

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as Amended 7/19/19

Board/Commission:	BOARD OF ETHICS	Meeting Date	June 28, 2019
Location	Mo‘ikeha Building, Liquor Conference Room 3	Start of Meeting: 1:01 p.m.	End of Meeting: 2:24 p.m.
Present	Chair Dean Toyofuku, Vice Chair Mia Shiraishi, Secretary Susan Burriss. Members: Mary Tudela, Maureen Tabura Also: Deputy County Attorney Maryann Sasaki arrived at 1:06 p.m. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti. Testifiers: Council Chair Arryl Kaneshiro and County Clerk Jade Fountain-Tanigawa		
Excused	Ryan de la Pena		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Toyofuku called the meeting to order at 1:01p.m. with five members present which constituted a quorum.
Approval of Minutes	<u>Open Session Minutes of May 17, 2019</u> Page 4 Burriss should be Burriss. <u>Executive Session Minutes of May 17, 2019</u>	Ms. Tudela moved to approve the minutes of May 17, 2019 as amended, seconded by Ms. Burriss. Motion carried 5:0. Ms. Burriss moved to accept the executive session minutes of May 17, 2019 as presented. Ms. Tudela seconded. Motion carried 5:0.
Communication	<u>BOE 2019-16 Possible conflict of interest dated May 23, 2019, from Luke Evslin relating to C 2019-116 and proposed Draft Bill (no. 2752), ZA-2019-2 (Island School, applicant).</u> <u>BOE 2019-17 Email from Dan Gluck, Hawaii State Ethics Commission, dated June 12,</u>	Ms. Tudela moved to receive BOE 2019-16. Ms. Tabura seconded. Motion carried 5:0 Ms. Tudela moved to receive BOE

SUBJECT	DISCUSSION	ACTION
	<p><u>2019 relating to Hawaii Ethics Conference on September 5, 2019.</u></p>	<p>2019-17. Ms. Tabura seconded. Motion carried 5:0</p>
<p>Request for an Advisory Opinion</p>	<p><u>RAO 2019-04 Possible conflict of interest and Request for Advisory Opinion dated May 21, 2019 from Arryl Kaneshiro relating to a proposed Draft Bill for an ordinance amending Zoning designation in Puhī, Kaua’i (Island School, Applicant) (ZA-2019-2).</u></p> <p>Mr. Kaneshiro testified regarding the perception of a Grove Farm Board member, David Pratt, having influence over him on the vote as the member is also an Island School Board. He stated he is indifferent on this issue.</p> <p>Discussed amendment switching designation of the property that Island School is on from Agriculture to University Zone. Making use appropriate to what it is.</p> <p>Mr. Kaneshiro does not feel that he will be the 3-3 tie breaker vote. He thinks it will pass because it’s making the use appropriate to what it actually is.</p> <p>Mr. Kaneshiro explained that he and Mr. Pratt are cordial to each other. Explained that on the day to day operations Mr. Pratt is not involved and the he (Mr. Kaneshiro) has not been in on a Board meeting for years. He explained that David Pratt is on Grove Farm and Island School Board, and Island School is trying to change zoning on the property. Perception could be that he has influence over Mr. Kaneshiro vote.</p> <p>Mr. Kaneshiro stated that the zoning change will be a benefit for Island School but not to Grove Farm.</p>	<p>Vice Chair Shiraishi moved that there is no conflict. Ms. Tabura seconded. Motion carried 4:1</p> <p>Ms. Tudela voted nay, she feels there is an appearance of potential conflict and leaned on the side of the conservative.</p> <p>Ms. Burriss feels that the relationship is too far removed.</p> <p>Ms. Tabura does not see a conflict and concurs with Ms. Burriss. Vice Chair Shiraishi feels that the relationship is tenuous at best. Feels a lot of degrees of separation.</p> <p>Chair Toyofuku feels the relationship is a good distance apart. David Pratt does not have day to day or any directives over Mr. Kaneshiro and does not see any conflict.</p>

SUBJECT	DISCUSSION	ACTION
<p>Business</p>	<p><u>BOE 2019-04 Substantive Disclosures Information-Letter to Charter Review Commission</u></p> <p>Reviewed and discussed letter to Charter Review Commission re: changes to Charter regarding clarification of who needs to file disclosure statement, include titles, authorities in charge when Department Head and Deputy are not available. Broaden and make more inclusive of new titles.</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. Sasaki provided and discussed her memorandum to the Board of Ethics (on file), including an analysis of things she felt was missing and draft revision of the ordinance for their comments, as well as how the other counties address their enforcement issues. She also suggested soliciting comments from Mayor’s office and County Clerk’s office and then submit to the Charter Review Commission.</p> <p>Board discussed proposed changes to language regarding fines. Working on a comprehensive draft of the ordinance to submit and the appropriateness of the Board to draft the Charter language.</p> <p>Ms. Fountain-Tanigawa, County Clerk, shared that a timeline has been developed and will be shared. April 2020 is about when Amendments will need to be submitted.</p> <p>Ms. Ching explained that they could work on it as a committee of the whole or form a FIG. Board discussed that they would prefer to work as a committee of the whole.</p>	<p>Ms. Burriss moved to approve the letter to the Charter Review Commission as presented and to forward to the Charter Review Commission. Ms. Tudela seconded. Motion carried 5:0</p> <p>Ms. Shiraishi moved to accept and receive the Memorandum to the Board of Ethics. Ms. Tudela seconded. Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>Board members will review the report individually and will look at Notice, Fine Schedule, Annual Disclosure, and Enforcement. A copy of the disclosure statement will be emailed to the members to look at while reviewing the memorandum.</p> <p><u>BOE 2019-08 Review Advisory Opinions RAO 13-006 and RAO 18-004.</u></p> <p>Ms. Sasaki will have an answer as to process for revocation and notice of advisory opinions.</p>	<p>Ms. Tudela moved to defer BOE 2018-17 to the July meeting. Ms. Shiraishi seconded. Motion carried 5:0.</p> <p>Ms. Shiraishi moved to defer BOE 2019-08. Ms. Tabura seconded. Motion carried 5:0</p>
<p>Disclosures</p>	<p><u>Employees</u></p> <ol style="list-style-type: none"> 1. Felicia Cowden – County Council 2. Michael Dahilig – Managing Director 3. Todd Jenson – Deputy County Attorney 4. Andrew Michaels – Deputy County Attorney <p><u>Volunteers</u></p> <ol style="list-style-type: none"> 5. William Gibson – Liquor Control Commission <p>Discussion on Employee #2 disclosure statements self-employment and need for clarification.</p>	<p>Ms. Tabura moved to approve employees #1,3,4 and volunteer #5. Ms. Tudela seconded. Motion carried 5:0</p> <p>Ms. Tabura moved to return employee #2 for a detailed explanation or discussion before the commission regarding nature of self-employment. Ms. Tudela seconded. Motion carried 5:0.</p>
<p>Executive Session</p>		
<p>Return to Open Session</p>		

SUBJECT	DISCUSSION	ACTION
Adjournment		Ms. Tabura moved to adjourn the meeting, Ms. Shiraishi seconded. Chair Toyofuku adjourned the meeting at 2:24 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 July 19, 2019 meeting.