



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, July 16, 2021
1:00 p.m. or shortly thereafter

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 63395163#

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, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL

BUSINESS

- BOE 2021-19 Discussion on the recommendations of the Permitted Interaction Group (PIG) on an ordinance defining regulatory employees who are required to submit a disclosure statement.
- BOE 2021-20 Election of two members to represent the Board of Ethics regarding the proposed ordinance defining regulatory employees required to submit a disclosure statement and other related matters.

APPROVAL OF MINUTES

Open Session Minutes of June 18, 2021

PUBLIC TESTIMONY

None

COMMUNICATION

None

REQUEST FOR AN ADVISORY OPINION

None

DISCLOSURES

Employee:

1. Boyd Gayagas, Deputy County Engineer
2. Hugo Cabrera, Deputy County Attorney

Volunteer:

3. Catherine Adams, Police Commission
4. Tess Shimabukuro, Liquor Control Commission
5. V. Pamai Cano, Civil Service Commission

EXECUTIVE SESSION

ES-011

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 June 18, 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.

RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

ANNOUNCEMENTS

Next Meeting: Friday, July 16, 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 asecreti@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, 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	June 18, 2021
Location	Teleconference	Start of Meeting: 1:00 p.m.	End of Meeting: 1:22 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi. Members: Ryan de la Pena, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused	Secretary John Latkiewicz, Member Kelly Gentry,		
Absent			



SUBJECT	DISCUSSION	ACTION
Call To Order		<p>Chair Burriss called the meeting to order at 1:00 p.m.</p> <p>Roll call: Member de la Pena: present Member Gentry: excused Member Toyofuku: present Secretary Latkiewicz: excused Vice Chair Shiraishi: present Chair Burriss: present Four members present, which constituted a quorum.</p>
Approval of Minutes	<p><u>Open Session Minutes of May 21, 2021</u></p> <p>Vice Chair Shiraishi suggested that the third paragraph on page 3, “not” should be inserted before “receive” in the sentence, Chair Burriss explained that the Board did “not” receive it...</p> <p>Chair Burriss suggested that “till” be changed to “until” in the same sentence. On page 2 she suggested change “Board could only provide the Board” to “PIG could only provide the Board” in the second paragraph.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Also the last line of that same paragraph, “County’s” should be “Counties”. On page 3 last sentence, “Councilmember Cowden stated that it “will” should be “would” be great and welcomed and why she got on insert “the” meeting today.”</p> <p>Chair Burriss entertained to approve the minutes as amended.</p>	<p>Vice Chair Shiraishi moved to approve the minutes as amended. Member de la Pena seconded.</p> <p>Voice Vote: 4 ayes, 0 nays. Motion carried 4:0</p>
Public Testimony	<u>None</u>	
Communication	<u>None</u>	
Request for Advisory Opinion	<u>None</u>	
Business	<p><u>BOE 2021-19 Discussion on the recommendations of the Permitted Interaction Group (PIG) on an ordinance defining regulatory employees who are required to submit a disclosure statement.</u></p> <p>Chair Burriss asked Administrator Ching to clarify the process.</p> <p>Ms. Ching stated that the process would be for the Board to have a discussion and approve, reject or amend. She suggested that because two members of the PIG are excused today, the Board may want to defer to the next meeting when they are present.</p>	<p>Member de la Pena moved to defer BOE 2021-19 to the next meeting. Member Toyofuku seconded.</p> <p>Voice Vote: 4 ayes, 0 nays. Motion carried 4:0</p>
	<p><u>BOE 2021-20 Election of two members to represent the Board of Ethics regarding the proposed ordinance defining regulatory employees required to submit a disclosure statement and other related matters.</u></p> <p>Chair Burriss stated that since they will not be approving the ordinance today and a nominee may include one or more of the absentees, she entertained a motion to defer.</p>	<p>Member de la Pena moved to defer BOE 2021-20 to the next meeting. Vice Chair Shiraishi seconded.</p> <p>Voice Vote: 4 ayes, 0 nays. Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
<p>Disclosures</p>	<p><u>Employee:</u></p> <ol style="list-style-type: none"> 1. Ernest Barreira, Department of Finance, Division of Purchasing 2. Boyd Gayagas, Deputy County Engineer 3. Leo Sandoval, Director of Liquor Control Department <p>Chair Burriss asked for comments on #1. No responses.</p> <p>Chair Burriss asked for comments on #2. She commented that his County position was not listed in Section III.</p> <p>Member de la Pena suggested that it be returned for information on County employment and income.</p> <p>Chair Burriss questioned need for description of “Beef Brothers”. Vice Chair Shiraishi stated that though she doubts Beef Brothers has anything to do with his County employment, but since returning for employment and income, should ask him to describe his “Beef Brothers” business.</p> <p>Chair Burriss entertained a motion to return #2 for more information on Section III and IV.</p> <p>Chair Burriss asked for comments on #3. She noted that Section V included that Mr. Sandoval disclosed that he is a member of a General Merch Store business, and will assume that there is no income.</p> <p>Chair Burriss entertained a motion to approve #1 and #3.</p>	<p>Vice Chair Shiraishi moved to return disclosure #2 for more information on Section III and IV. Member de la Pena seconded.</p> <p>Voice Vote: 4 ayes, 0 nays Motion carried 4:0</p> <p>Member Toyofuku moved to approve disclosures #1 and #3. Member de la Pena seconded.</p> <p>Voice Vote: 4 ayes, 0 nays. Motion carried 4:0</p>

