



BOARD OF ETHICS

JOHN LATKIEWICZ, CHAIR
RYAN de la PENA, VICE CHAIR
ROSE RAMOS-BENZEL, SECRETARY

SUSAN BURRISS, MEMBER
DEAN TOYOFUKU, MEMBER

Meetings of the Board of Ethics will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Commission's website upon completion and approval.

Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
 - Written testimony indicating your 1) name, and if applicable, you position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to asegreti@kauai.gov or mailed to the Board of Ethics, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
 - Written testimony received by the Board of Ethics at least 24 hours prior to the meeting will be distributed to all Board of Ethics Members prior to the meeting.
 - Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Board during the meeting and added to the record thereafter.
 - Any late testimony received will be distributed to the to the members after the meeting is concluded.
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- **Oral testimony** will be taken during the public testimony portion of the meeting.
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing asegreti@kauai.gov or calling (808) 241-4917. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
 - Per the Board of Ethics's and Chairs practice, there is three-minute time limit per testifier per agenda item.
 - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speaker.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, CONTACT THE OFFICE OF BOARDS AND 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 ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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REGULAR MONTHLY MEETING NOTICE AND AGENDA

Friday, January 20, 2023
1:00 p.m. or shortly thereafter
Līhu`e Civic Center
Pi`ikoi Building, Suite 300
4444 Rice Street, Līhu`e, HI 96766

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting of the Open Session

1. December 16, 2022

E. PUBLIC TESTIMONY

F. COMMUNICATION

BOE 2023-01

Memorandum from Michael Dahilig, Managing Director dated December 27, 2022, regarding meeting format (in-person, virtual or hybrid).

G. REQUEST FOR AN ADVISORY OPINION

H. BUSINESS

BOE 2023-01

Discussion and possible action regarding meeting format for Board of Ethics meetings.

I. DISCLOSURES

Employees:

1. Mahealani Krafft, First Deputy County Attorney
2. Melvin Rapozo, Councilmember
3. Andrew Michaels, Deputy County Attorney
4. Charles Foster, Deputy County Attorney
5. Hugo Cabrera, Deputy County Attorney
6. Jenna Tatsey, Deputy County Attorney
7. Laura Barzilai, Deputy County Attorney
8. Mark Bradbury, Deputy County Attorney

9. Mark Ishmael, Deputy County Attorney
10. Matthew Bracken, County Attorney
11. Stephen Hall, Deputy County Attorney
12. Teresa Tumbaga, Deputy County Attorney
13. Luke Evslin, Councilmember
14. Jade Fountain-Tanigawa, County Clerk
15. Adam Roversi, Housing Director
16. Annette Anderson, HR Director
17. Blanche Reiko Matsuyama, Director of Finance
18. Boyd Gayagas, Deputy County Engineer
19. Ernest Barreira, Assistant Chief Procurement Officer
20. Henry Ramsey Ross, Deputy Prosecuting Attorney
21. Ludvina Takahashi, County Executive on Aging
22. Matthew Arakawa, Deputy Prosecuting Attorney
23. Michael Gibson, Fire Chief
24. Michael Moule, Chief of Engineering
25. Michelle Lizama, Deputy Director of Finance
26. Sarah Blane, Chief of Staff
27. Todd Raybuck, Police Chief
28. Celia Wooton-Mahikoa, Executive on Transportation
29. Chad Yamamoto, Supervising Construction Inspector
30. Elton Ushio, Emergency Management Administrator
31. Joseph Tait, Manager & Chief Engineer
32. Taj Leone, Building Inspector
33. Aaron Larrimore, Deputy County Attorney
34. Brayden Munar, Building Inspector
35. Derek Kawakami, Mayor
36. Leo Sandoval-Reyes, Liquor Director
37. Leon Davenport III, Deputy Prosecuting Attorney
38. Leonard Peters, Assistant Executive on Transportation
39. Michael Dahilig, Managing Director
40. Michael Hinazumi, Civil Engineer VII
41. Nalani Brun, Director of the Office of Economic Development
42. Ronson Valdez, Building Inspector
43. Scott Suga, Project Management Officer
44. Edwin Navarro, Electrical Inspector
45. Jimmy Iloreta, Electrical Inspector
46. Sixto Agoto, Jr., Senior Building Inspector
47. Stanford Lau, Plumbing Inspector
48. Wallace Rezendes, Deputy Director Parks & Recreation
49. Weston Moniz, Waterworks Inspector III
50. Alisha Summers, Long Range Planner III
51. Bill DeCosta, Councilmember
52. Donna Olivas, Assistant Executive on Aging

