

Ryan de la Pena
Chair

Mary Tudela
Vice-Chair

Maureen Tabura
Secretary

Members:
Michael Curtis
Calvin Murashige
Brad Nagano

COUNTY OF KAUA'I BOARD OF ETHICS
NOTICE OF MEETING AND AGENDA

Friday, April 15, 2016
1:00 p.m. or shortly thereafter
Mo'ikeha Building, Liquor Conference Room 3
4444 Rice Street, Līhu'e, HI 96766

Oath of Office for new Board Member Michael Curtis

CALL TO ORDER

APPROVAL OF MINUTES

Regular Open Session Minutes of March 18, 2016

COMMUNICATIONS

- BOE 2016-02 Possible Conflict of Interest and Recusal dated 3/10/16 from KipuKai Kualii related to Resolution No. 2016-30, Kaua'i County 2016 Action Plan (Community Development Block Grant)
- BOE 2016-03 Possible Conflict of Interest dated 3/16/16 from KipuKai Kualii relating to Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-07 – Appropriations for the YWCA
- BOE 2016-04 Possible Conflict of Interest dated 3/16/16 from Arryl Kaneshiro relating to Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017, Appropriations for Grove Farm Company, Inc. in the Fiscal Year 2016-2017 Mayor's operating Budget Submittal
- BOE 2016-05 Possible Conflict of Interest dated 3/16/16 from Arryl Kaneshiro relating to Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017 and the Appropriations for the East Kaua'i Soil & Water Conservation District
- BOE 2016-06 Possible Conflict of Interest dated 3/16/16 from Mason Chock relating to Bill No. 2625, the Mayor's Proposed Operating Budget for FY 2016-2017, Appropriations for Leadership Kaua'i

An Equal Opportunity Employer

BOE 2016-07 Possible Conflict of Interest dated 3/17/16 from JoAnn Yukimura relating to Bill No. 2625, Mayor's Proposed Operating Budget for Fiscal Year 2016-2017 and Appropriation for the Boys and Girls Club

BOE 2016-08 Possible Conflict of Interest dated 3/17/16 from Arryl Kaneshiro relating to Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017 and the Appropriations for the Kaua'i Economic Development Board (KEDB) Food & Agriculture Program

REQUEST FOR AN ADVISORY OPINION

RAO 16-003 Request from Mason K. Chock, Councilmember, as to whether there is a conflict for him as president of Kupu'ae, dba Kaua'i Team Challenge, to provide leadership training to managers and supervisors for the County of Kaua'i's Department of Human Resources under the County's Procurement Process

DISCLOSURES

1. Catherine A. Adams (Police Commission)
2. William Floyd Gibson (Liquor Control Commission)
3. Matthew Aaron Bernabe (Candidate for County Council)
4. Michael Gerald Perel (Charter Review Commission)
5. Norma Doctor Sparks (Candidate for County Council)
6. Heather Kanoë Ahuna (Planning Commission)
7. Lawrence John Dill (Board of Water Supply)
8. Kanani B. Fu (Housing Director)

ANNOUNCEMENTS

Next Meeting: Friday, May 20, 2016 – 1:00 p.m., Mo'ikeha Building, Liquor Conference Room

ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes §92-7 (a), the Commission 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).

c: Nicholas Courson, Deputy County Attorney

PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only.
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and

While every effort will be made to copy, organize and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Board of Ethics
Attn: Barbara Davis
Office of Boards & Commissions
4444 Rice Street, Suite 150
Līhu'e, HI 96766
Email: bdavis@kauai.gov
Fax: 241-5127 Phone: 241-4919

SPECIAL ASSISTANCE

If you need an alternate format or an auxiliary aid to participate, please contact the Boards & Commissions Support Clerk at 241-4919 at least five (5) working days prior to the meeting.

DRAFT TO BE APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:	BOARD OF ETHICS		Meeting Date	March 18, 2016
Location	Mo'ikeha Building, Liquor Conference Room 3		Start of Meeting: 1:00 p.m.	End of Meeting: 1:39 p.m.
Present	Chair Ryan de la Pena; Vice Chair Mary Tudela. Members: Calvin Murashige; Brad Nagano; Warren Perry Staff: Deputy County Attorney Nicholas Courson; Boards & Commissions Office: Support Clerk Barbara Davis; Administrator Jay Furfaro; Deputy Director of Finance Sally Motta			
Excused	Member: Maureen Tabura			
Absent				
SUBJECT	DISCUSSION			
Call To Order	ACTION			
Approval of Minutes	Chair de la Pena called the meeting to order at 1:00 p.m. with 5 members present. Mr. Perry moved to approve the minutes as circulated. Mr. Murashige seconded the motion. Motion carried 5:0			
Request for an Advisory Opinion	<p><u>RAO 16-002 Request from Sally Motta, Deputy Director of Finance, requesting an opinion as to whether there is a conflict to provide a testimonial on behalf of Atlas Insurance Brokers, the contracted insurance broker for the County of Kaua'i</u></p> <p>Ms. Motta said the County of Kaua'i has to have insurance for automobiles and different items. In order to get the best service we go through a broker and in this particular case the company is Atlas Insurance Agency. We have been using them for a long time. They used to be under a different name and when Bill Sandkuhler, who is our actual broker that we work with in that company, moved from Gallagher Insurance to Atlas we went with him. We have a contract called a Service Agreement for Insurance Broker Services and we are continuing and just executed this contract in October of last year. We have a long standing relationship with them and as I put in my letter I have been asked to personally execute a document talking about the</p> <p style="text-align: right;"><i>Open Minutes 3/18/16</i></p>			

