

Dean Toyofuku  
Chair

Mia Shiraishi  
Vice Chair

Susan Burriss  
Secretary

Members:  
Ryan de la Pena  
Maureen Tabura  
Mary Tudela

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

Friday, July 19, 2019

1:00 p.m. or shortly thereafter

Mo'ikeha Building, Liquor Conference Room 3  
4444 Rice Street, Līhu'e, HI 96766

**CALL TO ORDER**

**APPROVAL OF MINUTES**

Open Session Minutes of June 28, 2019

**COMMUNICATION**

BOE 2019-18

Possible conflict of interest dated May 9, 2019, from Felicia Cowden relating to Agenda Item C 2019-102, relating to a donation from the Russian Center New York for travel related expenses.

BOE 2019-19

Possible conflict of interest dated June 19, 2019 from Ross Kagawa relating to resolution no 2019-39, resolution confirming mayoral appointment to the Charter Review Commission (Reid R. Kawane).

BOE 2019-20

Letter from Charter Review Commission inviting Board of Ethics to present any proposals to amend the Charter.

**REQUEST FOR AN ADVISORY OPINION**

**BUSINESS**

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. Memorandum to Board of Ethics.

BOE 2019-08

Review Advisory Opinions RAO 13-006 and RAO 18-004.

*An Equal Opportunity Employer*

- BOE 2019-17 Discussion and decision-making on Board Members to attend Hawaii Ethics Conference on September 5, 2019 in Honolulu, HI.
- BOE 2019-21 Communication dated July 3, 2019 to Michael Dahilig from Dean Toyofuku regarding clarification on Section II of Disclosure Statement.
- BOE 2019-22 Discussion on Board putting out a notice to County employees regarding ethics requirements for former employees.

## **DISCLOSURES**

### Volunteer

1. Ricky Watanabe, Civil Service Commission

## **EXECUTIVE SESSION**

Pursuant to Hawaii's Revised Statutes §92-4, §92-5 (a) (2) and (4), §92-6 (a) (b), the purpose of this Executive Session is 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.

## **RETURN TO OPEN SESSION**

## **ANNOUNCEMENTS**

Next Meeting: Friday, August 16, 2019 – 1:00 p.m., Mo'ikeha Building, Liquor Conference Room 3

## **ADJOURNMENT**

## **NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawaii Revised Statutes §92-7(a), the Board 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). Discussions held in Executive Session are closed to the public.

cc: Deputy County Attorney Maryann Sasaki

## 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

Office of Boards & Commissions

4444 Rice Street, Suite 150

Līhu'e, HI 96766

Phone: (808) 241-4917 Fax: (808) 241-5127

### SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR [ASEGRETI@KAUAI.GOV](mailto:ASEGRETI@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission:	<b>BOARD OF ETHICS</b>	Meeting Date	<b>June 28, 2019</b>
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			
<b>SUBJECT</b>	<b>DISCUSSION</b>	<b>ACTION</b>	
<b>Call To Order</b>		Chair Toyofuku called the meeting to order at 1:01p.m. with five members present which constituted a quorum.	
<b>Approval of Minutes</b>	<u>Open Session Minutes of May 17, 2019</u> Page 4 Burris 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.	
<b>Communication</b>	<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>	Ms. Tudela moved to receive BOE 2019-16. Ms. Tabura seconded. Motion carried 5:0	

SUBJECT	DISCUSSION	ACTION
	<p><u>BOE 2019-17 Email from Dan Gluck, Hawaii State Ethics Commission, dated June 12, 2019 relating to Hawaii Ethics Conference on September 5, 2019.</u></p>	<p>Ms. Tudela moved to receive BOE 2019-17. Ms. Tabura seconded. Motion carried 5:0</p>
<p><b>Request for an Advisory Opinion</b></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 Puhi, 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 to 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</p>

SUBJECT	DISCUSSION	ACTION
		conflict.
<b>Business</b>	<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. 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>Ms. Ching explained that they could work on it as a committee of the whole or form a PIG. Board discussed that they would prefer to work as a committee of the whole. 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><b>Disclosures</b></p>	<p style="text-align: center;"><u>Employees</u></p> <ol style="list-style-type: none"> <li>1. Felicia Cowden – County Council</li> <li>2. Michael Dahilig – Managing Director</li> <li>3. Todd Jenson – Deputy County Attorney</li> <li>4. Andrew Michaels – Deputy County Attorney</li> </ol> <p style="text-align: center;"><u>Volunteers</u></p> <ol style="list-style-type: none"> <li>5. William Gibson – Liquor Control Commission</li> </ol> <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><b>Executive Session</b></p>		

SUBJECT	DISCUSSION	ACTION
<b>Return to Open Session</b>		
<b>Adjournment</b>		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.
- ( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.