53. James Tejada, Planning Inspector
54. Jaret Towler, Planning Inspector
55. Jason Kagimoto, Acting Engineering Division Head
56. Jet Levinthol, Supervising Waterworks Inspector
57. Juanito Rabaino, Building Inspector
58. Scott Shibuya, Construction Inspector
59. Takara Kunioka, Civil Engineer III
60. Troy Tanigawa, County Engineer
61. Leolynne Escalona, Code Enforcement Officer
62. Christopher Donahoe, Deputy County Attorney
63. Kaaina Hull, Planning Director

Volunteers:

64. Francis DeGracia, Planning Commissioner
65. Mary Kay Hertog, Police Commissioner

J. EXECUTIVE SESSION

ES-013

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 16, 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.

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.

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.

K. RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

L. ANNOUNCEMENTS

Next Meeting: Friday, February 17, 2023, at 1:00 p.m.

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

COUNTY OF KAUAI
 Minutes of Meeting
 OPEN SESSION

Board/Commission:	BOARD OF ETHICS	Meeting Date	December 16, 2022
Location	Boards & Commissions Conf. Room/Teleconference	Start of Meeting: 1:02 p.m.	End of Meeting: 1:37 p.m.
Present	Chair Kelly Gentry, Vice Chair John Latkiewicz, Secretary Ryan de la Pena. Members: Susan Burriss, Rose Ramos-Benzel, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching (arrived at 1:20 p.m.), 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 1:02 p.m. Roll call: Member Burriss: present Member Ramos-Benzel: present Member Toyofuku: present Secretary de la Pena: present Vice Chair Latkiewicz: present Chair Gentry: present Six members present, which constituted a quorum.	

SUBJECT	DISCUSSION	ACTION
C. Approval of Agenda	<p>For the record Chair Gentry asked if anyone was in the audience to provide testimony.</p> <p>Anela Segreti, staff, confirmed no one was present in the audience.</p> <p>Chair Gentry entertained a motion to approve the agenda.</p>	<p>Member Toyofuku moved to accept the agenda as submitted. Member Burriss seconded.</p> <p>Motion carried 6:0</p>
D. Approval of Minutes	<p>Minutes of the Open Session: 1. November 18, 2022</p> <p>Chair Gentry entertained a motion to approve the minutes.</p>	<p>Secretary de la Pena moved to accept the minutes of 11/18/22 as submitted. Member Ramos-Benzel seconded.</p> <p>Motion carried 6:0</p>
E. Public Testimony	None	
F. Communication	None	
G. Request for Advisory Opinion	None	
H. Business	<p><u>BOE 2022-21 Discussion and possible action regarding Advisory Opinion in response to RAO 2022-03.</u></p> <p>Board reviewed response (on file) and discussed handling responses. They discussed that it be handled as in the past, once the decision is made staff will have Chair sign and send out response.</p>	No action.
	<u>BOE 2022-22 Election of Chair, Vice Chair and Secretary for 2023 Calendar year.</u>	Member Ramos-Benzel moved to elect Vice Chair Latkiewicz as Chair for the 2023 calendar year. Secretary de la Pena seconded.

