

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved with Amendments 6/28/19

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>May 17, 2019</b>
Location	Mo‘ikeha Building, Liquor Conference Room 3	Start of Meeting: 1:01 p.m.	End of Meeting: 2:07 p.m.
Present	Chair Dean Toyofuku, Secretary Susan Burriss. Member: Mary Tudela, Ryan de la Pena, Also: Deputy County Attorney Mark Bradbury. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused	Vice Chair Mia Shiraishi, Maureen Tabura, Deputy County Attorney Maryann Sasaki		
Absent			
SUBJECT	DISCUSSION	ACTION	
<b>Call To Order</b>		Chair Toyofuku called the meeting to order at 1:01p.m. with four members present which constituted a quorum.	
<b>Approval of Minutes</b>	<u>Open Session Minutes of April 12, 2019</u>	Ms. Tudela moved to approve the minutes of April 12, 2019 as presented, seconded by Mr. de la Pena. Motion carried 4:0.	
<b>Communication</b>	<u>BOE 2019-14 Possible conflict of interest dated May 6, 2019, from Arryl Kaneshiro relating to Agenda Item C 2019-108, Legal document.</u>	Mr. de la Pena moved to receive BOE 2019-14. Ms. Tudela seconded. Motion carried 4:0	
<b>Request for an Advisory Opinion</b>	None		

SUBJECT	DISCUSSION	ACTION
<p><b>Business</b></p>	<p><u>BOE 2019-04 Substantive Disclosures Information</u></p> <p>Reviewed and discussed revisions to Disclosure Statement Form to clarify in instructions who is required to complete form and any additions to form to clarify when it becomes public record i.e. N/A if nothing to disclose, and the addition of “current” and “type” of business question II.</p> <p>Ms. Burriss asked why is it that on employees delegated or authorized under the director of finance required to complete the form and questioned if limited to the direction of the Charter. Discussion of those required to file statements as defined in the Charter.</p>	<p>Ms. Tudela moved to approve BOE 2019-04 Disclosure Statement as amended by staff. Mr. de la Pena seconded. Motion carried 4:0</p>
	<p><u>BOE 2018-17 Explicit recommendation on the steps to be taken at the Charter level and the administrative level to improve the existing countywide disclosure requirement coupled with a fine schedule for non-compliance.</u></p> <p>Ms. Ching announced that Ms. Sasaki was not available today and Mr. Bradbury was filling in. He suggested deferring the matter as he does not have her report.</p> <p>Discussion followed regarding making a recommendation in the context of the disclosure statement. Ms. Burriss suggested alerting the Charter Review Commission that the Board has noticed that the requirement in the Charter is not all inclusive and that language be considered so that it encompasses everything that exist currently job wise as well as jobs that may be created.</p> <p>Ms. Ching suggested that the Board send a formal specific letter to the Charter Review Commission. Given the discussion, she summarized the concern is along the lines of responsibility, authority and delegated authority. If an employee is in a position of authority (department head or head of agency or office) the employee should be required to file a disclosure and if that authority is transferred at any given time, then that person</p>	

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	<p>should also be required to file a disclosure.</p> <p>Ms. Tudela suggested that the Board ask the Commission to review the degree of inclusivity of personnel in positions of authority in the Charter as it relates to Disclosure Statements and review if the requirement needs to be broadened. The question on delegated authority arose as currently the requirement for a disclosure is only levied on personnel with delegated authority in the Finance Department.</p> <p>Chair Toyofuku stated that certain appointed employees are required to complete a Disclosure Statement. But shouldn't the intent of the requirement be equally applied for the whole County not just some.</p> <p>Ms. Ching discussed how it's currently applied. Department/Division Heads and Deputies have filed Disclosure Statements.</p> <p>Ms. Tudela volunteered to write a draft letter to the Charter Review Commission and will send it to Ms. Ching, Boards &amp; Commissions Administrator.</p> <p><u>BOE 2019-08 Review Advisory Opinions RAO 13-006 and RAO 18-004.</u></p> <p>Ms. Sasaki is looking into procedure to revoke an opinion.</p>	<p>Mr. de la Pena moved to defer BOE 2018-17. Ms. Burriss seconded. Motion carried 4:0.</p> <p>Ms. Tudela moved to defer BOE 2019-08. Mr. de la Pena seconded. Motion carried 4:0</p>

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<b>Disclosures</b>	<u>Employees</u> 1. Kaaina Hull – Planning Director 2. Todd Raybuck – Police Chief 3. James Forrest – Deputy County Attorney <u>Volunteers</u> 4. Beth Tokioka – Civil Service Commission	Ms. Tudela moved to approve employees #1-3, and volunteer #4. Ms. Burriss seconded. Motion carried 4:0
<b>Executive Session</b>	Chair Toyofuku entertained a motion to enter into Executive Session pursuant to HRS 92-4 and 92-5(a)(2) and (4) to consult with Counsel.	Ms. Burriss moved to move into Executive Session. Ms. Tudela seconded. Motion carried 4:0
<b>Return to Open Session</b>	Discussion on items for next meeting’s agenda.	The Board resumed in Open Session at 1:57 p.m.  Ms. Burriss moved to ratify decisions made in Executive Session. Mr de la Pena seconded. Motion carried 4:0
<b>Announcements</b>	<u>Next Meeting: Friday, June 21, 2019 – 1:00 p.m., Mo’ikeha Building, Liquor Conference Room 3.</u> Mr. de la Pena noted that he will be absent from the June 21, 2019 meeting.	
<b>Adjournment</b>		Ms. Tudela moved to adjourn the meeting, Mr. de la Pena seconded. Chair Toyofuku adjourned the meeting at 2:07 p.m.

Submitted by: \_\_\_\_\_  
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: \_\_\_\_\_  
 Dean Toyofuku, Chair

- ( ) Approved as circulated.
- ( X ) Approved with amendments. See minutes of 6/28/19 meeting.