SUBJECT	DISCUSSION	ACTION
	<p>service we have been getting from them for years. What is in the actual testimonial statement is all very correct and has been approved as to the content, but the question was raised as to whether or not if we execute this it would be in violation of Section 20.02 and that is the reason for coming here.</p> <p>Mr. Nagano asked how it got to Atlas Insurance because way back the initial contract was awarded to Aeon and then transferred to Gallagher and then transferred to Atlas without any RFQs or RFPs put out. Ms. Motta said they do not have to go out on bid on a RFP when they are working with a service agreement for insurance. That is per HRS (Hawai'i Revised Statutes).</p> <p>Mr. Perry stated that Ms. Motta would be testifying on behalf of Atlas Insurance. Ms. Motta said it was based on a phone conversation she received from an agency that they are working with to prepare it because they are in the process of possibly going to another State agency to use this to show they have worked with us and that we are very happy with the service that they have provided. Mr. Perry asked if the testimony would be given in front of the County Council. Ms. Motta said no, it was a phone conversation. Chair de la Pena asked if it would be attached to the RFP.</p> <p>Ms. Motta said they are calling it a testimonial excerpt. She called me, she wrote it out and sent it to me in an email and asked if we could put it on our letterhead and if I would be able to sign on behalf of the County of Kaua'i.</p> <p>Mr. Perry asked where it would be submitted. Ms. Motta said it would go to the company that is putting together the RFP that they are working on with another agency. Asked if this was another county agency or a state agency outside of Kaua'i County Ms. Motta said Kaua'i already has them so it is for another agency. Mr. Perry said in her capacity of the Deputy Finance Director she has experience with Atlas and Atlas said based on your experience with us would you feel comfortable writing to whomever saying</p>	

SUBJECT	DISCUSSION	ACTION
	<p>that Atlas is a good guy based on your experience. Mr. Perry asked if the letter was going to be sent to any county board, commission or agency. Ms. Motta said the letter would be given to (the requester) to include with the RFP.</p> <p>Ms. Tudela asked if she had ever done anything like this before in her capacity. Ms. Motta said she has not been asked to so the answer is no. Ms. Tudela asked if she was aware that the County has done this in any way to which Ms. Motta said she could not answer that as she did not know.</p> <p>There were no further questions for Ms. Motta so she exited the meeting.</p> <p>Mr. Nagano asked if Section 20.02 D would apply here. Attorney Courson said you could not say with absolute certainty because Ms. Motta did not disclose who, but he would highly doubt it because Atlas covers the County so any board, commission or agency is already represented by Atlas. Mr. Perry said he asked if it was going to be submitted to any County board, commission or agency and Ms. Motta had said no. Mr. Murashige said it bothers him with why should the County get involved with a private company especially in a letter. Nothing prevents this other agency from picking up the phone and calling Kaua'i and asking questions. When we say they can send a letter endorsing the work this company has done it bothers him even if it is a different State agency. Reading 20.02 does not fall as a prohibition but it does bother him. Mr. Nagano added that this letter can be used for any purpose not just for another State agency. Mr. Perry said that would be his response to Mr. Murashige – what Section. At first he thought it was going to be appear in behalf of a private interest and asked if Atlas was a private interest. Submitting something is an appearance on behalf of but Mr. Perry could not see a violation of the Code. Ms. Tudela agreed with everything she has heard and it is not uncommon</p>	

SUBJECT	DISCUSSION	ACTION
	<p>for this to happen, but the question is does the County want to have – essentially it is an endorsement – so does the County want to endorse an outside insurance company, so there is potential with 20.01 E in the future, but we can't be predictive. If she gives this lovely letter and there is a possibility she will get some kind of benefit, but we don't know that is the case but it sets us up for potential issues later. It really is a decision on whether the County wants to endorse; it would set a precedence. Ms. Tudela did not think there was anything in the Code that says Ms. Motta should not do it. There is potential to accrue a benefit but that is speculative. Mr. Nagano thought Ms. Motta saw this as a one-time thing but the letter is all inclusive and they can use this for any purpose. Chair de la Pena said it can even be used when there is a re-compete for their contract with the County. Ms. Tudela said if she were Ms. Motta's boss she would say no way and added she did not think it was in the best interest of the County to be endorsing an insurance company regardless of how wonderful they are to us. It is not in the best interest for us to endorse anyone; we should be neutral on all these matters. Ms. Tudela said she did not see anything in the Code from which she could make a motion.</p> <p>Attorney Courson said 20.05 D (2) says if the Board does not render an Advisory Opinion within 45 days there will be a finding of no breach of the code and suggested that if the Board does nothing that is what will result. Mr. Perry reminded the Board when they were sworn in their job on the Board of Ethics was to receive questions, receive Advisory Opinions and act on it. Ms. Tudela asked whose responsibility is it in County governance to decide whether or not we endorse something. She said she is about to motion that the Board is not going to look at it but defer it somewhere else.</p> <p>Mr. Furfaro said the Mayor is the Chief Executive Officer of the corporation called the County of Kaua'i and what programs are done usually come from</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the Administration. If no action is taken it passes and what Mr. Perry said is probably the right approach. This is an agency we do business with that is asking for the endorsement so the question is a little bit backwards. Ms. Tudela said she understands but her own executive experience says if she is the CEO she does not want her brand in an endorsement for another brand that she cannot control what they are going to do. It could embarrass us and personally she does not think this is a good thing to do. But the question she was asked was does it violate the Code and she does not think it violates the Code. Mr. Furfaro wanted to make sure Ms. Tudela understood his response as the Administrator of Boards and Commissions he is not trying to influence any outcome but to follow procedure. In the future there should be a motion and a second to have the discussion from which they could have taken a vote.</p> <p>Attorney Courson said they were not necessarily out of order but that it is a best practice that Council does and it does result in having something to vote on. If the Board prefers to do it this way he cannot point at a rule that says they can't do it this way. Mr. Furfaro asked to clarify what he said for the Attorney and his time on the process here. The best practices are to have discussion knowing there is a motion on the floor. It was noted that is Robert's Rules. Attorney Courson said he has recommended that before too but sometimes the Board, not knowing which way they want the motion, has wanted to discuss it and we have deferred to that. So while he would agree with Jay that it is the best practice because they can always vote the motion down he thought it was within the Board's purview to decide how to do that.</p>	<p>Ms. Tudela moved that the Board find that there is no conflict with the Code and further suggest this be communicated to another body, perhaps even the Mayor, where a decision needs to be made about whether or not the County wants to</p>

