

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Wednesday, April 23, 2025

10:05 a.m. – 12:53 p.m.

County Council Chambers

Hawai‘i County Building

25 Aupuni Street

Hilo, Hawai‘i 96720

Members and Staff Present:

Rachel Short, Chair

Lisa Fukumitsu, Vice Chair

Christopher Ho, Member

Kelly Valenzuela, Member

Erick Allende, Member

Sylvia Wan, Deputy Corporation Counsel

Noah Agustin, Secretary Assistant

1. CALL TO ORDER (10:05 a.m.)

Ms. Short called the meeting to order at 10:05 a.m. Present in chambers were Rachel Short, Lisa Fukumitsu, Christopher Ho, and Kelly Valenzuela. Erick Allende appeared via Zoom. Also present was Deputy Corporation Counsel, Sylvia Wan, and Secretary Assistant, Noah Agustin.

Ms. Short: Good morning everyone, I am your Chair, Rachel Short, and this is the Hawai‘i County Board of Ethics Meeting for April 23, 2025. This meeting is being both held in-person at the-, here at the Hilo Council Chambers, as well as virtually using the Zoom platform. I’d like to take a moment just to review some protocols for all of our Zoom participants. All cameras must be turned on at all times during your hearing. One person speaks at a time with absolutely no side conversations. Please mute your device when you are not speaking to improve the audio quality for all. For Zoom participants, please raise your hand and wait for recognition from myself, the Chair, before speaking to ensure we make a clean and clear record. Prior to speaking, please state your name so that all parties know who’s speaking. Speak slowly, clearly, and be close to your microphone. At this time, if everyone would please limit all distractions by turning off your cell phones, mobile devices, anything else. And as a general reminder for all of our Board of Ethics Members, please state your name before speaking thoroughly before our hearing today. I’d like to now do introductions here for our Hawai‘i County Board of Ethics. If we

can each go down the line and state our names, I will go first. I am your Chair, Rachel Short.

Ms. Fukumitsu: Good morning, Vice Chair Fukumitsu.

Mr. Ho: Board Member Chris Ho.

Ms. Valenzuela: Good Morning, Board Member Kelly Valenzuela.

Ms. Short: Erick. You need to unmute.

Mr. Allende: Board Member Erick Allende. Sorry about that.

Ms. Short: Thank you so much. And I'd also like to acknowledge that next to me are our Deputy Corporation Counsel, Sylvia Wan, our Board's attorney, as well as Noah Agustin, our Secretary Assistant who will be assisting.

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (10:07 a.m.)

Ms. Short: Thank you everyone for being here this morning. At this time, we will take statements from the public on our agenda items. Public testifiers can testify now or just prior to their agenda item that they wish to testify on. Our Corporation Counsel, Ms. Wan, will keep time, and everyone will get three minutes to speak. At two-and-a-half minutes, uh, Corporation Counsel will announce as such. Do we have any public testifiers at this time?

Ms. Wan: Uh, Chair, no testifiers at this time.

Ms. Short: Wonderful, thank you so much. May the record please reflect that there is no testimony at this time.

3. APPROVAL OF THE REGULAR SESSION MINUTES (10:07 a.m.)

a. Approval of the regular session minutes of February 13, 2025

Ms. Short: Moving right along to the approval of our regular session minutes from February 13, 2025. Do we have any public testimony on this agenda item?

Ms. Wan: No, Chair.

Ms. Short: Has everyone read the regular session minutes of February 13, 2025? Seeing everyone nodding yes, may I get a motion to approve the regular session minutes, of February 13, 2025?

Mr. Ho: Chris Ho, move to approve the regular session minutes of February 13, 2025.

Ms. Fukumitsu: Vice Chair Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none, I will call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, may the record reflect that the motion to pass those minutes so carries.

Motion and Vote: Board Member Ho moved to approve the Regular Session minutes of February 13, 2025; Vice Chair Fukumitsu seconded; All Members voted aye. Motion Passes. (10:07 a.m.)

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

a. Petition 2025-01: Review of draft Informal Advisory Opinion

Ms. Short: Um, moving right along-, okay, we moved our other one. At this time, we will call petition number 2025-01, the review of the draft of an informal advisory opinion. Do we have any public testimony on this agenda item at this time?

Ms. Wan: No, Chair, we do not.

Ms. Short: Has everyone on the Board had a chance to read the draft of the informal advisory opinion? Seeing everyone nodding yes, would someone like to please make a motion to approve this informal advisory opinion, and I will sign it?

Mr. Ho: Chris Ho, move to approve informal advisory opinion 2025-01.

Ms. Short: Can I get a second for that motion?

Ms. Valenzuela: Kelly Valenzuela, I second it.

Ms. Short: Wonderful. Any discussion to be had? Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, let the record reflect the motion passes, and I will sign it at this time. Today is the 23rd.

