



BOARD OF ETHICS

SUSAN BURRISS, CHAIR
MIA SHIRAIISHI, VICE CHAIR
JOHN LATKIEWICZ, SECRETARY

RYAN de la PENA, MEMBER
KELLY GENTRY, MEMBER
DEAN TOYOFUKU, MEMBER

REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Friday, May 21, 2021
1:00 p.m. or shortly thereafter

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 867692493#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Open Session Minutes of April 16, 2021

PUBLIC TESTIMONY

COMMUNICATION

- BOE 2021-17 Possible conflict of interest dated April 12, 2021, from Councilmember Felicia Cowden regarding C 2021-87 and ES-1050 on the April 7, 2021 Council meeting agenda.
- BOE 2021-18 Possible conflict of interest and recusal dated April 27, 2021, from Councilmember KipuKai Kualii relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriation for Transit Outreach Programs.

REQUEST FOR AN ADVISORY OPINION

None

BUSINESS

- BOE 2021-15 Update and presentation on the recommendations of the Permitted Interaction Group (PIG) on an ordinance defining regulatory employees required to submit a disclosure statement and other related matters.

DISCLOSURES

Employee:

1. Stephen Hall, Deputy County Attorney
2. Michael Dahilig, Managing Director

Volunteers:

3. Gerald Ako, Planning Commission-Labor
4. Lorna Nishimitsu, Liquor Control Commission
5. Erica Taniguchi, Public Access, Open Space and Natural Resources Preservation Fund Commission

EXECUTIVE SESSION

ES-008

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 April 16, 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.

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.

No officer or employee of the county shall:

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.

E. Use the officer or employee's official position to secure a special benefit, privilege, or exemption for the officer or employee or others.

F. Use county property for other than public activity or purpose.

ES-009: BOE 2021-19

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 the response to a notarized formal complaint received March 16, 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 20.01, Standards of Conduct.

RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

ANNOUNCEMENTS

Next Meeting: Friday, June 18, 2021 at 1:00 p.m.

ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Aaron Larrimore, Deputy County Attorney

PUBLIC COMMENTS and TESTIMONY

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at asegreti@kauai.gov; or by calling 808-241-4917.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following oral testimonies of registered speakers.

Each speaker is limited to a three-minute presentation on each item.

WRITTEN TESTIMONY

Prior to the Day of the Meeting: Testimony may be emailed: asegreti@kauai.gov faxed: 808-241-5127, or mailed: County of Kauai, Office of Boards and Commissions, Board of Ethics, 4444 Rice St., Ste. 300, Lihue, HI 96766.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

Draft to be Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	BOARD OF ETHICS	Meeting Date	April 16, 2021
Location	Teleconference	Start of Meeting: 1:01 p.m.	End of Meeting: 3:05 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 Charles Foster, Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Burriss called the meeting to order at 1:01 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 March 19, 2021</u>	Chair Burriss received the minutes with no amendments.	

SUBJECT	DISCUSSION	ACTION
Public Testimony	<u>None</u>	
Communication	<u>BOE 2021-11 Possible conflict of interest and recusal dated March 29, 2021, from Council Chair Arryl Kaneshiro relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriations for Grove Farm Company, Inc.</u>	Vice Chair Shiraishi moved to receive BOE 2021-11. Member Gentry seconded. Voice Vote: 6 ayes, 0 nays Motion carried 6:0
	<u>BOE 2021-12 Possible conflict of interest and recusal dated March 29, 2021, from Council Chair Arryl Kaneshiro relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriations for Kaua'i Soil Conservation.</u>	Member Toyofuku moved to receive BOE 2021-12. Vice Chair Shiraishi seconded. Voice Vote: 6 ayes, 0 nays Motion carried 6:0
	<u>BOE 2021-13 Possible conflict of interest and recusal dated March 29, 2021, from Councilmember KipuKai Kuali'i relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriation for Sexual Assault/Domestic Violence Community Program.</u>	Vice Chair Shiraishi moved to receive BOE 2021-13. Member Gentry seconded. Voice Vote: 6 ayes, 0 nays Motion carried 6:0
	<u>BOE 2021-14 Possible conflict of interest and recusal dated March 29, 2021, from Councilmember Mason Chock relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriation for Leadership Development & Training.</u>	Vice Chair Shiraishi moved to receive BOE 2021-14. Member de la Pena seconded. Voice Vote: 6 ayes, 0 nays Motion carried 6:0
Request for Advisory Opinion	<u>None</u>	