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Tudela stated that she had moved what she was uncomfortable with and wanted to clarify that (the question of endorsement) should go to the Director of Finance and not the Mayor.</p> <p>Attorney Courson said he remembers two times when companies wanted permission to use our “seal” and he looked for who had the authority to decide who can use our “seal” or not. Attorney Courson could not find any rule so he has made the same recommendation and it would behoove us as a County for the Council and the Mayor to get together and decide how we have the authority – because that is a form of endorsement – but as far as he knows that discussion has not happened. Kicking this up to the Director of Finance to make sure everyone is cool with this seems a prudent course.</p> <p>Mr. Murashige asked if that could be included in the letter that the Chair signs – the fact that some of the Board members have reservations about endorsements but as far as 20.02 there is no violation.</p> <p>Attorney Courson said it would say something along the lines of the Board after full discussion does not see a conflict in 20.02 E however as a matter of prudence the Board would recommend clearing this decision with the Director of Finance. Ms. Tudela felt this might be fraught with potential challenges in the future. Asked if they wanted those concerns articulated in the letter, noting they would be in the minutes. Ms. Tudela said she was happy to have it in the letter; it is not this Board’s responsibility to make decisions about what the County endorses or doesn’t. Attorney Courson</p>	<p>endorse and perhaps even start with Ms. Motta’s supervisor who should probably be the Director of the Department of Finance. Mr. Perry seconded the motion relative to there being no conflict.</p> <p>Based on Mr. Murashige’s explanation, Mr. Perry seconded the entire motion.</p>

SUBJECT	DISCUSSION	ACTION
Business	<p>said the wisdom of the policy is not something the Board wants to get involved in but is limiting its opinion to the fact that it is not a technical violation, but we recommend talking to the Director to make sure he is on board. Mr. Perry said it is not a violation period – not technical.</p> <p><u>BOE 2016-01 Election of Secretary for remainder of calendar year 2016</u></p>	<p>Motion carried 5:0</p> <p>Mr. Nagano moved to nominate Ms. Tabura with Mr. Murashige seconding the nomination.</p> <p>Mr. Perry moved to close the nominations. Ms. Tudela seconded the motion.</p> <p>Motion carried 5:0</p>
Disclosures	<ol style="list-style-type: none"> 1. <u>Deatri Alexis Nakea (Historic Preservation Commission)</u> 2. <u>Glenda Nogami-Streufert (Planning Commission)</u> 3. <u>Michael Carlton Curtis (Board of Ethics)</u> 4. <u>Fely L. Faulkner (Civil Service Commission)</u> 5. <u>Tyler Rand Radighiero (Cost Control Commission)</u> 6. <u>Lisa Ruth Arin (Candidate for Prosecuting Attorney)</u> 7. <u>Laurie LK Yoshida (Cost Control Commission)</u> 8. <u>Ted K. Blake (Open Space Public Access Commission)</u> 9. <u>Althea K. Arinaga (Historic Preservation Commission)</u> <p>Mr. Perry said Ms. Yoshida noted that primary residence information is no longer needed and he wants to request the basis for her dictating to the Board what is no longer required.</p> <p><u>ES-003: Regular Executive Session Minutes of February 19, 2016</u></p>	<p>Mr. Perry moved that disclosures 1 through 6 and 8 through 9 be received and deemed as complete. Mr. Murashige seconded the motion.</p> <p>Motion carried 5:0</p>
	<p>With no questions, changes or discussion it was determined there was not a</p>	

SUBJECT	DISCUSSION	ACTION
	need to convene in Executive Session.	Mr. Nagano moved to approve the minutes as circulated. Mr. Murashige seconded the motion. Motion carried 5:0
Announcements	Next Meeting: Friday, April 15, 2016 – 1:00 p.m. Mr. Furfaro recognized Warren Perry for his two terms on the Board and thanked him on behalf of the Mayor for his service.	
Adjournment		Chair de la Pena adjourned the meeting at 1:39 p.m.