Motion and Vote: Board Member Ho moved to approve the draft Informal Advisory Opinion for Petition 2025-01; Board Member Valenzuela seconded; All Members voted aye; Motion Passes. (10:09 a.m.)

b. Petition 2025-02: Review of draft Informal Advisory Opinion

Ms. Short: Thank you so much. Moving right along to calling petition number 2025-02, the review of the draft of another informal advisory opinion. Do we have any public testimony on this agenda item?

Ms. Wan: No, Chair.

Ms. Short: Wonderful. Has everyone read this informal advisory opinion? Seeing the heads nod yes, may I get a motion to approve?

Mr. Ho: Chris Ho, move to approve informal advisory opinion 2025-02.

Ms. Short: May I get a second for that motion?

Ms. Valenzuela: Kelly Valenzuela. I second it.

Ms. Short: Any discussion to be had? Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, let the record reflect the motion passes, and I will sign at this time.

Motion and Vote: Board Member Ho moved to approve the draft Informal Advisory Opinion for Petition 2025-02; Board Member Valenzuela seconded; All Members voted aye; Motion Passes. (10:10 a.m.)

c. Petition 2025-04: Review of draft Informal Advisory Opinion

Ms. Short: Wonderful. Calling petition 2025-04, the review of another draft informal advisory opinion. Do we have any public testimony on this agenda item?

Ms. Wan: No, Chair, we do not.

Ms. Short: Wonderful. Has everyone read the draft of the informal advisory opinion? Seeing the heads nod yes, can I get a motion to approve this?

Mr. Ho: Chris Ho, move to approve informal advisory opinion 2025-04.

Ms. Valenzuela: Kelly Valenzuela, I second it.

Ms. Short: Any discussion to be had? Hearing and seeing none, can I get a-, I'm going to call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: All opposed, please say nay. Hearing and seeing none, the motion passes. I will sign at this time. And this is 04, correct?

Ms. Wan: Yes.

Ms. Short: Okay.

Motion and Vote: Board Member Ho moved to approve the draft Informal Advisory Opinion for Petition 2025-04; Board Member Valenzuela seconded; All Members voted aye; Motion Passes. (10:11 a.m.)

d. Petition 2025-05: Review of draft Informal Advisory Opinion

Ms. Short: Thank you. At this time, calling petition 2025-05, another review of the draft of an informal advisory opinion. Do we have any public testimony on this agenda item?

Ms. Wan: No, Chair, we do not.

Ms. Short: Hearing and seeing none, I will call for a vote. All in favor, please say aye.

Mr. Ho: How about a motion?

Ms. Short: Oh, someone make a motion.

Mr. Ho: Chris Ho-...

Ms. Short: To approve this.

Mr. Ho: ... Chris Ho, move to approve informal advisory opinion 2025-05.

Ms. Short: That's what I needed, thank you. Can you please second-...

Ms. Valenzuela: Kelly Valenzuela, I second it.

Ms. Short: Any discussion to be had? Hearing and seeing none, now I will call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the motion to approve the informal advisory opinion 2025-05 passes. Let the record reflect I am signing at this time.

Motion and Vote: Board Member Ho moved to approve the draft Informal Advisory Opinion for Petition 2025-05; Board Member Valenzuela seconded; All Members voted aye; Motion Passes. (10:12 a.m.)

e. Petition 2025-05: Review of draft Informal Advisory Opinion

Ms. Short: Thank you. Calling petition number 2025-06, the review of a draft informal advisory opinion. Do we have any public agenda-, public testimony on this agenda item?

Ms. Wan: No, Chair, we do not.

Ms. Short: Has everyone had a chance to read it? Can I get a motion to approve?

Mr. Ho: Chris Ho, move to approve informal advisory opinion 2025-06.

Ms. Short: Would someone like to second?

Ms. Valenzuela: Kelly Valenzuela, I second it.

Ms. Short: Any discussion to be had? Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, nay. Hearing and seeing none, the motion passes. I will sign at this time.

Motion and Vote: Board Member Ho moved to approve the draft Informal Advisory Opinion for Petition 2025-06; Board Member Valenzuela seconded; All Members voted aye; Motion Passes. (10:13 a.m.)

g. Review of draft Communication to County Council regarding Bill 21

Ms. Wan: I'm sorry, can I clarify, did Lisa also say aye?

Ms. Short: Yes, everyone-...

Ms. Wan: Okay, I don't think your mic was on at the time. Thank you.

Ms. Short: Okay. At this time, we will move along to agenda item g, the review of draft Communication to County Council regarding Bill 21. Do we have any public testimony on this agenda item?

Ms. Wan: No, we do not, Chair.

Ms. Short: Has everyone read the draft to our communication to Council?