SUBJECT	DISCUSSION	ACTION
Executive Session	<p><u>ES-010 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 May 21, 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><i>The Board moved into Executive Session at 1:12pm</i></p>	<p>Vice Chair Shiraishi moved to move into Executive Session. Member de la Pena seconded.</p> <p>Voice Vote: 4 ayes, 0 nays. Motion carried 4:0</p>
Return to Open Session		<p>The Board resumed in Open Session at 1:20 p.m.</p> <p>Roll call: Member de la Pena: present Member Gentry: excused Member Toyofuku: present Secretary Latkiewicz: excused Vice Chair Shiraishi: present Chair Burriss: present Four members present, which constituted a quorum.</p>
	<p>Ratify on Board actions taken in Executive Session.</p>	<p>Member Toyofuku moved to ratify the actions taken in Executive Session. Member de la Pena seconded.</p> <p>Voice Vote: 4 ayes, 0 nays Motion carried 4:0</p>
Announcements	<p>Next Meeting: Friday, July 16 , 2021 at 1:00pm</p> <p>Ms. Ching thanked Member de la Pena for attending the meeting on his holiday.</p> <p>Chair Burriss wished all a Happy 4th of July.</p>	

SUBJECT	DISCUSSION	ACTION
Adjournment		Hearing no objections Chair Burriss adjourned the meeting at 1:22 p.m.

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

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

May 5, 2021

Board of Ethics

Permitted Interaction Group (PIG) Disclosure Report

PIG Commission members: Kelly Gentry, Ryan de la Pena, John Latkiewicz,

Staff: Aaron Larrimore, Ellen Ching, Anela Segreti

Task: The PIG was assigned to provide the following:

1. Draft an ordinance defining “regulatory employees” required to submit a disclosure statement.
2. Design the process for the implementation of the charter amendment.

Background:

The first Statewide Ethics Conference was held on September 5, 2019 and was attended by the previous Chair and Vice Chair of the Board of Ethics, Dean Toyofuku, Mia Shiraishi and Anela Segreti. One of the ideas they brought back from the conference was the concept of widening the number of county employees required to file an ethics disclosure to include “regulatory employees”. Based on this the Board of Ethics, proposed a charter amendment that was adopted in 2020. The amendment is as follows:

20.04. Disclosure.

- A. The mayor, councilpersons, ~~[all department heads and deputies,]~~ managing director, heads and deputies of all departments, agencies, and divisions, members of boards and commissions, the purchasing administrator, and ~~[any employee delegated or authorized to act on behalf of the director of finance and the deputy director of finance in their absence shall]~~ regulatory employees shall within thirty days of assuming office, file with the board a list of all real property within the county in which such person has any right, title, or interest, a list of all business firms which contract for county business in which such person has any interest, and all of such person’s places of employment, including part-time employment, all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses, and the names of persons represented before government agencies. Amendments to the list, including additions, deletions, or changes in title, interest in property or of employment, shall be made within thirty days of the occurrence of the amendment. The list shall be a matter of public record [7]; provided that the lists of regulatory employees shall not be open to public inspection.

Subsequently, on March 19, 2021, the Board adopted a motion to form this PIG. The PIG met on May 5, 2021 and reviewed the disclosure requirements of the other counties, a draft from the Human Resources department of the positions that are equivalent to Hawaii county’s ordinance and a draft ordinance.