Submitted by: Barbara Davis, Staff Support Clerk Reviewed and Approved by: Ryan de la Pena, Chair

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

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii'i
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

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

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Fax (808) 241-6349
Email cokcouncil@kauai.gov

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

MEMORANDUM

March 10, 2016



TO: Mel Rapozo, Council Chair
And Members of the Kaua'i County Council

FROM: KipuKai Kualii'i, Councilmember

**RE: POSSIBLE CONFLICT OF INTEREST AND RECUSAL
RELATED TO RESOLUTION NO. 2016-30, KAUA'I COUNTY
2016 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK
GRANT)**

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 Resolution No. 2016-30, Kaua'i County 2016 Action Plan (Community Development Block Grant), specifically item f. Economic Development by Workforce Development (Hawaiian Community Development Corporation), because I serve as President of the Homestead Community Development Corporation, and item g. Photovoltaic System & Air Conditioning Units for Family Violence Shelter (YWCA of Kaua'i), due to my employment with the YWCA of Kaua'i.

In light of the above, I will recuse myself from the aforementioned item.

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

AMK:mn

cc: March 23, 2016 Council Meeting Agenda
County of Kaua'i Board of Ethics
Council Services Staff

BOE 2016-2

COUNTY COUNCIL
Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

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

MEMORANDUM

March 16, 2016



TO: Mel Rapozo, Council Chair
and Members of the Kauai County Council

FROM: KipuKai Kualii, Councilmember *KipuKai Kualii*

RE: **POSSIBLE CONFLICT OF INTEREST RELATING TO
BILL NO. 2625, THE MAYOR'S PROPOSED OPERATING
BUDGET FOR FISCAL YEAR 2016-2017 - APPROPRIATIONS
FOR THE YWCA**

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 the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017 YWCA (Office of Economic Development - Grant-In-Aid), as I am the Director of Operations for this organization.

In light of the above, I will recuse myself from the aforementioned items during the Fiscal Year 2016-2017 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to this item, and any subsequent meeting thereafter related to this item.

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

JA:cy

cc: April 6, 2016 Council Meeting Agenda
County of Kauai Board of Ethics
Council Services Staff
Fiscal Year 2016-2017 Budget File

BOE 2016-03

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

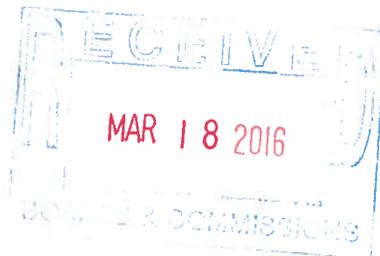
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Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

March 16, 2016



TO: Mel Rapozo, Council Chair
and Members of the Kaua'i County Council

FROM: Arryl Kaneshiro, Councilmember **AK**

RE: POSSIBLE CONFLICT OF INTEREST RELATING TO BILL NO. 2625, THE MAYOR'S PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2016-2017, APPROPRIATIONS FOR GROVE FARM COMPANY, INC. IN THE FISCAL YEAR 2016-2017 MAYOR'S OPERATING BUDGET SUBMITTAL

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 the Grove Farm (Puhi Metals Recycling) Liabilities appropriation in the Department of Finance – Administration and 800 MHZ Radio Site Lease: Grove Farm appropriation in the Civil Defense Agency, as reflected in Bill No. 2625, the Mayor's Proposed Operating Budget For Fiscal Year 2016-2017, as I am a Project Specialist employed by Grove Farm Company, Inc.

In light of the above, I will recuse myself from the aforementioned items during the Fiscal Year 2016-2017 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to this item, and any subsequent meeting thereafter related to this item.

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

JA:lc

cc: April 6, 2016 Council Meeting Agenda
County of Kaua'i Board of Ethics
Council Services Staff
Fiscal Year 2016-2017 Budget File

BOE 2016-04

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii'i
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

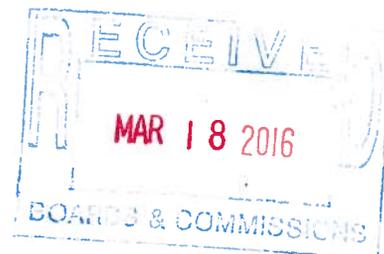
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MEMORANDUM

March 16, 2016



TO: Mel Rapozo, Council Chair
and Members of the Kauai County Council

FROM: Arryl Kaneshiro, Councilmember AK

RE: **POSSIBLE CONFLICT OF INTEREST RELATING TO
BILL NO. 2625, THE MAYOR'S PROPOSED OPERATING
BUDGET FOR FISCAL YEAR 2016-2017 AND THE
APPROPRIATIONS FOR THE EAST KAUA'I SOIL & WATER
CONSERVATION DISTRICT**

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 Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017 specifically, the East Kauai Water appropriation in the Office of Economic Development – Grant-In-Aid, and Kauai Soil Conservation appropriation in the Department of Public Works – Grant-In-Aid, as I am a Director for the East Kauai Soil & Water Conservation District.

In light of the above, I will recuse myself from the aforementioned item during the Fiscal Year 2016-2017 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to this item, and any subsequent meeting thereafter related to this item.