Ms. Fukumitsu: Yes.

Ms. Short: Seeing everyone nod yes, can I get a motion to approve the communication to County Council regarding Bill 21?

Mr. Ho: Chris Ho, move to accept and file County Council Communication draft regarding Bill 21.

Ms. Wan: Accept and approve.

Mr. Ho: Accept and approve.

Ms. Short: Perfect. Can I get a second-...

Ms. Valenzuela: Kelly Valenzuela, I second it.

Ms. Short: Any discussion to be had? Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, let the record reflect it passes, and I will sign at this time.

Motion and Vote: Board Member Ho moved to accept and approve the draft Communication to County Council regarding Bill 21; Board Member Valenzuela seconded; All Members voted aye; Motion Passes. (10:14 a.m.)

5. NEW BUSINESS (10:15 A.M.)

- a. Petition 2025-07: Review of a Petition from a County Officer seeking clearance and guidance regarding a potential conflict of interest.

Ms. Short: Thank you. Moving right along to agenda item number 5, new business. At this time, we will call petition 2025-07, the review of a petition from a County Officer seeking clearance and guidance regarding a potential conflict of interest. Do we have any public testimony on this agenda item?

Ms. Wan: Not at this time, Chair.

Ms. Short: Wonderful. Can we get the petitioner to come up to the mic and state your name for the record please? There's a button to push to speak, and if you could bend it down towards you.

Ms. Wan: Uh, and Chair, I'll just note for the record that this petitioner did request a closed hearing.

Mr. Short: Okay, perfect. If you would just state your name for the record please.

Ms. Wan: No, no. Sorry-...

Ms. Short: Oh, before we should go into closed hearing-...

Ms. Wan: Yes.

Ms. Short: Okay. Um, noted you are requesting a closed hearing today. Uh, does your petition request consideration of personal matters affecting your privacy?

Mr. Segawa: The-, I'm Wes Segawa.

Ms. Wan: Okay.

Ms. Short: Okay. What-, I guess we need to know why are you requesting a closed hearing, so we can decide whether to have everyone leave and close the room if it impacts your privacy or if you're okay with an open hearing today.

Mr. Segawa: I think I'm okay with a open hearing-...

Ms. Wan: Okay.

Mr. Segawa: ... I probably don't know any better.

Ms. Short: Okay, perfect. That happens a lot. People just check the box because they don't know. So, totally good. Um, so we're not going to enter a closed session at this time. Let the record reflect that you are okay with us proceeding in open session. Can you please explain the question in which you are seeking the Board's guidance for?

Mr. Segawa: The, the question?

Ms. Short: Why did you file a petition, basically?

Mr. Segawa: Oh. I am fi-, I filed my petition because while I was up for confirmation as Director of the Department of Environmental Management, um, questions came up about my association with my, uh, private sector companies, and how that might interfere with my, um, management, or duties and responsibilities, as Director of the Department of Environmental Management.

Ms. Wan: Uh, okay.

Ms. Short: So, may-, could you go into a little more detail?

Mr. Segawa: I have, um, been an engineer in private sector, and I started my own engineering business-, a mom-and-pop engineering business-,

43 years ago, and operated that business, and was in the process of retiring when I was asked to serve the County in this capacity as Director. Um-, so, I was in the process of divesting myself of my business activities, and in the process-, you know, actually, I'm not involved in daily activities and decision making. Um-, however, you know-, the-, we-, the company I work for does engineering of services that are often requested by the County of Hawai'i. Um-, and the concern came up that, oh, my company may, um-, or what happens if my company is doing business with the County on projects that I am directly-, I'm in the department. Um, and, so, that question came up-, hey, am I in conflict? And-, so, through this petition, I was trying to explain that, um, I-, not involved in any projects, you know, any more really, directly involved with my company. Um, but-, and also, we don't apply for any County work with this particular department, and if we did, we withdrew our, um, I guess our candidacy for projects. Um, so, um, you know the question is, is, I guess, um, is it okay to do work with other departments for which I have no, um, control or involvement with to, you know-, as far as consultant selections or, or things like that. I hope I'm-, kind of that's, that's where it came about.

Ms. Short: So, are you ever in the position where, um, as Director, you could choose to award your company a project?

Mr. Segawa: I'm not-, you know, it's interesting. I'm learning how the process works. So, the procurement proc-, process-, and I've been reminded many times by, uh, the procurement people in my-, in the department-, Wes, you are not involved in selection of consultants. But, you must approve the selection of consultants or professional service consultants that come before you, based on the, um, documentation that they present to you. And, so, I'm not, I'm not involved in the selection. Uh, I guess I'm in-, I'm the only one that approves the selection-, I think that's how it works. So far, I have not been asked to approve anything.

Ms. Wan: I'm just going to remind members to please turn on your mic when you're entering this question so everything can get recorded.