Based on this the PIG is offering the following recommendations:

1. Adopt the proposed draft ordinance (Attachment #1) which is based on Hawaii County’s ordinance and incorporates the list of positions from HR. (See Attachment #1 - Ramseyer version, Attachment #2 - redline version)

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3,
KAUA‘I COUNTY CODE 1987, AS AMENDED,
RELATING TO FINANCIAL DISCLOSURES**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and purpose. The Council finds that a range of important government operations are conducted by employees working underneath the Mayor and department heads and deputies. These employees are engaged in sensitive matters involving the administration of County business and the determination of compliance with County law and rules. These employees historically have not been required to file financial disclosures with the Board of Ethics under Chapter 3, Section 3-1.9(a), Kaua‘i County Code 1987, as amended.

The Council finds that a Charter Amendment was duly adopted on November 3, 2020, that broadened the classes of employees required to file financial disclosures with the Board of Ethics to include the Managing Director, the heads of agencies and divisions, and regulatory employees.

The Council finds that Chapter 3, Kaua‘i County Code 1987, as amended, must be amended in order to conform to the Charter Amendment adopted in November 2020. Furthermore, the Council finds that the term “regulatory employees” should be defined in the Kaua‘i County Code to provide clarity and certainty on which employees shall be required to file financial disclosures.

The purpose of this Ordinance is to amend Chapter 3, Sections 3-1.2 and 3-1.9(a), Kaua‘i County Code 1987, as amended, to conform to the County Charter and to define the regulatory employees required to file financial disclosures with the Board of Ethics.

SECTION 2. Chapter 3, Section 3-1.2, Kaua‘i County Code 1987, as amended, is hereby amended by inserting, alphabetically, a definition for the following term:

“Regulatory Employee” means

- (1) Supervisors of inspectors employed by the ~~department~~Department of ~~public works~~Public Works;

- (2) ~~Inspectors employed by the department~~Department of public works~~Public Works;~~
- (3) Supervisors of liquor control investigators;
- (4) Liquor control investigators;
- (5) ~~Buyers and purchasing agents;~~
- (6) Supervisors of real property tax appraisers;
- (7) Real property tax appraisers;
- (8) Supervisors of planners or inspectors employed by the planning department~~Planning Department;~~
- ~~(9) Planners employed by the planning department;~~
- ~~(10)(9) Supervisors of inspectors employed by the department of water supply;~~Planning Department;
- (10) Inspectors employed by the department~~Planning Department;~~
- (11) Supervisors of fire prevention inspectors;
- (12) Fire prevention inspectors;
- (13) Supervisors of housing quality standards inspectors;
- (14) Housing quality standards inspectors;
- (15) Supervisors of water supply;~~motor vehicle inspectors;~~
- (16) Motor vehicle inspectors;
- (17) Supervisors of inspectors employed by the Department of Water Supply;
- ~~(11)(18) Inspectors employed by the Department of Water Supply;~~
- ~~(12)(19) The County Auditor”;~~
- (20) Auditors employed by the County Auditor; and
- (21) Analysts employed by the County Auditor.”

SECTION 3. Chapter 3, Section 3-1.9(a), Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“(a) The Mayor, Councilpersons, ~~[all department heads and deputies,]~~ Managing Director, heads and deputies of all departments, agencies, and divisions, members of boards and commissions, ~~[—and]~~ the purchasing administrator, and ~~[any employee delegated or authorized to act on behalf of the Director of Finance and the Deputy Director of Finance in their absence]~~ regulatory employees shall, within thirty (30) days of assuming office, file with the Board of Ethics a list of all real property within the County in which he or she has any right, title or interest; a list of all business firms which contract for County business in which he or she has interest; all places of employment, including part-time employment; and all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses and the names of persons represented before government agencies. Amendments to the list, including additions,

deletions or changes in title, interest in property or of employment, shall be made within thirty (30) days of the occurrence of the amendment. The list shall be a matter of public record[-]; provided that the lists of regulatory employees shall not be open to public inspection.”

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. Material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take upon its approval.

Introduced by:

COUNCILMEMBER NAME

DATE OF INTRODUCTION:

Līhu'e, Kaua'i, Hawai'i

ORDINANCE NO. _____

BILL NO. _____

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- (8) Supervisors of planners or inspectors employed by the Planning Department;
- (9) Planners employed by the Planning Department;
- (10) Inspectors employed by the Planning Department;
- (11) Supervisors of fire prevention inspectors;
- (12) Fire prevention inspectors;
- (13) Supervisors of housing quality standards inspectors;
- (14) Housing quality standards inspectors;
- (15) Supervisors of motor vehicle inspectors;
- (16) Motor vehicle inspectors;
- (17) Supervisors of inspectors employed by the Department of Water Supply;
- (18) Inspectors employed by the Department of Water Supply;
- (19) The County Auditor;
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