

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, November 15, 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 October 18, 2019

COMMUNICATION

None

REQUEST FOR AN ADVISORY OPINION

RAO 2019-07

Request for an Advisory Opinion from Julie Simonton dated October 10, 2019 relating to a possible conflict of ethics to her nomination for appointment to the Board of Water.

BUSINESS

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.

BOE 2019-22

Discussion and possible action by the Board to provide notice to County employees regarding ethics requirements for former employees.

BOE 2019-29

Discussion and possible action by the Board of Ethics to draft language to Amend Charter Section 20.04 A. Disclosure to submit to Charter Review Commission for review.

BOE 2019-30	Discussion and possible action by the Board of Ethics to require annual gift disclosures.
BOE 2019-31	Discussion and possible action by the Board of Ethics to revise the ethics rule to state that the Board of Ethics should render an advisory opinion within 45 days of receipt of the request, but delete the provision that failure to do so within 45 days is deemed a finding of no breach of the Code of Ethics.
BOE 2019-32	Discussion and possible action by the Board of Ethics to delete from the ethics rules the requirement that disclosure forms must be notarized.
BOE 2019-33	Discussion and possible action by the Board of Ethics to provide ethics training for County employees.
BOE 2019-34	Discussion and possible action by the Board of Ethics to build a database of ALL previous opinions and consider reviewing old opinions which may be in violation of any laws, rules, regulations that may have changed.
BOE 2019-35	Discussion and approval to add a December 2019 meeting.
BOE 2019-36	Review and Possible Approval of Meeting Schedule for 2020.
BOE 2019-37	Election of Chair, Vice Chair and Secretary for Calendar Year 2020.

DISCLOSURES

Volunteer

1. Katherine Lewi Otsuji-Board of Review

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), §92-6 (a) (b), the purpose of this Executive Session is to consult with the Board's legal counsel on issues pertaining to Resolution 2019-1 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; 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.

ES-008 Executive Session Minutes of October 18, 2019

ES-007: BOE 2019-24

Review of Resolution 2019-1 for initiating 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 A and E, the Kaua'i County Code 1987, as amended by June 2019 Code Supplement, Article 1, Section 3-1.4 and 3-1.6.

No officer or employee of the county shall:

- a. 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.
- b. Use county property for other than public activity or purpose.

RETURN TO OPEN SESSION

Ratify on Board actions taken in Executive Session.

ANNOUNCEMENTS

Next Meeting: Friday, January 17, 2020 – 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: Office of the County Attorney

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 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.