

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 06/16/2020.

Board/Commission:	BOARD OF ETHICS	Meeting Date	May 19, 2020
Location	Teleconference	Start of Meeting: 1:06 p.m.	End of Meeting: 4:23 p.m.
Present	Chair Mia Shiraishi, Vice Chair Susan Burriss, Secretary Mary Tudela. Members: John Latkiewicz, Dean Toyofuku. Also: Deputy County Attorneys Todd Jenson, Charles Foster. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Shiraishi called the meeting to order at 1:06 p.m. Roll call: Member Latkiewicz: present Member Toyofuku: present Secretary Tudela: present Vice Chair Burriss: present Chair Shiraishi: present Five members present, which constituted a quorum.
Approval of Minutes	<u>Open Session Minutes of April 17, 2020</u> Vice Chair asked for clarification as to why Jan TenBruggencate disclosure is appearing in this months agenda as he was approved previously. Noted that he had a change and submitted an updated disclosure. Secretary Tudela noted that location of meeting should be changed to teleconference.	Member Latkiewicz moved to approve the minutes of April 17, 2020 as amended. Member Toyofuku seconded. Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0

SUBJECT	DISCUSSION	ACTION
Testimony	A member of the public called in and did not identify self or register to provide testimony.	Caller was removed from meeting and attempts were made to reconnect individual. Once contacted individual was no longer available to join meeting as something had come up.
Communication	<u>BOE 2020-14 Lobbyist statement from Allan Rietow dated 4/20/2020.</u>	<p>Secretary Tudela moved to receive BOE 2020-14 for the record. Member Toyofuku seconded.</p> <p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p>
Request for an Advisory Opinion	None	
Business	<p><u>BOE 2018-17 Discussion and possible action by the Board of Ethics to provide explicit recommendation(s) on how to improve the existing countywide disclosure requirement and to discuss and propose a fine schedule for non-compliance. Review and discuss HRS section 46-1.5(24), County of Honolulu Chapter 6 Ethics Board Sec. 3-8.5. Chapter 14 Ethics Board of Appeals.</u></p> <p>Chair Shiraishi thanked the Deputy County Attorneys for their work on this item. stated that she preferred deferring this item until Board could meet in person.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair agreed that item be deferred stating that it shouldn't be rushed.</p> <p>Member Toyofuku and Secretary Tudela also agreed.</p> <p>Todd Jenson, Deputy County Attorney stated that it was fine to defer.</p> <p>Ellen Ching, Boards and Commissions Administrator, informed the Board that the Charter Commission met on the proposed amendment regarding including regulatory employees filing disclosures has been approved to go on the ballot.</p> <p>Chair Shiraishi asked if a meeting was needed to define a regulatory employee.</p> <p>Board discussed whether deferring this item will affect the ballot proposal as to defining regulatory employees, and if this is needed now. It was decided that it would not and definition would come later once election results are certified.</p>	<p>Vice Chair Burriss moved to defer BOE 2018-17. Secretary Tudela seconded.</p> <p>Vice Chair Burriss amended motion to defer BOE 2018-17 until the Board can meet in person. Secretary Tudela seconded the amended motion.</p> <p>Vice Chair Burriss amended motion to defer BOE 2018-17 until the Board can meet in person or until election results are certified, whichever occurs first. Secretary Tudela seconded the amended motion.</p> <p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p>
<p>Disclosures</p>	<p><u>Employees:</u> 1. Adam Roversi, Housing Director</p> <p>Vice Chair Burriss stated that he did not include greater than sign before \$100,000.00 for salary, but he could make exactly \$100,000 annually.</p> <p>Ms. Ching stated that she believes per the Salary Resolution the salary for the Housing Director is more than \$100,000.00</p>	<p>Secretary Tudela moved to approve the disclosure of Adam Roversi. Vice Chair Burriss seconded.</p> <p>Secretary Tudela amended motion moved to send a letter to Adam Roversi to clarify his salary. Vice Chair Burriss seconded the amended motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p style="text-align: center;"><u>Volunteers:</u> 2. Laurie Yoshida, Salary Commission</p> <p>Board discussed response from Ms. Yoshida regarding the absence of the address of her property because of threats. They discussed what she is required to disclose and what is the best way to address the issue and respond.</p> <p>Charles Foster, Deputy County Attorney, pointed out that they have to go by the code and to make an accommodation the Board would need to go to Council.</p> <p>Mr. Jenson pointed out that the point of disclosure is to avoid conflict. He does not see that with her appointment to Salary Commission the disclosure of her TMK or address would not be a conflict.</p> <p>The statute does not allow for any adjustments by the Board. Board discussed whether they wanted to pursue a change in the Charter to allow for adjustments.</p> <p>Ms. Ching, offered to speak with Ms. Yoshida directly to explain what is required.</p> <p style="text-align: center;"><i>Sue Burriss dropped off of meeting at 1:47pm</i> <i>Board recessed at 1:51pm</i> <i>Sue Burriss returned to meeting at 1:52 pm</i> <i>Board reconvened meeting at 1:56pm</i></p>	<p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p> <p>Vice Chair Burriss moved to have Counsel write letter on the Boards behalf regarding the requirement that the Board cannot approve the disclosure of Lori Yoshida. Secretary Tudela seconded.</p> <p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p style="text-align: center;">3. Jan TenBruggencate, Charter Review Commission</p> <p>Secretary Tudela expressed concern on type of consulting is provided by company, Island Strategy, and possible conflicts.</p> <p>Board discussed the vagueness of consulting agencies and thoughts that Mr. TenBruggencate would request an advisory opinion if a possible conflict arose, and they should get clarification for consistency.</p> <p>Ms. Ching explained that he will be doing with the County and that it would be good for the Board to request clarification.</p>	<p>Vice Chair Burriss moved to accept the disclosure of Mr. TenBruggencate. Member Toyofuku seconded.</p> <p>Vice Chair Burriss withdrew her motion.</p> <p>Vice Chair Burriss moved to have Counsel write letter on the Boards behalf to Jan TenBruggencate regarding the clarification on the scope of work. Member Toyofuku seconded.</p> <p>Roll call vote: Member Latkiewicz: aye Member Toyofuku: aye Secretary Tudela: aye Vice Chair Burriss: aye Chair Shiraishi: aye Motion carried 5:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>provided that if the individual concerned requests an open meeting, an open meeting shall be held; 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-018 Executive Session Minutes of April 17, 2020</p> <p>ES-015: BOE 2020-09 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 20.05(B), the Office of the County Attorney, requests an Executive Session with the Board, to provide the Board with examples of code amendments providing for fines for failure to file disclosure statements. This briefing and consultation involves providing legal advice and discussion on the amendments and documents as they relate to this agenda item.</p> <p>ES-017: BOE 2020-10 Communication received April 16, 2020 related to agenda item.</p> <p>ES-019: BOE 2020-15 Discussion and possible action on Resolution 2019-1 for an investigation under Rule 6.2 into an allegation that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua'i County Charter section 20.02 E and F, the Kaua'i County Code 1987, as amended by June 2019 Code Supplement, Article 1, Section 3-1.4 and 3-1.6.</p> <p>No officer or employee of the county shall:</p> <p>e. Solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer or employee's official duties or is intended as a reward for any official action on the officer or employee's part.</p> <p>f. Use county property for other than public activity or purpose.</p> <p>ES-020: BOE 2020-16 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and</p>	