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

JA:cy
cc: April 6, 2016 Council Meeting Agenda
County of Kauai Board of Ethics
Council Services Staff
Fiscal Year 2016-2017 Budget File

BOE 2016-05

COUNTY COUNCIL
Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
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OFFICE OF THE COUNTY CLERK

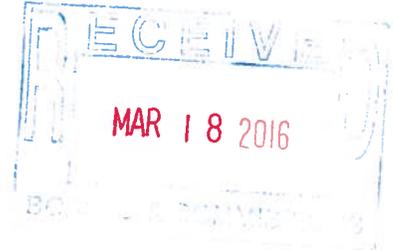
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MEMORANDUM

March 16, 2016



TO: Mel Rapozo, Council Chair
and Members of the Kauai County Council

FROM: Mason K. Chock, Councilmember

RE: **POSSIBLE CONFLICT OF INTEREST RELATING TO
BILL NO. 2625, THE MAYOR'S PROPOSED OPERATING BUDGET
FOR FY 2016-2017**

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 as it relates to Bill No. 2625, the Mayor's Proposed Operating Budget for the Fiscal Year 2016-2017, specifically the appropriation for Leadership Kauai (Office of the Mayor), as I am a volunteer and facilitator for the annual Leadership Kauai adult class. Additionally, Leadership Kauai and my company, Kupu a'e Leadership Development, are partners in leadership initiatives on Kauai.

In light of the above, I will recuse myself from the aforementioned item during the Fiscal Year 2016-2017 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to this item, and any subsequent meeting thereafter related to this item.

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

JA:mn
cc: April 6, 2016 Council Meeting Agenda
County of Kauai Board of Ethics
Council Services Staff
Fiscal Year 2016-2017 Budget File

BOE 2016-06

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



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MEMORANDUM

March 17, 2016

TO: Mel Rapozo, Council Chair
and Members of the Kaua'i County Council

FROM: JoAnn A. Yukimura, Councilmember 

**RE: POSSIBLE CONFLICT OF INTEREST RELATING TO
BILL NO. 2625, MAYOR'S PROPOSED OPERATING BUDGET
FISCAL YEAR 2016-2017 AND THE APPROPRIATION FOR THE
BOYS & GIRLS CLUB**

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. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017, and the appropriation to the Boys & Girls Club (Department of Parks & Recreation – Kaua'i War Memorial Convention Hall), as I am on the Kaua'i Advisory Board for the Boys & Girls Club of Hawai'i.

In light of the above, I will recuse myself from the aforementioned item during the Fiscal Year 2016-2017 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to this item, and any subsequent meeting thereafter related to this item.

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

JA:mn

cc: April 6, 2016 Council Meeting Agenda
County of Kaua'i Board of Ethics
Council Services Staff
Fiscal Year 2016-2017 Budget File

BOE 2016-07

COUNTY COUNCIL
Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

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

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

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

MEMORANDUM

March 17, 2016

TO: Mel Rapozo, Council Chair
and Members of the Kauai County Council

FROM: Arryl Kaneshiro, Councilmember AK

RE: **POSSIBLE CONFLICT OF INTEREST RELATING TO
BILL NO. 2625, THE MAYOR'S PROPOSED OPERATING BUDGET
FOR FISCAL YEAR 2016-2017 AND THE APPROPRIATIONS FOR
THE KAUA'I ECONOMIC DEVELOPMENT BOARD (KEDB) -
FOOD & AGRICULTURE PROGRAM**

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 Bill No. 2625, the Mayor's Proposed Operating Budget for Fiscal Year 2016-2017 specifically the appropriation to the Kauai Economic Development Board (KEDB) - Food & Agriculture Program (Office of Economic Development - Grant-In-Aid), as I am a committee member on the KEDB Food & Agriculture Committee.

In light of the above, I will recuse myself from the aforementioned item during the Fiscal Year 2016-2017 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to this item, and any subsequent meeting thereafter related to this item.

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

JA:mn

cc: April 6, 2016 Council Meeting Agenda
County of Kauai Board of Ethics
Council Services Staff
Fiscal Year 2016-2017 Budget File

BOE 2016-08

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii'i
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
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Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

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

March 28, 2016



Ryan de la Pena, Chairperson
Board of Ethics
c/o Office of Boards & Commissions
4444 Rice Street, Suite 150
Lihu'e, Hawai'i 96766

Dear Chair de la Pena and Members of the Board of Ethics,

I am the president of Kupu'ae, dba Kaua'i Team Challenge. Kupu'ae was selected by the County of Kaua'i's Department of Human Resources to provide leadership training to managers and supervisors. I am enclosing a copy of the procurement for your review.

I hereby request that the Board of Ethics provide me with an advisory opinion regarding whether my participation in the Council's deliberation and decision-making on the County's budget as it relates to the Department of Human Resources would violate any ethical provision contained in either the Kaua'i County Charter or the Kaua'i County Code.

If you need additional information, you may contact my direct line at (808) 241-4095 or the Office of the County Clerk, Council Services Division at (808) 241-4188. You may send any correspondence to me at the Office of the County Clerk, Council Services Division in the address as shown on the letterhead.

Thank you for your prompt attention to this matter.

