</p> <p>After discussion Secretary de la Pena volunteered.</p>	<p>Member Burriss moved to designate Vice Chair Latkiewicz and Secretary de la Pena to the PIG. Member Toyofuku seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
	<p><u>BOE 2022-06 Discussion and possible action regarding establishing and defining the scope of a Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) would be to review a proposed fine schedule and present a proposed fine schedule.</u></p> <p>Administrator Ching again went over the process and need for 3 motions.</p> <p>Chair Gentry entertained a motion to form a PIG.</p> <p>Chair Gentry entertained a motion to define the scope of the PIG.</p> <p>Administrator Ching suggested that the motion be to do a thorough review of the proposed fine schedule and provide any recommendations on proposed fine schedule.</p> <p>Chair Gentry entertained a motion to designate members of the PIG.</p> <p>Member Toyofuku and Member Burriss volunteered.</p>	<p>Member Tofuku moved to form a Permitted Interaction Group (PIG). Vice Chair Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Vice Chair Latkiewicz moved to define the scope of the PIG to do a thorough review of the proposed fine schedule and provide any recommendations on proposed fine schedule. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>

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		<p>Member Shiraishi moved to designate Member Toyofuku and Member Burriss to the PIG. Member Toyofuku seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>I. Disclosures</p>	<p><u>Employees:</u> 1. Arryl Kaneshiro, Councilmember</p> <p><u>Volunteers:</u> 2. Rodney Yama, Fire Commissioner 3. Andrew Bestwick, Police Commissioner</p> <p>Board clarified Mr. Bestwick’s Spirit of CAN company, that it is an initiative to engage people with mental health issues to speak out. Also clarified that CAN is not an acronym.</p>	<p>Vice Chair Latkiewicz moved to approve the disclosure of Arryl Kaneshiro. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Secretary de la Pena moved to approve the disclosure of Rodney Yama. Vice Chair Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p> <p>Vice Chair Latkiewicz moved to approve the disclosure of Andrew Bestwick. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>

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<p>J. Executive Session</p>	<p><u>ES-003 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 January 21, 2022, 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-002 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 discussion and possible action on 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>Vice Chair Latkiewicz moved to go into executive session at 1:36pm. Secretary de la Pena seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>K. Return to Open Session</p>		<p>The Board resumed in Open Session at 1:48 p.m.</p> <p>Roll call: Member Burriss: present & alone Member Shiraishi: present & alone Member Toyofuku: present & alone Secretary de la Pena: present & alone Vice Chair Latkiewicz: present</p>

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		& alone Chair Gentry: present & alone Six members present, quorum.
	<u>Ratify on Board actions taken in Executive Session.</u>	Member Burriss moved to ratify the actions taken by the Board in Executive Session. Secretary de la Pena seconded. Voice Vote: 6 ayes, 0 nays. Motion carried 6:0
L. Announcements	Next Meeting: Friday, March 18, 2022, at 1:00pm	
M. Adjournment		Chair Gentry adjourned the meeting at 1:50 p.m.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist Kelly Gentry, Chair

(X) Approved as circulated.

() Approved with amendments. See minutes of _____