SUBJECT	DISCUSSION	ACTION
	<p>92-5(a)(4) the Board requests an Executive Session with Special Counsel to discuss complaint process.</p> <p>The Chair entertained a motion to move into Executive Session.</p> <p style="text-align: center;">The Board moved into Executive Session at 2:32pm.</p>	<p>Member Toyofuku moved to go into executive session. Vice Chair Burriss seconded.</p> <p>Voice vote 5 ayes, 0 nays.</p> <p>Motion carried 5:0</p>
<p>Return to Open Session</p>	<p>Ratify Board actions taken in Executive Session.</p>	<p>The board resumed in Open Session at 4:20pm</p> <p>Roll call: Member Latkiewicz: present, Member Toyofuku: present Secretary Tudela: present Vice Chair Burriss: present Chair Shiraishi: present</p> <p>Secretary Tudela moved to ratify decisions made in Executive Session. Vice Chair Burriss seconded.</p> <p>Voice vote 5 ayes, 0 nays.</p> <p>Motion carried 5:0</p>
<p>Announcements</p>	<p>Next Meeting: Tuesday, June 16, 2020 – 1:00p.m., Teleconference</p> <p>Secretary Tudela has a conflict with date and time, and questioned confidence of teleconference. Confirmed meeting will be by teleconference.</p>	

SUBJECT	DISCUSSION	ACTION
Adjournment		Without objections Chair Shiraishi adjourned the meeting at 4:23pm

Submitted by: _____ Reviewed and Approved by: _____
Anela Segreti, Administrative Specialist Mia Shiraishi, Chair

Approved as circulated.

Approved with amendments. See minutes of _____.