Sincerely,

MASON K. CHOCK
Councilmember, Kaua'i County Council

PM:cy
Enclosure

RAO 16-003

Peter Morimoto

From: Ernest Barreira
Sent: Tuesday, March 15, 2016 4:24 PM
To: Peter Morimoto
Cc: Mauna Kea Trask; Nicholas Courson; Jade Tanigawa
Subject: RE: competitive bids

Hi Peter. I have reviewed the sections you've noted and still believe that a small purchase is determined to be a competitive process since multi-bidders must be solicited to offer a price quote. Please note the following excerpt:

§103D-305 Small purchases; prohibition against parceling. (a) Procurements of less than \$100,000 for goods or services, or \$250,000 for construction shall be made in accordance with procedures set forth in rules adopted by the policy board that are designed to ensure administrative simplicity and as much competition as is practicable;

There are only two types of procurement that would be considered non-competitive: exemptions under HRS chapter 103D-102 and sole source procurements pursuant to HRS chapter 103D-306.

Hope this helps.

Thanks.

Ernest "Ernie" W. Barreira, M.S.
Assistant Chief Procurement Officer/Budget Chief
Division of Purchasing
Department of Finance
Ph. (808)241-4295

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Bernard P. Carvalho, Jr.
Mayor



Janine M.Z. Rapozo
Director of Human Resources

Nadine K. Nakamura
Managing Director

DEPARTMENT OF HUMAN RESOURCES

County of Kauai, State of Hawaii
4444 Rice Street, Suite 140, Lihu'e, Hawaii 96766
TEL (808) 241-4956 FAX (808) 241-6593

February 10, 2016

To: Kupu a'e

We are requesting a quote for the item(s)/service(s) listed in Question #1 below. Please complete questions #1-3 below and return this form by **February 19, 2016**.

1.	<p>Please provide the cost for the Item(s)/service(s) listed below:</p> <table><thead><tr><th><u>ITEM / SERVICE</u></th><th><u>UNIT PRICE</u></th></tr></thead><tbody><tr><td>MyEverythingDiSC Training*</td><td>\$ <u>2,900.00</u> per training session*</td></tr></tbody></table> <p>If there is tax, please provide tax percentage: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <u>4.16</u> % (Not to exceed 4.16%)</p> <p>* Requirements: Two (2) six-hour training sessions with 40 participants for each session. Includes Everything DiSC Work of Leaders profile assessment for 80 participants and facilitation fee which includes preparation, printing, facilitation materials, unlimited comparison reports, and access to internet-based model of myeverythingdisc.com. Training sessions will be held at the County of Kauai facilities (no facility fees).</p>	<u>ITEM / SERVICE</u>	<u>UNIT PRICE</u>	MyEverythingDiSC Training*	\$ <u>2,900.00</u> per training session*
<u>ITEM / SERVICE</u>	<u>UNIT PRICE</u>				
MyEverythingDiSC Training*	\$ <u>2,900.00</u> per training session*				
2.	<p>Does your company accept Purchase Orders?</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>0</u> (If yes, indicate amount of surcharge, if any)</p>				
3.	<p>Does your company accept P-Cards (credit cards)?</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>3.15% of total</u> (If yes, indicate amount of surcharge, if any)</p>				

COMPLETED BY:

AN EQUAL OPPORTUNITY EMPLOYER

COUNTY OF KAUAI
SMALL PURCHASE WRITTEN QUOTATIONS

Date: February 10, 2016

Offeror's Name: Kupu a'e Phone/Fax No (808) 345-7941

Address: 121 Lihau St. City/State/Zip Code Kapaa, HI 96746

Vendor Representative: Shyla Ayau

PROVIDE A QUOTATION for the following good/service/construction (see attached specifications):
 Telephone Bid: _____ Note: Complete questionnaire attached.

Description:
 Award shall be MOST ADVANTAGEOUS including price, all taxes, charges, freight, etc. by
 unit price per item, Total Sum Bid, Total Sum Bid by Group

Deliver all items w/in ___ days to: N/A

QUOTES ACCEPTED BY (mail, fax email this quotation by 2/19/2016, 11:59 pm HST to the following):
 Dept/Agency: HR, Address: 4444 Rice Ste 140 City/State/Zip Code: Lihue, HI 96766
 Contact Person: Debbie Ponce Phone/Fax No. (808) 241-4923 / (808) 241-6593

VENDOR TO COMPLETE THE SECTION BELOW

Item No.	Description of item(s)	QTY	UNIT PRICE	TOTAL PRICE
1.	Everything DiSC Work of Leaders Assessment	80	\$ 50.00	\$ 4,000.00
2.	Facilitation Fee	2	\$ 900.00	\$ 1,800.00
3.				
SUB-TOTAL from additional page				

Additional information or terms (i.e. delivery time, warranty period, etc.):	TOTAL SUM BID	\$5,800.00
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Includes additional item(s)

Quote No. 1 Price(s) shall remain firm for 30 days.

Vendor Representative: Shyla M. Ayau 2/16/16
 Signature Date

Title: Vice President If award is greater than \$2,500, HCE compliant? Yes, No

Shyla Ayau
Print Name

Vice President
Title

(808) 345-7941
Phone Number

Fax Number

Shyla M. Ayau
Signature

02/16/16
Date

Please fax the completed quote request to (808) 241-6593 Attn: Debbie, or e-mail to dponce@kauai.gov. If you have any questions, please feel free to call me at 241-4923.

Thank You,

Debbie Ponce

Debbie Ponce
HR Specialist II

AN EQUAL OPPORTUNITY EMPLOYER

Bernard P. Carvalho, Jr.
Mayor



Janine M.Z. Rapozo
Director of Human Resources

Nadine K. Nakamura
Managing Director

DEPARTMENT OF HUMAN RESOURCES
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 140, Lihue, Hawai'i 96766
TEL (808) 241-4956 FAX (808) 241-6593

February 10, 2016

To: **Think, LLC**

We are requesting a quote for the item(s)/service(s) listed in Question #1 below. Please complete questions #1-3 below and return this form by **February 19, 2016**.