COUNTY COUNCIL  
Arryl Kaneshiro, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: cokcouncil@kauai.gov

Council Services Division  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 96766

RECEIVED

MEMORANDUM

May 9, 2019

MAY 10 2019

TO: Arryl Kaneshiro, Council Chair  
and Members of the Kauai County Council

BOARDS & COMMISSIONS

FROM: Felicia Cowden, Councilmember *Felicia Cowden*

RE: **POSSIBLE CONFLICT OF INTEREST RELATING TO AGENDA  
ITEM C 2019-102, RELATING TO A DONATION FROM THE  
RUSSIAN CENTER NEW YORK FOR TRAVEL RELATED  
EXPENSES**

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 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 Agenda item C 2019-102, a request for Council approval to accept a donation from the Russian Center New York for travel-related expenses (approximately \$2,000 - \$3,000) to participate in a peace conference as part of a delegation from the United States of America to Vologda, Russia, as the donation is to cover the cost of my own travel to attend the conference.

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

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

CNT:mn

cc: May 29, 2019 Council Meeting Agenda  
County of Kauai Board of Ethics  
Council Services Staff

**COUNTY COUNCIL**  
Arryl Kaneshiro, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



**OFFICE OF THE COUNTY CLERK**

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

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: cokcouncil@kauai.gov

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

**RECEIVED**


**MEMORANDUM**

June 19, 2019

**JUN 20 2019**

**BOARDS & COMMISSIONS**

**TO:** Arryl Kaneshiro, Council Chair  
and Members of the Kaua'i County Council

**FROM:** Ross Kagawa, Councilmember 

**RE:** **POSSIBLE CONFLICT OF INTEREST RELATING TO  
RESOLUTION NO. 2019-39, RESOLUTION CONFIRMING  
MAYORAL APPOINTMENT TO THE CHARTER REVIEW  
COMMISSION (REID R. KAWANE)**

---

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. 2019-39, due to a familial relationship with Mr. Kawane.

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.

CT:mn

cc: June 26, 2019 Council Meeting Agenda  
County of Kaua'i Board of Ethics  
Council Services Staff



OFFICE OF BOARDS & COMMISSIONS  
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

ELLEN CHING  
ADMINISTRATOR

July 3, 2019

RECEIVED

Chair Dean Toyofuku  
Board of Ethics  
c/o Boards and Commissions  
4444 Rice St., Ste. 150  
Lihue, Hawaii 96766

JUL 3 2019

BOARDS & COMMISSIONS

RE: Requesting any proposals to amend the Charter

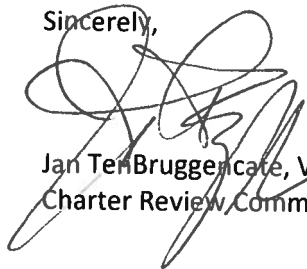
Dear Chair Toyofuku and Members of the Board of Ethics:

You are invited to present any proposals you may have on any Charter amendments you would like the Charter Commission to consider.

Should you want to propose any amendments, please provide a brief background on the issue and how the amendment will address or solve the issue.

Should you have any questions, please feel free to contact, Ellen Ching at [eching@kauai.gov](mailto:eching@kauai.gov) or at 241-4922.

Sincerely,



Jan TenBruggencate, Vice Chair  
Charter Review Commission

Dean Toyofuku  
Chair

Mia Shiraishi  
Vice Chair

Maureen Tabura  
Secretary



Members:  
Susan Burriss  
Ryan de la Pena

Mary Tudela

**COUNTY OF KAUA'I BOARD OF ETHICS**

c/o Office of Boards & Commissions  
4444 Rice Street, Suite 150  
Līhu'e, HI 96766

July 3, 2019

Mr. Michael Dahilig  
Managing Director  
c/o Office of Mayor  
4444 Rice Street, Suite 235  
Līhu'e, HI 96766

Dear Mr. Dahilig:

Upon the Board of Ethics' review of your disclosure statement received on May 16, 2019, by the Office of Boards and Commissions, the Board was unclear as to the nature of your self-employment in Section II.

The Board requests that you provide a detailed explanation or discussion before the commission regarding the nature of your self-employment.

Thank you for your attention to this matter.

Sincerely,

Dean Toyofuku  
Chairperson

MC:as

*An Equal Opportunity Employer*

BOE 2019-21