

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 10/21/16

Board/Committee:		BOARD OF ETHICS	Meeting Date	September 16, 2016
Location	Mo'ikeha Building, Liquor Conference Room 3		Start of Meeting: 1:00 p.m.	End of Meeting: 2:39 p.m.
Present	Chair Ryan de la Pena; Vice Chair Mary Tudela; Secretary Maureen Tabura. Member: Michael Curtis Staff: Deputy County Attorney Nicholas Courson; Boards & Commissions Office: Support Clerk Barbara Davis			
Excused	Members: Calvin Murashige; Brad Nagano			
Absent				
SUBJECT	DISCUSSION		ACTION	
Call To Order			Chair de la Pena called the meeting to order at 1:00 p.m. with 4 members present which constitutes a quorum.	
Request to Amend the Agenda	Staff stated there was a need to have a motion to amend the agenda to clarify and consult with Legal Counsel as pertains to information given to the Board at their August 26 th meeting as pertains to ES-004 : BOE 16-002		Mr. Curtis so moved. Ms. Tabura seconded the motion. Motion carried 4:0	
Approval of Minutes	<u>Regular Open Session Minutes of August 26, 2016</u>		Ms. Tabura moved to approve the minutes as circulated. Mr. Curtis seconded the motion. Motion carried 4:0	
Executive Session	Attorney Courson said he called OIP (Office of Information Practices) noting that previous board members disliked reading the purpose for the Executive Session in its entirety and wanted an abbreviated version. OIP said there is nothing written but the key thing is it is important to give a description as much as you can of what you are going into Executive for and give the justification for it in the minutes. The way he has been doing it does not quite accomplish that goal so the easiest thing to do is the practice of all other Boards and have the Attorney read it. Also the proper thing to do is to read the provisions and then vote (to go into Executive).		Attorney Courson read the provisions: Pursuant to H.R.S. §92-4, 92-9 (a)(1-4) (b), and §92-5 (a) (2) and (4), the purpose of this executive session is to receive and approve Executive Session	

SUBJECT	DISCUSSION	ACTION
		<p>minutes; to consider the evaluation, dismissal or discipline of an employee or officer of the County in which charges have been alleged against an employee or officer where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with the Board's legal counsel on issues pertaining to the Board's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item, deliberate and take such action as appropriate.</p> <p>ES-006 Executive Session Minutes of August 26, 2016</p> <p>ES-007: BOE 16-003 Complaint received 8/15/16 alleging an employee or officer of the county has breached Section 20.02 E of the Code of Ethics as set forth in the Kaua'i County Charter and the Kaua'i County Code 1987 in the performance of his/her duties</p> <p>Additionally, 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) as</p>

SUBJECT	DISCUSSION	ACTION
		<p>pertains to information given by legal counsel to the Board at their August 26th meeting.</p> <p>Mr. Curtis moved to go into Executive Session at 1:05 p.m. Ms. Tudela seconded the motion. Motion carried 4:0</p>
<p>Return to Open Session</p>	<p><u>Ratify Board of Ethics actions taken in Executive Session for items: ES-006 and ES-007</u></p>	<p>Ms. Tudela moved to ratify the decisions made in Executive Session. Mr. Curtis seconded the motion. Motion carried 4:0</p>
<p>Business</p>	<p><u>BOE 2016-10 Review and discussion of any necessary revisions to the Board of Ethics Financial Disclosure Form</u></p> <p>Ms. Tudela said after a lengthy discussion last time what they ended up with was the fact that things listed in Business Interests do not indicate an income for that business interest in Section III. If we want to fix it we can change the form in one of two ways. Either put a note at the top of Section IV that says any income over \$1,000 with any of these interests must be listed in Section III. If there is no income please briefly explain why. Or you can do the inverse of that and in Section III say include all income above \$1,000 including any listing of business interests in Section IV. Mr. Curtis and Mr. de la Pena concurred.</p>	<p>Ms. Tudela moved to include in Section III all income above \$1,000 from business interests. Ms. Tabura seconded the motion. Motion carried 4:0</p>
<p>Disclosures</p>	<ol style="list-style-type: none"> 1. <u>Mark L. Bradbury (County Attorney's Office)</u> 2. <u>Sean M. VanDemark (Prosecuting Attorney's Office)</u> 	<p>Mr. Curtis moved to receive disclosures 1 and 2 and deem them complete. Ms. Tabura seconded the motion. Motion carried 4:0</p>
<p>Announcements</p>	<p>Next Meeting : Special Meeting on Friday, September 30, 1:00 p.m. in</p>	

SUBJECT	DISCUSSION	ACTION
	Meeting Room 2 A/B Next Regular Meeting: Friday, October 21, 2016, 1:00 p.m. in the Liquor Conference Room	
Adjournment		Meeting was adjourned at 2:39 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.