1.	<p>Please provide the cost for the item(s)/service(s) listed below:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>ITEM / SERVICE</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>UNIT PRICE</u></th> </tr> </thead> <tbody> <tr> <td style="padding-left: 20px;">MyEverythingDiSC Training*</td> <td style="padding-left: 20px;">\$ 17,340.03 per training session*</td> </tr> </tbody> </table> <p>If there is tax, please provide tax percentage: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <u>4.16</u> % (Not to exceed 4.16%)</p> <p>* Requirements: Two (2) six-hour training sessions with 40 participants for each session. Includes Everything DiSC Work of Leaders profile assessment for 80 participants and facilitation fee which includes preparation, printing, facilitation materials, unlimited comparison reports, and access to internet-based model of myeverythingdisc.com. Training sessions will be held at the County of Kaua'i facilities (no facility fees).</p>	<u>ITEM / SERVICE</u>	<u>UNIT PRICE</u>	MyEverythingDiSC Training*	\$ 17,340.03 per training session*
<u>ITEM / SERVICE</u>	<u>UNIT PRICE</u>				
MyEverythingDiSC Training*	\$ 17,340.03 per training session*				
2.	<p>Does your company accept Purchase Orders?</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>0</u> (If yes, indicate amount of surcharge, if any)</p>				
3.	<p>Does your company accept P-Cards (credit cards)?</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>0</u> (If yes, indicate amount of surcharge, if any)</p>				

COMPLETED BY:

AN EQUAL OPPORTUNITY EMPLOYER

THINK, LLC
 500 Ala Moana Boulevard
 Water Front Plaza, Building 7, Suite 400
 Honolulu, HI 96813
 (808)224-8694
 sarah@think-training.com
 http://www.think-training.com

Estimate 1164

ADDRESS	SHIP TO
Debbie Ponce	Debbie Ponce
County of Kaua'i	County of Kaua'i
4444 Rice Street, Suite 140	4444 Rice Street, Suite 140
Lihue, HI 96766	Lihue, HI 96766

DATE
02/19/2016

PLEASE PAY
\$17,346.13

SALES REP
Sarah

ACTIVITY	QTY	RATE	AMOUNT
Training Services: Facilitation of 6 hour Everything DiSC Work of Leaders Workshop	2	3,750.00	7,500.00T
Everything DiSC Work of Leaders Profile	80	98.75	7,900.00T
Discount: 3% Discount on each Everything DiSC Profile	80	-2.98	-236.80
EPIC Credits Sub Account One time Set-up Fee W-801	1	160.00	160.00T
Discount: 50% off of EPIC Sub Account	1	-80.00	-80.00
MyEverythingDisc.com accounts for all participants	80	0.00	0.00T
EPIC Account Tutorial and Ongoing Phone Support	1	0.00	0.00T
Training Materials: Includes printed handouts, Everything DiSC Interaction Guide, Everything DiSC Style Guide per person	80	15.00	1,200.00T
Unlimited access to creating Everything DiSC Comparison Reports	1	0.00	0.00T
Everything DiSC Facilitator Report	2	98.75	197.50T
This estimate is inclusive of travel expenses			

Thank you for requesting this estimate. We would be honored to serve you.

SUBTOTAL	16,640.70
TAX (4.16%)	705.43

TOTAL	\$17,346.13
--------------	--------------------

THANK YOU.

Accepted By

Accepted Date

Bernard P. Carvalho, Jr.
Mayor



Janine M.Z. Rapozo
Director of Human Resources

Nadine K. Nakamura
Managing Director

DEPARTMENT OF HUMAN RESOURCES

County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 140, Lihue, Hawai'i 96766
TEL (808) 241-4956 FAX (808) 241-6593

February 10, 2016

To: **Kaua'i Community College**

We are requesting a quote for the item(s)/service(s) listed in Question #1 below. Please complete questions #1-3 below and return this form by **February 19, 2016**.

1.	<p>Please provide the cost for the item(s)/service(s) listed below:</p> <table><thead><tr><th><u>ITEM / SERVICE</u></th><th><u>UNIT PRICE</u></th></tr></thead><tbody><tr><td>MyEverythingDISC Training*</td><td>\$ <u>4,400</u> per training session*</td></tr></tbody></table> <p>If there is tax, please provide tax percentage: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____ % (Not to exceed 4.16%)</p> <p>* Requirements: Two (2) six-hour training sessions with 40 participants for each session. Includes Everything DiSC Work of Leaders profile assessment for 80 participants and facilitation fee which includes preparation, printing, facilitation materials, unlimited comparison reports, and access to internet-based model of myeverythingdisc.com. Training sessions will be held at the County of Kaua'i facilities (no facility fees).</p>	<u>ITEM / SERVICE</u>	<u>UNIT PRICE</u>	MyEverythingDISC Training*	\$ <u>4,400</u> per training session*
<u>ITEM / SERVICE</u>	<u>UNIT PRICE</u>				
MyEverythingDISC Training*	\$ <u>4,400</u> per training session*				
2.	<p>Does your company accept Purchase Orders?</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>Ø</u> (If yes, indicate amount of surcharge, if any)</p>				
3.	<p>Does your company accept P-Cards (credit cards)?</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>Ø</u> (If yes, indicate amount of surcharge, if any)</p>				

COMPLETED BY:

AN EQUAL OPPORTUNITY EMPLOYER

**COUNTY OF KAUAI
SMALL PURCHASE WRITTEN QUOTATIONS**

Date: February 19, 2016

Offeror's Name: Kauai Community College OCET Phone/Fax No (808) 245-8319

Address: 3-1901 Kaunualii Hwy. City/State/Zip Code Lihue, HI 96766

Vendor Representative: Peggy Lake

PROVIDE A QUOTATION for the following good/service/construction (see attached specifications):

Telephone Bid: _____ Note: Complete questionnaire attached.

