



COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as amended 6/18/2021.

Board/Commission:	BOARD OF ETHICS	Meeting Date	May 21, 2021
Location	Teleconference	Start of Meeting: 1:04 p.m.	End of Meeting: 1:39 p.m.
Present	Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Ryan de la Pena, Kelly Gentry, Dean Toyofuku. Also: Deputy County Attorney Aaron Larrimore. Boards & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Burriss called the meeting to order at 1:04 p.m. Roll call: Member de la Pena: present Member Gentry: present Member Toyofuku: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Six members present, which constituted a quorum.	
Approval of Minutes	<u>Open Session Minutes of April 16, 2021</u>	Chair Burriss received the minutes as presented.	

SUBJECT	DISCUSSION	ACTION
Public Testimony	<u>None</u>	
Communication	<p><u>BOE 2021-17 Possible conflict of interest dated April 12, 2021, from Councilmember Felicia Cowden regarding C 2021-87 and ES-1050 on the April 7, 2021 Council meeting agenda.</u></p> <p>Chair Burriss noted that there was no offer to recuse in this particular correspondence before the Board voted.</p>	<p>Member de la Pena moved to receive BOE 2021-17. Member Gentry seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
	<p><u>BOE 2021-18 Possible conflict of interest and recusal dated April 27, 2021, from Councilmember KipuKai Kuali'i relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriation for Transit Outreach Programs.</u></p>	<p>Secretary Latkiewicz moved to receive BOE 2021-18. Member de la Pena seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
Request for Advisory Opinion	<u>None</u>	
Business	<p><u>BOE 2021-15 Update and presentation on the recommendations of the Permitted Interaction Group (PIG) on an ordinance defining regulatory employees required to submit a disclosure statement and other related matters.</u></p> <p>Chair Burriss thanked the PIG for the report and stated that it was well put together. She asked what would be the next action.</p> <p>Ellen Ching, Administrator, stated that as indicated in the report, the PIG met on May 5, 2021 and provided the Board with the report and attachments. She explained that the PIG could only provide the Board with the packet and that Member Gentry is the spokesperson for the PIG. At next month's meeting the Board may discuss the report and take action. This month is just the presentation, report and recommend.</p> <p>Member Gentry explained that the PIG was able to meet and look at what other Counties</p>	No Action

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	<p>use and what came together was put into the report.</p> <p>Ms. Ching explained that the PIG is still working on timing with consultation from the Deputy County Attorney, and that next month will be discussion on the recommendations to include timing and what action to take. She also recognized the work that Deputy County Attorney Larrimore did on this item.</p> <p>Councilmember Felicia Cowden commented that she wanted to learn about what the Board is working on, as she has some ideas on disclosure as well. She went on the website and because it is a public agenda item she thought that it would be discussed or in the agenda packet. She asked how she can learn, and questioned that it should have been in the agenda packet.</p> <p>Chair Burriss explained that the Board did not receive it until the last minute and asked if Councilmember Cowden could receive a copy.</p> <p>Ms. Ching replied that a copy of the report would be sent to the Councilmember. Ms. Ching explained that her interpretation of the PIG is that they can only report after meeting and then at the next meeting there can be discussion. She deferred to the Deputy County Attorney for more input and clarification.</p> <p>Councilmember Cowden stated that she sent an email forward. She hopes to get it sooner rather than later as they are working on this issue, and the board may doing exactly what they are thinking may be good, and there won't have some parallel working.</p> <p>Chair Burriss stated that Ms. Ching or Ms. Segreti will send a copy of the report. She asked that if Councilmember Cowden or her group have items to raise concerning the report that they give the Board abundant notice before the next meeting.</p> <p>Councilmember Cowden stated that it would be great and welcomed and why she got on the meeting today.</p>	

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<p>Disclosures</p>	<p><u>Employees:</u></p> <ol style="list-style-type: none"> 1. Stephen Hall, Deputy County Attorney 2. Michael Dahilig, Managing Director <p><u>Volunteers:</u></p> <ol style="list-style-type: none"> 3. Gerald Ako, Planning Commission-Labor 4. Lorna Nishimitsu, Liquor Control Commission 5. Erica Taniguchi, Public Access, Open Space and Natural Resources Preservation Fund Commission <p>Chair Burriss asked if there was any comments or concerns regarding the submitted disclosures.</p> <p>Vice Chair Shiraishi asked what Section II of #2's disclosure said?</p> <p>Ms. Segreti read Section II stating that self-employment is 100% and no work is within Kauai County.</p> <p>Chair Burriss entertained a motion to approve disclosures 1-5 as a group.</p>	<p>Secretary Latkiewicz moved to approve disclosures 1-5 as a group. Member de la Pena seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>Executive Session</p>	<p><u>ES-006 Pursuant to Hawai'i Revised Statutes §92-4, §92-5(a)(4), §92-9(a)(1-4) and (b), the purpose of this Executive Session is for the Board to approve or amend the Executive Session Minutes of April 16, 2021 and to consult with its attorney on issues pertaining to the Board's powers, duties, privileges, immunities, and /or liabilities as they may relate to this item.</u></p> <p><u>ES-004: BOE 2021-08 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received February 8, 2021, charging 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 B, 20.02 E and 20.02 F.</u></p> <p><u>No officer or employee of the county shall:</u></p> <p><u>B. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer or employee's</u></p>	

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	<p><u>official duties or use such information for the officer or employee’s personal gain or for the benefit of anyone.</u></p> <p><u>E. Use the officer or employee’s official position to secure a special benefit, privilege, or exemption for the officer or employee or others.</u></p> <p><u>F. Use county property for other than public activity or purpose.</u></p> <p><u>ES-007: BOE 2021-16 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss a notarized formal complaint received March 16, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua’i County Charter section 20.01, Standards of Conduct.</u></p> <p><u>ES-009: BOE 2021-19 Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Board to discuss the response to a notarized formal complaint received March 16, 2021, charging that an employee or officer of the County has breached the Code of Ethics as set forth in the Kaua’i County Charter section 20.01, Standards of Conduct.</u></p> <p><i>The Board moved into Executive Session at 1:24pm</i></p>	<p>Vice Chair Shiraishi moved to go into executive session at 1:24 pm. Member Gentry seconded.</p> <p>Voice Vote: 6 ayes, 0 nays Motion carried 6:0</p>
<p>Return to Open Session</p>		<p>The Board resumed in Open Session at 1:37 p.m.</p> <p>Roll call: Member de la Pena: present & affirm Member Gentry: present & affirm Member Toyofuku: present & affirm Secretary Latkiewicz: present & affirm Vice Chair Shiraishi: present</p>

SUBJECT	DISCUSSION	ACTION
		& affirm Chair Burriss: present & affirm Six members present, which constituted a quorum.
	Ratify on Board actions taken in Executive Session.	None
Announcements	Next Meeting: Friday, June 18 , 2021 at 1:00pm Member Gentry and Member Latkiewicz informed the Board that they will not be present at the next scheduled meeting. Chair suggested that the PIG agenda item may need to be moved as two members will not be available.	
Adjournment		Hearing no objections Chair Burriss adjourned the meeting at 1:39 p.m.

Submitted by: _____ Reviewed and Approved by: _____
 Anela Segreti, Administrative Specialist Susan Burriss, Chair

- () Approved as circulated.
- (X) Approved with amendments. See minutes of 6/18/2021