Microsoft Teams Audio: +1 469-848-0234, Conference ID: 726185312#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Open Session Minutes of March 19, 2021

PUBLIC TESTIMONY

COMMUNICATION

BOE 2021-11 Possible conflict of interest and recusal dated March 29, 2021, from Council Chair Arryl Kaneshiro relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriations for Grove Farm Company, Inc.

BOE 2021-12 Possible conflict of interest and recusal dated March 29, 2021, from Council Chair Arryl Kaneshiro relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriations for Kaua'i Soil Conservation.

BOE 2021-13 Possible conflict of interest and recusal dated March 29, 2021, from Councilmember KipuKai Kuali'i relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriation for Sexual Assault/Domestic Violence Community Program.

BOE 2021-14 Possible conflict of interest and recusal dated March 29, 2021, from Councilmember Mason Chock relating to Bill No. 2818, the Mayor's proposed Operating Budget for Fiscal Year 2021-2022 - appropriation for Leadership Development & Training.
REQUEST FOR AN ADVISORY OPINION
None

BUSINESS
BOE 2021-15 Discussion and update regarding the Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) is to recommend an ordinance defining regulatory employees required to submit a disclosure statement.

DISCLOSURES
None

EXECUTIVE SESSION
ES-005 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 March 19, 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.

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.

No officer or employee of the county shall:

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 official duties or use such information for the officer or employee’s personal gain or for the benefit of anyone.

E. Use the officer or employee’s official position to secure a special benefit, privilege, or exemption for the officer or employee or others.

F. Use county property for other than public activity or purpose.
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.

RETURN TO OPEN SESSION
Ratify on Board actions taken in Executive Session.

ANNOUNCEMENTS
Next Meeting: Friday, May 21, 2021 at 1:00 p.m.

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: Charles Foster, Deputy County Attorney

PUBLIC COMMENTS and TESTIMONY

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at asegreti@kauai.gov; or by calling 808-241-4917.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given the opportunity to speak on an item following oral testimonies of registered speakers.

Each speaker is limited to a three-minute presentation on each item.

WRITTEN TESTIMONY

Prior to the Day of the Meeting: Testimony may be emailed: asegreti@kauai.gov faxed: 808-241-5127, or mailed: County of Kauai, Office of Boards and Commissions, Board of Ethics, 4444 Rice St., Ste. 300, Lihue, HI 96766.
SPECIAL ASSISTANCE
IF YOU NEED AN AUXILIARY AID/SERVICE OR OTHER ACCOMMODATION 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.
COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

<table>
<thead>
<tr>
<th>Board/Commission:</th>
<th>BOARD OF ETHICS</th>
<th>Meeting Date</th>
<th>March 19, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Teleconference</td>
<td>Start of Meeting:</td>
<td>1:01 p.m.</td>
</tr>
<tr>
<td>Present</td>
<td>Chair Susan Burriss, Vice Chair Mia Shiraishi, Secretary John Latkiewicz. Members: Ryan de la Pena, Kelly Gentry, Dean Toyofuku, Mary Tudela. Also: Deputy County Attorney Charles Foster. Boards &amp; Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.</td>
<td>End of Meeting:</td>
<td>2:03 p.m.</td>
</tr>
<tr>
<td>Excused</td>
<td>Deputy County Attorney Aaron Larrimore</td>
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<tr>
<td>Absent</td>
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<thead>
<tr>
<th>SUBJECT</th>
<th>DISCUSSION</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call To Order</td>
<td>Prior to the start of the meeting, the Board welcomed Ryan de la Pena as their newest Board Member.</td>
<td>Chair Burriss called the meeting to order at 1:01 p.m. Roll call: Member de la Pena: present Member Gentry: present Member Toyofuku: present Member Tudela: present Secretary Latkiewicz: present Vice Chair Shiraishi: present Chair Burriss: present Seven members present, which constituted a quorum.</td>
</tr>
<tr>
<td>Approval of Minutes</td>
<td>Open Session Minutes of February 19, 2021</td>
<td>Member Tudela moved to approve the minutes of February 19, 2021 as submitted. Vice Chair Shiraishi seconded. Voice Vote: 7 ayes, 0 nays Motion carried 7:0</td>
</tr>
<tr>
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<td>ACTION</td>
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<tr>
<td>Public Testimony</td>
<td>None</td>
<td>Vice Chair Shiraishi moved to receive BOE 2021-09. Member Gentry seconded.</td>
</tr>
<tr>
<td>Communication</td>
<td>BOE 2021-09 2020 Kauai Lobbyist Contributions &amp; Expenditures Statement dated March 11, 2021 and 2021 Kauai Lobbyist Registration dated March 12, 2021 received from David Arakawa.</td>
<td>Voice Vote: 7 ayes, 0 nays Motion carried 7:0</td>
</tr>
<tr>
<td>Request for Advisory Opinion</td>
<td>None</td>
<td>Member Tudela moved to form Permitted Interaction Group (PIG) with Members Ryan de la Pena, Kelly Gentry and Secretary John Latkiewicz. Member Toyofuku seconded.</td>
</tr>
<tr>
<td>Business</td>
<td>BOE 2021-10 Discussion and possible action regarding establishing and defining the scope of a Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) would be to recommend an ordinance defining regulatory employees required to submit a disclosure statement.</td>
<td>Member Tudela moved that the scope of PIG is to draft an ordinance defining “regulatory employees” required to submit a disclosure statement. Vice Chair Shiraishi seconded.</td>
</tr>
</tbody>
</table>

