

Mia Shiraishi
Chair

Susan Burriss
Vice Chair

Mary Tudela
Secretary

Members:
Ryan de la Pena
Maureen Tabura
Dean Toyofuku
John Latkiewicz

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

Friday, April 17, 2020
1:00 p.m. or shortly thereafter

COVID-19 NOTICE

On March 16, 2020, Governor Ige issued a supplemental Emergency Proclamation which in part suspended Hawai'i Revised Statute 92. The Kaua'i Board of Ethics' meeting on April 17, 2020 will be closed to the public; however, the Board will accept written testimony. Additionally, minutes of the meeting will be taken, and the open session minutes will be made available when possible.

CALL TO ORDER

APPROVAL OF MINUTES

Open Session Minutes of February 21, 2020

COMMUNICATION

BOE 2020-07

Written testimony from Ken Taylor dated February 2020 regarding letter from County Attorney, Matthew Bracken, dated February 6, 2020 regarding request for a response to Ken Taylor's Communication dated January 17, 2020.

BOE 2020-08

Email from Madison Perry dated 2/27/2020 regarding recommendation to remove Councilmember Brun.

BOE 2020-11

Letter from Matthew Bracken, County Attorney, dated 3/12/2020 regarding Board of Ethics Impeachment Power.

BOE 2020-13

Possible conflict of interest dated March 11, 2020 from Council Chair Arryl Kaneshiro regarding C 2020-73, relating to Grove Farm.

REQUEST FOR AN ADVISORY OPINION

None

BUSINESS

- BOE 2020-12 Discussion and possible action regarding issuing a statement regarding Councilmember Brun.
- BOE 2020-03 Discussion and possible action by the Board of Ethics regarding letter from County Clerk, Jade Fountain-Tanigawa, dated January 31, 2020 regarding the 2019 County of Kaua'i Lobbyist Registration.
- 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.

DISCLOSURES

Employees:

1. Ernest Barreira, Assistant Chief Procurement Officer
2. Michelle Lizama, Deputy Director of Finance

Volunteers:

3. Jan TenBruggencate, Charter Review Commission
4. Carolyn Larson, Kaua'i, Historic Preservation Commission
5. Melvin Chiba, Planning Commission
6. Laurie Yoshida, Salary Commission
7. Gregory Kamm, Board of Water Supply

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-014 Executive Session Minutes of February 21, 2020
- ES-016: BOE 2020-12 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) the Board requests an Executive Session with the Office of the County Attorney to consider questions and issues pertaining to

the Board's powers, duties, privileges, immunities and liabilities as it relates to Councilmember Arthur Brun.

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.

ES-017: BOE 2020-10

Report, 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 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, May 2020 – 1:00 p.m., Location TBD (To Be Determined)

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;

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.

Send written testimony to:

Board of Ethics

Office of Boards & Commissions

4444 Rice Street, Suite 150

Līhu‘e, HI 96766

asegreti@kauai.gov 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.