



BOARD OF ETHICS

SUSAN BURRISS, CHAIR
MIA SHIRAIISHI, VICE CHAIR
JOHN LATKIEWICZ, SECRETARY

RYAN de la PENA, MEMBER
KELLY GENTRY, MEMBER
DEAN TOYOFUKU, MEMBER

REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Friday, April 16, 2021
1:00 p.m. or shortly thereafter

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.

Draft to be Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	BOARD OF ETHICS	Meeting Date	March 19, 2021
Location	Teleconference	Start of Meeting: 1:01 p.m.	End of Meeting: 2:03 p.m.
Present	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 & Commissions Office Staff: Administrator Ellen Ching and Administrative Specialist Anela Segreti.		
Excused	Deputy County Attorney Aaron Larrimore		
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order	Prior to the start of the meeting, the Board welcomed Ryan de la Pena as their newest Board Member.	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.	
Approval of Minutes	<u>Open Session Minutes of February 19, 2021</u>	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	

SUBJECT	DISCUSSION	ACTION
Public Testimony	<u>None</u>	
Communication	BOE 2021-09 2020 Kauai Lobbyist Contributions & Expenditures Statement dated <u>March 11, 2021</u> and 2021 Kauai Lobbyist Registration dated <u>March 12, 2021</u> received from <u>David Arakawa</u> .	Vice Chair Shiraishi moved to receive BOE 2021-09. Member Gentry seconded. Voice Vote: 7 ayes, 0 nays Motion carried 7:0
Request for Advisory Opinion	<u>None</u>	
Business	<p><u>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.</u></p> <p>Chair Burriss asked for volunteers to serve on the Permitted Interaction Group (PIG).</p> <p><i>Member Latkiewicz dropped from meeting at 1:07pm, rejoined at 1:09pm</i> <i>Member de la Pena dropped from meeting at 1:09pm, rejoined at 1:16pm</i></p> <p>Chair Burriss clarified with Administrator Ching on how PIG will be convened and how many members need to be on the PIG, three (3) or less.</p> <p>Chair Burriss suggested a group of three (3) and named members de la Pena, Gentry and Secretary Latkiewicz.</p> <p>Administrator Ching clarified that a motion is needed to form PIG, name members and define the scope.</p> <p>In addition Administrator Ching explained that just defining regulatory employees is not</p>	<p>Member Tudela moved to form Permitted Interaction Group (PIG) with Members Ryan de la Pena, Kelly Gentry and Secretary John Latkiewicz. Member Toyofuku seconded.</p> <p>Voice Vote: 7 ayes, 0 nays Motion carried 7:0</p> <p>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.</p> <p>Member Tudela amended her motion and moved that the scope of</p>

SUBJECT	DISCUSSION	ACTION
	<p>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.</p> <p>Deputy County Attorney Foster suggested leaving discretion with the PIG in terms of how they want to proceed.</p> <p>Chair Burriss asked Boards & Commissions staff to contact PIG members and schedule meeting and for an update at the next meeting.</p>	<p>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.</p> <p>Voice Vote: 7 ayes, 0 nays Motion carried 7:0</p>
Disclosures	<p><u>Volunteers:</u></p> <ol style="list-style-type: none"> 1. Susan Remoaldo, Kauai Historic Preservation Review Commission 2. Ryan de la Pena, Board of Ethics <p>Member de la Pena recused himself from #2, Ryan de la Pena.</p>	<p>Member Tudela moved to approve #1. Member Gentry seconded.</p> <p>Voice Vote: 7 ayes, 0 nays Motion carried 7:0</p> <p>Member Toyofuku moved to approve #2. Secretary Latkiewicz seconded.</p> <p>Voice Vote: 6 ayes, 0 nays, 1 recused Motion carried 6:0</p>
Executive Session	<p><u>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.</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</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>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 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><i>The Board moved into Executive Session at 1:26</i></p>	<p>Secretary Latkiewicz moved to go into executive session at 1:26 pm. Vice Chair Shiraishi seconded.</p> <p>Voice Vote: 7 ayes, 0 nays Motion carried 7:0</p>
<p>Return to Open Session</p>		<p>The Board resumed in Open Session at 2:00 p.m.</p> <p>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.</p>
	<p>Ratify on Board actions taken in Executive Session.</p>	<p>Secretary Latkiewicz moved to ratify actions taken in Executive Session. Member de la Pena seconded.</p>

SUBJECT	DISCUSSION	ACTION
		Voice vote: 7 ayes, 0 nays Motion carried 7:0
Announcements	<p>Chair Burriss announced that it was Member Tudela's last meeting, stating that she will be missed.</p> <p>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.</p> <p>Board members stated thanks. Administrator Ching also thanked Member Tudela for her service.</p> <p>Next Meeting: Friday, April 16, 2021 at 1:00pm</p>	
Adjournment		<p>Member Tudela moved to adjourn the meeting Member de la Pena seconded.</p> <p>Voice vote: 7 ayes, 0 nays Motion carried 7:0</p> <p>Meeting adjourned at 2:03 p.m.</p>

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

- () Approved as circulated.
- () Approved with amendments. See minutes of _____

COUNTY COUNCIL
Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

March 29, 2021

TO: Members of the Kaua'i County Council

FROM: Arryl Kaneshiro, Council Chair *AK*

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.**

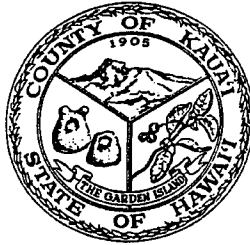
Pursuant to Section 20.04(B) of the Kaua'i County Charter, Section 3-1.9 of the Kaua'i County Code 1987, as amended, and Rule No. 8 of the Rules of the Council of the County of Kaua'i, I hereby provide written disclosure on the record of a possible conflict of interest relating to Bill No. 2818, the Mayor's Proposed Operating Budget for Fiscal Year 2021-2022 regarding any applicable appropriation to Puhī 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

COUNTY COUNCIL
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MEMORANDUM

March 29, 2021

TO: Members of the Kaua'i County Council

FROM: Arryl Kaneshiro, Council Chair *AK*

RE: **POSSIBLE CONFLICT OF INTEREST RELATING TO BILL NO. 2818, THE MAYOR'S PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021-2022 – APPROPRIATIONS FOR KAUA'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:jj

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

COUNTY COUNCIL

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MEMORANDUM

March 29, 2021

TO: Arryl Kaneshiro, Council Chair
and Members of the Kauai County Council

FROM: KipuKai Kualii, Councilmember *KipuKai Kualii*

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 Kauai County Charter, Section 3-1.9 of the Kauai County Code 1987, as amended, and Rule No. 8 of the Rules of the Council of the County of Kauai, 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.

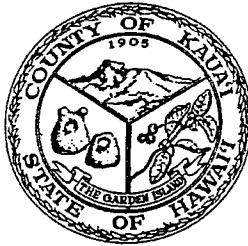
Should you have any questions, please feel free to contact me. Thank you for your attention to this matter.

JA:dmc

cc: April 7, 2021 Council Meeting Agenda
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Council Services Staff
Fiscal Year 2021-2022 Budget File

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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
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Council Services Staff
Fiscal Year 2021-2022 Budget File