Member Tudela amended her motion and moved that the scope of
the end. There are additional steps that needs to be done for the ordinance to enacted and codified in the County Code of Ordinances. She stated that the PIG would be working with Deputy County Attorney Foster on this.

Deputy County Attorney Foster suggested leaving discretion with the PIG in terms of how they want to proceed.

Chair Burriss asked Boards & Commissions staff to contact PIG members and schedule meeting and for an update at the next meeting.

PIG is to draft an ordinance defining “regulatory employees” required to submit a disclosure statement and to design the process for implementation. Vice Chair Shiraishi re-Seconded the amended motion.

Voice Vote:
7 ayes, 0 nays
Motion carried 7:0

Disclosures

Volunteers:
1. Susan Remoaldo, Kauai Historic Preservation Review Commission
2. Ryan de la Pena, Board of Ethics

Member de la Pena recused himself from #2, Ryan de la Pena.

Executive Session

ES-005: 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 February 19, 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.

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
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<tbody>
<tr>
<td>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.</td>
<td>No officer or employee of the county shall:</td>
<td></td>
</tr>
<tr>
<td>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 official duties or use such information for the officer or employee’s personal gain or for the benefit of anyone.</td>
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<tr>
<td>E. Use the officer or employee’s official position to secure a special benefit, privilege, or exemption for the officer or employee or others.</td>
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<td>F. Use county property for other than public activity or purpose.</td>
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<tr>
<td>The Board moved into Executive Session at 1:26</td>
<td>Secretary Latkiewicz moved to go into executive session at 1:26 pm. Vice Chair Shiraisha seconded.</td>
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<tr>
<td>Return to Open Session</td>
<td>Voice Vote: 7 ayes, 0 nays Motion carried 7:0</td>
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<tr>
<td>Ratify on Board actions taken in Executive Session.</td>
<td>The Board resumed in Open Session at 2:00 p.m.</td>
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<td>Roll call: Member de la Pena: present</td>
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<td>Member Gentry: present</td>
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<td>Member Toyofuku: present</td>
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<td></td>
<td>Member Tudela: present</td>
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<td></td>
<td>Secretary Latkiewicz: present</td>
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<td>Vice Chair Shiraisha: present</td>
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<td>Chair Burriss: present</td>
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<td></td>
<td>Seven members present, which constituted a quorum.</td>
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<td>Secretary Latkiewicz moved to ratify actions taken in Executive Session. Member de la Pena seconded.</td>
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</tbody>
</table>
| **Announcements** | Chair Burriss announced that it was Member Tudela’s last meeting, stating that she will be missed.  
Member Tudela thanked the Board stating that it’s been a pleasure working with wonderful people in dealing with sensitive topics with grace, and wished everyone well.  
Board members stated thanks. Administrator Ching also thanked Member Tudela for her service.  
Next Meeting: Friday, April 16, 2021 at 1:00pm | Voice vote:  
7 ayes, 0 nays  
Motion carried 7:0 |
| **Adjournment** |                                                                                                                                                                                                       | Member Tudela moved to adjourn the meeting Member de la Pena seconded.  
Voice vote:  
7 ayes, 0 nays  
Motion carried 7:0  
Meeting adjourned at 2:03 p.m. |}

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

( ) Approved as circulated.  
( ) Approved with amendments.  See minutes of___________
MEMORANDUM

March 29, 2021

TO: Members of the Kaua‘i County Council

FROM: Arryl Kaneshiro, Council Chair

RE: POSSIBLE CONFLICT OF INTEREST RELATING TO BILL NO. 2818, THE MAYOR’S PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021-2022 – APPROPRIATIONS FOR GROVE FARM COMPANY, INC.

