

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 9/16/16

Board/Committee:	BOARD OF ETHICS	Meeting Date	August 26, 2016
Location	Mo‘ikeha Building, Liquor Conference Room 3	Start of Meeting: 1:01 p.m.	End of Meeting: 1:56 p.m.
Present	Chair Ryan de la Pena; Vice Chair Mary Tudela; Secretary Maureen Tabura. Members: Michael Curtis; Brad Nagano Staff: County Attorney Mauna Kea Trask; Boards & Commissions Office: Support Clerk Barbara Davis		
Excused	Member: Calvin Murashige		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair de la Pena called the meeting to order at 1:01 p.m. with 5 members present.
Approval of Minutes	<u>Regular Open Session Minutes of June 17, 2016</u>	Mr. Nagano moved to approve the minutes as circulated. Mr. Curtis seconded the motion. Motion carried 5:0
Communication	<p><u>BOE 2016-09 Press Release of 7/28/16 requiring Lobbyists to register with the Office of the County Clerk</u></p> <p>Staff explained this was included in the packet because many of the Board Members were here when the County Council was trying to make that a duty of this Board. The Board’s involvement now would be if there is an alleged violation.</p>	Ms. Tabura moved to receive the communication. Mr. Nagano seconded the motion. Motion carried 5:0
Request for an Advisory Opinion	<p><u>RAO 16-005 Request received 7/13/16 From Allan Parachini, Chair of the Charter Review Commission, as to whether there is a conflict of interest with his consulting agreement with the Kaua‘i Island Utility Cooperative for which he will be advising KIUC on various communications issues</u></p> <p>Mr. Allan Parachini was present to answer any questions presented by the Board. Mr. Parachini said he made this request at the suggestion of Jay Furfaro just to leave no “t” uncrossed or “i” un-dotted. This relationship with KIUC that he entered into is a part-time temporary consulting gig.</p>	

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	<p>Their communications director left and he has considerable back ground in PR and journalism so he is filling in with them. His immediate predecessor as chairman of the Charter Review Commission, Jan TenBruggencate, was and is on the KIUC Board and chairs it right now. Mr. Parachini, out of an abundance of caution, wanted to make sure that this Board feels there is no conflict.</p>	<p>Ms. Tabura moved that the Board find there is no conflict of interest. Mr. Curtis seconded the motion. Motion carried 5:0</p>
	<p><u>RAO 16-006 Request received 8/8/16 from the Life's Choices Coordinator, Theresa Koki, to review and advise whether there is a conflict for three Outside Employment Requests for the PFS Prevention Coordinator Maile Murray</u></p> <ul style="list-style-type: none"> a. <u>Pono Assessment and Counseling Services, LLC who engage in Drug and Alcohol Assessments and Individual Counseling</u> b. <u>WorkLife Hawai'i who engage in Employment Assistance Programs (Child and Family Service)</u> c. <u>Child and Family Services who engage in Social Services</u> <p>Ms. Theresa Koki and Ms. Maile Murray were present to answer any questions presented by the Board. Ms. Koki was asked to summarize the request for an Advisory Opinion. Ms. Koki explained that Ms. Murray is a substance abuse counselor and was formerly and still is involved with the EAP (Employee Assistance Program) contract. (The County) has employees that go to the EAP for counselling but for her situation she will not do anymore employees. Her other employer, the EAP contract that she had, would only consider her for different EAP contracts. We wanted to make sure there is no conflict because it is the same contract.</p> <p>Ms. Tabura asked that Ms. Murray's position be explained again. Ms. Koki stated Ms. Murray is appointed to the Mayor's Office Life's Choices Kaua'i; she is our prevention coordinator. Her former life (sic) she was</p>	

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	<p>with Child and Family Service who has the County of Kaua'i's EAP contract. Ms. Murray wants to continue to help out Child and Family Services and is an on-call employee for EAP services. They know that she will not be doing any County employees. Ms. Tabura asked what the ADAD contract is that is noted in the Job Duties & Responsibilities. Ms. Koki explained that is the Alcohol and Drug Abuse Division of the Department of Health who is the grant funder for her position.</p> <p>Ms. Tudela said she had a couple of questions directed to Ms. Murray's role with a focus on decision-making authority and does she make decisions on government programs. Referring to the grant management in the job and responsibilities section and the question is she is an employee of the County through a specific grant and the work is similar with what her outside employment request would entail. Ms. Koki said no, it is very different to which Ms. Tudela asked how it is different as she is particularly concerned in Ms. Murray's job with the County and does she have authority to make decisions that would impact those third parties. Ms. Koki said for Ms. Murray's former job at Child and Family Services and her current on-call job she is a substance abuse counselor, certified substance abuse counselor. For the County of Kauai she is a prevention coordinator. The grant we received was to do prevention work in the community. She does not oversee any employee that she has either treated in the past or knows. Ms. Tudela asked if in her grant management responsibility she is not making decisions about any of these 3 outside employers. Ms. Koki said no, she is not.</p> <p>Mr. Curtis asked if she administers the grant that funds these positions to which Ms. Koki said no, it funds Ms. Murray's position only and the grant is for community building and other prevention resources. Mr. Curtis said then she has no control over the (grant) money to which Ms. Koki said she would be spending the money. Mr. Curtis said to the benefit of the other</p>	

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	<p>employers and again Ms. Koki said no, not all. Those are treatment and we are doing prevention.</p> <p>Ms. Tudela asked Ms. Koki if she saw any overlap or conflict of interest herself. Ms. Koki said in the beginning she was quite concerned about her EAP continuance, especially since she did work with some employees and had to release them back to work, but Ms. Murray is very trustworthy in that she would keep the confidentiality laws in place and Ms. Koki does not have any problem with her. As soon as she told Ms. Koki that she had told her former employer that she would not be doing any County employees they did say when there is a County employee they would call in someone from the other islands.</p> <p>There were no further questions from the Board for either Ms. Koki or Ms. Murray.</p>	<p>Ms. Tudela moved that the Board find there is no conflict of interest. Mr. Curtis seconded the motion. Motion carried 5:0</p>
<p>Executive Session</p>		<p>County Attorney Mauna Kea Trask read the HRS provisions as detailed on the agenda to take the Board into Executive Session.</p> <p>Mr. Curtis moved to go into Executive Session at 1:14 p.m. Ms. Tudela seconded the motion. Motion carried 5:0</p>
<p>Return to Open Session</p>	<p><u>Ratify Board of Ethics actions taken in Executive Session for items: ES-004 and ES-005</u></p>	<p>The meeting resumed in Open session at 1:39 p.m.</p> <p>Mr. Nagano moved to ratify actions taken on ES-004 to proceed to a formal hearing and ES-005 to receive advice from counsel. Ms. Tabura seconded the motion. Motion carried 5:0</p>

