

**HAWAI‘I COUNTY BOARD OF ETHICS
MINUTES – REGULAR SESSION**

Wednesday, November 9, 2022

10:02 a.m. to 10:46 a.m.

Hawai‘i County Building

25 Aupuni Street

County Council Chambers

Hilo, Hawai‘i 96720

Members and Staff Present:

Larry Heintz, Chair

Kelly Valenzuela, Member

Erick Allende, Member

Rabbi Rachel Short, Member

Sylvia Wan, Deputy Corporation Counsel

Kelsie Chang, Secretary

Liza Osorio, Staff

1. CALL TO ORDER (10:02 a.m.)

Mr. Heintz called the meeting to order at 10:02 a.m. Present was Rabbi Rachel Short and Sylvia Wan. Erick Allende and Kelly Valenzuela was in attendance via Zoom.

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (10:04 a.m.)

No statements.

3. APPROVAL OF THE REGULAR SESSION MINUTES OF OCTOBER 12, 2022 (10:04 a.m.)

Mr. Heintz: On the first page of the minutes there is a list of testifiers. This is part of the meeting that the sound system didn't perform, or the recording system didn't perform. I would like to add a sentence that reflects what these folks were testifying about. So, it would simply add a sentence "before going list of testifiers spoke in support of Mr. Christie's petition".

Ms. Wan: Do you want to make that a motion?

Mr. Heintz: Yes, I can make that a motion or it's just an editorial change or addition to the minutes. It seems like its merely editorial. Would you prefer that we make a motion.

Ms. Wan: I think it would be cleaner if it was just as a motion.

Mr. Heintz: Okay, would a member make the motion?

Mr. Allende: The motion to add the foresaid sentence.

Ms. Valenzuela: I second.

Ms. Wan: Just for clarity of the record as far as the motion goes, what exactly is the sentence that you're adding and exactly where?

Mr. Heintz: So, the sentence that I'm adding comes right after the list of testifiers, Mr. Hiermonk Bartholomew, right after his name. It would say "The foregoing list of testifiers spoke in support of Mr. Christie's petition". End of addition.

Ms. Wan: Thank you that's sufficient.

Mr. Heintz: Thank you.

Motion and Vote: Ms. Valenzuela moved to approve the minutes; Mr. Allende seconded. All members voted aye. (10:08 a.m.)

4. NEW BUSINESS (10:08 a.m.)

a. Motion to approve 2023 calendar year dates

Mr. Heintz: Review of potential meeting dates. Does anyone have any conflict that they know of right now or can we approve the meeting schedule?

Mr. Allende: Those dates are fine and work with me.

Mr. Heintz: Kelly are they okay?

Ms. Valenzuela: Yeah. Myself as well.

Mr. Heintz: Rachel?

Ms. Short: They are fine with me.

Motion and Vote: Mr. Allende moved to approve the minutes; Ms. Valenzuela seconded. All members voted aye. (10:10 a.m.)

5. UNFINISHED BUSINESS (10:10 a.m.)

a. Nomination of the new Vice Chair of the Board of Ethics:

Motion and Vote: Mr. Allende motion to continue nomination until all current board members are available; Short seconded the motion. All members voted aye (10:14 a.m.)

- b. Petition 2022-10: Review draft order dismissing anonymous complaint regarding a Council member alleging a violation of Section 2-84 of the Ethics Code.**

Motion and Vote: Mr. Allende motion approve the draft; Ms. Valenzuela seconded the motion. All members voted aye (10:16 a.m.)

- c. Petition 2022- 11: Review draft order dismissing complaint alleging suspicious activity and violations of professional ethics by County employees, specifically Section 14-4(c) of the Ethics Code regarding the Conduct of Employees, stating that all persons shall be treated in a courteous, fair, and impartial manner.**

Motion and Vote: Mr. Allende motion approve the petition's draft to dismiss. Ms. Valenzuela seconded the motion. All members voted aye (10:17 a.m.)

- d. Petition 2022- 12: Continued review of complaint regarding a Deputy Prosecutor, alleging a violation Section 2- 83 (Fair Treatment) of the Ethics Code. Continued by agreement of the parties to the January 11th, 2023, Board of Ethics meeting. (10:18 a.m.)**
- e. Petition 2022- 13: Continued review of complaint regarding a Planning Department employee, alleging violation of Section 2- 83 (Fair Treatment) of the Ethics Code. Continued by agreement of the parties to the December 14th, 2022 Board of Ethics meeting. (10:19 a.m.)**

6. CONTINUED DISCUSSION REGARDING AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF ETHICS AND THE HAWAI'I COUNTY CHARTER AND COUNTY CODE (10:19 a.m.)

- a. Continued review of amendments to add Appearance of Impropriety to Hawai'i County Code Section 2-83.**

Motion and Vote: Ms. Valenzuela motion move item to next month's meeting; Ms. Short seconded the motion. All members voted aye (10:23 a.m.)

- b. Continued review of the recommended changes from the Legislative Review Board regarding the Hawai'i County Code February 2022 Amendments.**

Motion and Vote: Mr. Heintz motion to move item to next month's meeting with additional information provided by the Office of the Corporation Counsel; Ms. Short and Mr. Allende seconded the motion.

Discussion:

Ms. Wan: What I am offering to provide is the mark up that was done by the LRB, so I will resend that to all the members within my role as Deputy Corporation Counsel. I will also send, resend to the members the suggested changes and or comments that were provided by LRB.

All members voted aye. (10:28 a.m.)

Motion and Vote: Mr. Heintz moved to go into executive session; Ms. Short seconded the motion. All members voted aye. (10:29 a.m.)

7. EXECUTIVE SESSION (10:28 a.m.)

a. Review of the Executive Session minutes of October 12, 2022.

Motion and Vote: Mr. Allende moved to approve the executive session minutes of October 12, 2022. Mr. Heintz seconded the motion. All members voted aye (10:32 a.m.)

b. Review of *Confidential Financial Disclosure Forms* filed pursuant to Section 2-91.1(d), Hawai'i County Code, by County board and commission members and designated County employees, where personal matters will be reviewed.

c. Continued review of Gift Disclosures filed pursuant to Section 2-91.5(a), by County board and commission members and designated County employees, where personal matters will be reviewed.

Motion and Vote: Mr. Allende motion to end executive session and move to go into regular session; Ms. Short seconded the motion. All members voted aye. (10:45 a.m.)

8. ANNOUNCEMENTS (10:45 a.m.)

Mr. Heintz announced that the next meeting will be held on Wednesday, December 14, 2022, at 10:00 a.m. at the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i 96720.

9. ADJOURNMENT (10:46 a.m.)

Motion and Vote: Ms. Short moved to approve adjourn the meeting. Ms. Valenzuela seconded the motion. All members voted aye (10:46 a.m.).

Mr. Heintz adjourned the meeting at 10:46 a.m.

Respectfully submitted:

Kelsie Chang, Secretary