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 Bill No. 2818, the Mayor’s Proposed Operating Budget for Fiscal Year 2021-2022 regarding any applicable appropriation to Puhi Metals Recycling – Soil Testing General Liabilities in the Department of Finance – Administration and any applicable 800 MHz Radio Site Lease appropriation in the Emergency Management Agency, as I am a Project Manager employed by Grove Farm Company, Inc.

In light of the above, I will recuse myself from the aforementioned items during the Fiscal Year 2021-2022 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to these items, and any subsequent meeting thereafter related to these items.

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

JA:jy

cc: April 7, 2021 Council Meeting Agenda
County of Kaua‘i Board of Ethics
Council Services Staff
Fiscal Year 2021-2022 Budget File

AN EQUAL OPPORTUNITY EMPLOYER
MEMORANDUM

March 29, 2021

TO: Members of the Kaua'i County Council

FROM: Arryl Kaneshiro, Council Chair

RE: POSSIBLE CONFLICT OF INTEREST RELATING TO BILL NO. 2818, THE MAYOR’S PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021-2022 – APPROPRIATIONS FOR KAU'A'I SOIL CONSERVATION

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 Bill No. 2818, the Mayor’s Proposed Operating Budget for Fiscal Year 2021-2022 regarding the appropriation to Kaua'i Soil Conservation in the Department of Public Works – Grant-In-Aid, as I am a Director for the East Kaua'i Soil & Water Conservation District.

In light of the above, I will recuse myself from the aforementioned items during the Fiscal Year 2021-2022 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to these items, and any subsequent meeting thereafter related to these items.

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

JA:jy

cc: April 7, 2021 Council Meeting Agenda
    County of Kaua'i Board of Ethics
    Council Services Staff
    Fiscal Year 2021-2022 Budget File
MEMORANDUM

March 29, 2021

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

FROM: KipuKai Kuali‘i, Councilmember

RE: POSSIBLE CONFLICT OF INTEREST RELATING TO
    BILL NO. 2818, THE MAYOR’S PROPOSED OPERATING
    BUDGET FOR FISCAL YEAR 2021-2022 – APPROPRIATION
    FOR SEXUAL ASSAULT / DOMESTIC VIOLENCE COMMUNITY
    PROGRAM

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 Bill No. 2818, the Mayor’s Proposed Operating Budget for Fiscal Year 2021-2022 regarding the appropriation to Sexual Assault/Domestic Violence Community Program in the Office of Economic Development – Administration, as I am the Director of Operations for the YWCA. The YWCA may be a potential applicant for these funds.

In light of the above, I will recuse myself from the aforementioned items during the Fiscal Year 2021-2022 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to these items, and any subsequent meeting thereafter related to these items.

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

JA: dmc
cc: April 7, 2021 Council Meeting Agenda
    County of Kaua‘i Board of Ethics
    Council Services Staff
    Fiscal Year 2021-2022 Budget File
MEMORANDUM

March 29, 2021

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

FROM: Mason K. Chock, Council Vice Chair

RE: POSSIBLE CONFLICT OF INTEREST RELATING TO BILL NO. 2818, THE MAYOR’S PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021-2022 – APPROPRIATION FOR LEADERSHIP DEVELOPMENT & TRAINING

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 Bill No. 2818, the Mayor’s Proposed Operating Budget for Fiscal Year 2021-2022 regarding the appropriation for Leadership Development & Training in the Office of the Mayor, as I am a volunteer and facilitator for the annual Leadership Kaua‘i adult class. Additionally, Leadership Kaua‘i and my company, Kupu a‘e Leadership Development, are partners in leadership initiatives on Kaua‘i.

In light of the above, I will recuse myself from the aforementioned items during the Fiscal Year 2021-2022 Departmental Budget Reviews, Budget Call-Backs, and Decision-Making, related to these items, and any subsequent meeting thereafter related to these items.

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

JA:lc
cc: April 7, 2021 Council Meeting Agenda
    County of Kaua‘i Board of Ethics
    Council Services Staff
    Fiscal Year 2021-2022 Budget File