SUBJECT	DISCUSSION	ACTION
		<p>Motion carried 6:0</p> <p>Member Burriss moved to elect Secretary de la Pena as Vice Chair for the 2023 calendar year. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p> <p>Secretary de la Pena moved to elect Member Ramos-Benzel as Secretary for the 2023 calendar year. Member Burriss seconded.</p> <p>Motion carried 6:0</p>
	<p><u>BOE 2022-23 Discussion and possible approval of the 2023 meeting schedule.</u></p> <p>Discussion of meetings remaining as third Friday of each month at 1pm with exception of August, meeting will be on second Friday due to holiday on third Friday.</p>	<p>Member Toyofuku moved to approve the 2023 meeting schedule. Secretary de la Pena seconded.</p> <p>Motion carried 6:0</p>
<p>I. Disclosures</p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> 1. Bernard Carvalho, Jr., Councilmember 2. Bill DeCosta, Councilmember 3. Felicia Cowden, Councilmember 4. Lyndon Yoshioka, Deputy County Clerk 5. KipuKai Kuali'i, Councilmember 6. Addison Bulosan, Councilmember 7. Ellen Ching, Administrator, Boards & Commissions <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> 8. Glenda Nogami Streufert, Planning Commissioner 9. Julie Caspillo, Board of Review Member 10. Lee Gately, Kauai Historic Preservation Review Commissioner 11. Paul Endo, Liquor Control Commissioner 12. Mary Kay Hertog, Police Commissioner 	<p>Member Burriss moved to approve Disclosures #1, 3-11. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p> <p>Vice Chair Latkiewicz moved to return Disclosures #2 and 12 for more clarification.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Member Burriss noted: #2 did not include income for employment with DOE, #6 there is no dates in Section VIII regarding representation before government agencies, #7 Section VIII not all dates where completed, may have run off of copy. Ms. Ching explained that all happened in 2017 which is noted, but there wasn't enough space for all agencies, #11 did not give source of the annuity, #12 did not give source of income.</p> <p>Board discussed these and made decisions on which need to be sent back.</p>	<p>Member Burriss moved to return Disclosures #2 and #12 for missing information.</p> <p>Motion carried 6:0</p>
<p>J. Executive Session</p>	<p><u>ES-013 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 November 18, 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>Secretary de la Pena moved to enter into Executive Session at 1:22pm. Member Toyofuku seconded.</p> <p>Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
K. Return to Open Session		The Board resumed in Open Session at 1:35 p.m.
	<u>Ratify on Board actions taken in Executive Session.</u>	Secretary de la Pena moved to ratify the actions taken by the Board in Executive Session. Member Burriss seconded. Motion carried 6:0
L. Announcements	Next Meeting: Friday, January 20, 2023, at 1:00pm Administrator Ching announced that it was Chair Gentry's last meeting and thanked her for her service to the Board.	
M. Adjournment		Hearing no objections Chair Gentry adjourned the meeting at 1:37 p.m.

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

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

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHILIG, MANAGING DIRECTOR



MEMORANDUM

TO: All Board, Commission, and Committee Chairs

FR: Michael A. Dahilig
Managing Director

A handwritten signature in blue ink, appearing to read "Michael A. Dahilig", is placed to the right of the name and title in the "FR" field.

DATE: December 27, 2022

RE: Meeting format (in-person, virtual or hybrid)

In the early months of 2020 and at the start of COVID-19, County functions pivoted in variety of ways to maintain County operations and to safeguard public health and safety.

As we learned more about how to mitigate the impacts of COVID-19 and the Governor ended the last emergency proclamation related to COVID-19 in March 2022, we started a return to our normal operations.

Since then, the County's Boards, Commissions, and Committees have conducted in-person meetings, virtual meetings, or a hybrid of both – and both types of meeting formats are allowed under a newly revised Chapter 92, Hawaii Revised Statutes.

We understand each Board, Commission, Committee, and its members are unique and have unique needs. Thus, rather than issue a blanket directive from our office on how meetings should be conducted, it is prudent to leave that decision to each individual Board, Commission and Committee to determine what works best for your members as a body to be able to conduct business accordingly whether it be hybrid, all digital, or only in-person.

If you have any questions, please do not hesitate to contact myself or Ellen.

Happy New Year and Mahalo for your service!