Description:

Award shall be MOST ADVANTAGEOUS including price, all taxes, charges, freight, etc. by

unit price per item, Total Sum Bid, Total Sum Bid by Group

Deliver all items w/in ___ days to: N/A

QUOTES ACCEPTED BY (mail, fax email this quotation by 2/19/2016 11:59 pm HST to the following):

Dept/Agency: HR, Address: 4444 Rice Sts 140 City/State/Zip Code: Lihue, HI 96766

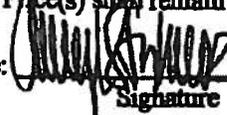
Contact Person: Debbie Ponce Phone/Fax No. (808) 241-4923 / (808) 241-6593

VENDOR TO COMPLETE THE SECTION BELOW

Item No.	Description of item(s)	QTY	UNIT PRICE	TOTAL PRICE
1.	Everything DISC For Leaders	2	4,400	8,800
2.				
3.				
SUB-TOTAL from additional page				
Additional information or terms (i.e. delivery time, warranty period, etc.):			TOTAL SUM BID	8,800

Includes additional item(s)

Quote No. 001 Price(s) shall remain firm for 180 days.

Vendor Representative:  for Peggy Lake 02/19/2016
Signature Date

Title: Training Coordinator If award is greater than \$2,500, HCE compliant? Yes, No

COUNTY OF KAUA'I RECORD OF SMALL PURCHASE

Agency: Human Resources /
 Dept or Agency) / (Div)
Debbie
Ponce

Date: 2/23/2016

Contact Person: _____ Requisition No. _____ Written Informal # _____

QUOTATIONS RECEIVED:

Part A. Description of good/service/construction (Include all items & specifications):

Two (2) six-hour training sessions with 40 participants for each session. Includes Everything DiSC Work of Leaders profile assessment for 80 participants and facilitation fee which includes preparation, printing, facilitation materials, unlimited comparison reports, and access to internet-based model of myeverythingdisc.com. Training sessions will be held at the County of Kaua'i facilities (no facility fees).

Part B. Quotations Solicited (include all applicable taxes, fees, delivery costs, etc.; Provide all supporting documents, eg SPO 10 or like documents; List recommended vendor as #1):

	Vendor Name	Representative	Phone No.	Date of Quote	Amount Quoted
1.	Kupu a'e dba Kauai Team Challenge	Shyla Ayau	(808) 345-7941	2/16/2016	\$5800.00
Compliant with HRS 103D-310(c) requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No., FEIN/SSN: <u>2034</u> (last four digits) Date verified via HCE: <u>2/23/2016</u> Vendor Name above is <input type="checkbox"/> Entity Name or <input checked="" type="checkbox"/> dba/Trade Name on HCE					
2.	Kaua'i Community College OCET	Peggy Lake	(808) 245-8319	2/19/2016	\$8800.00
3.	THINK	Sarah K-Nakamura	(808) 224-6694	2/19/2016	\$17,346.13
4.					
5.					

Part C. Justification for impracticality or inability to obtain minimum three quotations, if applicable:

Part D. Justification for award made to other than lowest quotation (not applicable for construction above \$5,000 as award shall be to lowest quotation):

Debbie Ponce
 Print Name of Authorized Employee soliciting quotations

Debbie Ponce 2/23/16
 Signature Date

 Signature: Procurement Officer/Designee approval

Date & PO #: _____

CERTIFICATE OF VENDOR COMPLIANCE



STATE OF HAWAII
STATE PROCUREMENT OFFICE

CERTIFICATE OF VENDOR COMPLIANCE

This document presents the compliance status of the vendor identified below on the issue date with respect to certificates required from the Hawaii Department of Taxation (DOTAX), the Internal Revenue Service, the Hawaii Department of Labor and Industrial Relations (DLIR), and the Hawaii Department of Commerce and Consumer Affairs (DCCA).

Vendor Name: **KAUAI TEAM CHALLENGE INC.**

DBA/Trade Name: **Kauai Team Challenge Incorporated**

Issue Date: **02/23/2016**

Status: **Compliant**

Hawaii Tax#: W2012010801
FEIN/SSN#: XX-XXX2034
UI#: XXXXXX5210
DCCA FILE#: 200143

Status of Compliance for this Vendor on issue date:

Form	Department(s)	Status
A-6	Hawaii Department of Taxation Internal Revenue Service	Compliant Compliant
COGS	Hawaii Department of Commerce & Consumer Affairs	Compliant
LIR27	Hawaii Department of Labor & Industrial Relations	Compliant

Status Legend:

Status	Description
Exempt	The entity is exempt from this requirement
Compliant	