SUBJECT	DISCUSSION	ACTION
Business	<p><u>BOE 2021-15 Discussion and update regarding the Permitted Interaction Group (PIG).</u> <u>The purpose of the Permitted Interaction Group (PIG) is to recommend an ordinance defining regulatory employees required to submit a disclosure statement.</u></p> <p>Administrator reported that the Permitted Interaction Group (PIG) has not met yet and thanked the Deputy County Attorney’s for their work providing a draft ordinance for the PIG to work from. She also was able to get a list from Human Resources (HR) of equivalent County of Kauai staff to the County of Hawaii’s list. Able to now move on to having the PIG meet to review and start.</p> <p>Chair thanked all for work that was put in.</p>	No Action
Disclosures	<u>None</u>	
Executive Session	<p><u>ES-006 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 March 19, 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,</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>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-007: BOE 2021-16 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 March 16, 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 20.01, Standards of Conduct.</u></p> <p><i>The Board moved into Executive Session at 1:11pm</i></p>	<p>Member de la Pena moved to go into executive session at 1:11 pm. Secretary Latkiewicz seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>Return to Open Session</p>		<p>The Board resumed in Open Session at 3:02 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>
	<p>Ratify on Board actions taken in Executive Session.</p>	<p>Member de la Pena moved to ratify actions taken in Executive Session. Secretary Latkiewicz seconded.</p> <p>Voice vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>Announcements</p>	<p>The Board thanked Deputy County Attorney Foster for his service to the Board and welcomed Deputy County Attorney Larrimore.</p>	

SUBJECT	DISCUSSION	ACTION
	Next Meeting: Friday, May 21, 2021 at 1:00pm	
Adjournment		Member Toyofuku moved to adjourn the meeting Member de la Pena seconded. Voice vote: 6 ayes, 0 nays Motion carried 6:0 Meeting adjourned at 3:05 p.m.

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

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

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kauai, Hawaii 96766

RECEIVED

MEMORANDUM

April 12, 2021

APR 14 2021

TO: Arryl Kaneshiro, Council Chair
and Members of the Kauai County Council

BOARDS & COMMISSIONS

FROM: Felicia Cowden, Councilmember

**RE: POSSIBLE CONFLICT OF INTEREST REGARDING C 2021-87
AND ES-1050 ON THE APRIL 7, 2021 COUNCIL MEETING
AGENDA**

Pursuant to Section 20.04(B) of the Kauai County Charter, Section 3-1.9 of the Kauai County Code 1987, as amended, and Rule No. 8 of the Rules of the Council of the County of Kauai, I hereby provide written disclosure on the record of a possible conflict of interest relating to C 2021-87 and ES-1050, regarding a stipulation related to a Board of Ethics complaint, as these items involve a stipulation agreement that I was a party to.

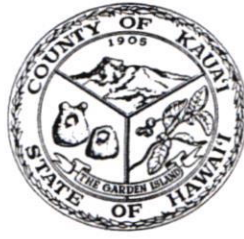
Should you have any questions, please feel free to contact the Office of the County Clerk, Council Services Division, at 241-4188.

AAO:dmc

cc: April 21, 2021 Council Meeting Agenda
County of Kauai Board of Ethics
Council Services Staff

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

April 27, 2021

RECEIVED

APR 29 2021

BOARDS & COMMISSIONS

TO: Arryl Kaneshiro, Council Chair
and Members of the Kaua'i County Council

FROM: KipuKai Kualii, Councilmember *KipuKai Kualii*

**RE: POSSIBLE CONFLICT OF INTEREST RELATING TO
BILL NO. 2818, THE MAYOR'S PROPOSED OPERATING
BUDGET FOR FISCAL YEAR 2021-2022 – APPROPRIATION
FOR TRANSIT OUTREACH PROGRAMS**

Pursuant to Section 20.04(B) of the Kaua'i County Charter, Section 3-1.9 of the Kaua'i County Code 1987, as amended, and Rule No. 8 of the Rules of the Council of the County of Kaua'i, I hereby provide written disclosure on the record of a possible conflict of interest relating to Bill No. 2818, the Mayor's Proposed Operating Budget for Fiscal Year 2021-2022 regarding the appropriation to Transit Outreach Programs under Transportation Agency – Administration, as I am the Director of Operations for the YWCA. The YWCA may be a recipient of this program, which provides bus passes for agencies to distribute to very needy individuals.

In light of the above, I will recuse myself from the aforementioned items during the Fiscal Year 2021-2022 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to these items, and any subsequent meeting thereafter related to these items.

Should you have any questions, please feel free to contact me. Thank you for your attention to this matter.

JA:jy

cc: May 5, 2021 Council Meeting Agenda
County of Kaua'i Board of Ethics
Council Services Staff
Fiscal Year 2021-2022 Budget File