Ms. Short: And state your name before you speak.

Ms. Wan: And to state your name before you speak, please.

Ms. Short: Member Ho.

Mr. Ho: Chris Ho. Uh, I have a few questions for you. So, um, you said that you were in the process of divesting yourself from the two organizations that you were a part of. Can you explain-, because in your application, you stated that you're an officer and stockholder for both of them. Can you explain what your officer position is with both of them?

Mr. Segawa: Okay. So, currently, and I am, on the record, with DCCA-, Department of Commerce and Consumer Affairs-, the president-, I think I might feel, like most family business, I'm president, vice president, secretary and treasurer, of my family, closely held, business, and that's on the record. Um, and your, your-...

Mr. Ho: The second one, the Project Management Incorporated.

Mr. Segawa: Same there.

Mr. Ho: Okay.

Mr. Segawa: Yeah.

Mr. Ho: Um, so, you also stated that you, uh, the-, one of your companies did receive a contract, um, for the lava inundation-...

Mr. Segawa: That's correct.

Mr. Ho: ... was that awarded prior to you assuming your position that you currently hold, or after?

Mr. Segawa: It was before-...

Mr. Ho: Okay.

Mr. Segawa: ... and I believe the contract was executed before-...

Mr. Ho: Okay.

Mr. Segawa: ... I was even asked to serve.

Mr. Ho: Um, and with regards to both, um, WRSA and PMI, do you have any say in what contracts they seek?

Mr. Segawa: What con-, sorry, the what contracts?

Mr. Ho: So, the two companies that you, um, have, do you have any say in what contracts those companies actually go out and seek?

Mr. Segawa: Go out and see?

Mr. Ho: So, if you are representing, let's say PMI-...

Mr. Segawa: Yeah.

Mr. Ho: ... um, since you have said that you've removed yourself from them, do you still have any say whatsoever, and what-, if PMI wants to go and apply a contract?

Mr. Segawa: Oh, um, that doesn't happen too often anymore. They pretty much, uh, decide on their own what projects they feel qualified to apply for. And they might ask me what do I think from time to time, but I'm not consulted as often as I used to be. They've learned to do a lot without me, um, for several years already, but, uh, if-, as far as going out on a project, is that what you also-...

Mr. Ho: No, more of the, um, possibility of influencing the company to seek a contract.

Mr. Segawa: To receive a contract?

Mr. Ho: No, to seek.

Mr. Segawa: Seek? With, with government?

Mr. Ho: Well, here it would be in-, within the confines of the County.

Mr. Segawa: Okay. So, what it-, is just the way the process works is, at least once a year, the County of Hawai'i will advertise, in a newspaper or some way of general circulation, announce to-, for professional services. And it could be engineering service, could be accountants, attorneys, all professional services. And if your firm is interested, um, we are to complete what we call a statement of qualifications with certain information submitted to the County. Um, and it's-, many times, it could be directly to the department, seeking, uh, services, okay? So, as far as-, that's how we get on the list, and then we'll receive a letter saying they've received the information, they consider us qualified, and that's usually what happens. And-, so, we're on their, their list of possible consultants.

And, in that process, through the years, I mean, you know, it becomes such a routine because it's always same time of the year, and what we do is update the statement of qualification. So, as far as, um, them asking whether we should apply or not, uh, it's kind of like a routine that they just do. Um, the only time I said to pull out-, pull us out was for this Department of Environmental Management. I asked that, you know, we get withdrawn from that confirmed consideration. Um, for both companies. Yeah, I-...

Mr. Ho: Yes.

Mr. Segawa: ... yeah-...

Mr. Ho: Thank you.

Mr. Segawa: ... I guess it's just a process that we follow. Yeah.

Mr. Ho: I'm done.

Mr. Fukumitsu: Vice Chair Fukumitsu. Just for my understanding. So, Department of Public Works and Environmental Management, two separate entities, and, so, you would be on Environmental Management, and any potential contracts that would come through Public Works, you would have no-...

Mr. Segawa: I would have no knowledge of, really, um, yeah.

Ms. Fukumitsu: Thank you.

Mr. Segawa: Yes.

Mr. Ho: Chris Ho, sorry, I have one more. Are you aware of what would happen if you were not able to, um, give approval? Because I think you stated prior to the process. Um, so, everyone comes through, and then you, as the Director-, the Director, um, have the final sign off on who will come before, um, as a company, to represent, possibly receiving the contract. If you are not able to sign due to a conflict of interest, who then would sign approval?

Mr. Segawa: Oh. Um, so, our company-, like, we have, uh, resolutions, or, you know, we have a board of directors, and in there is a resolution that states who is, besides myself, uh, able to authorize to sign for the

company. Whether it's a contract, a loan agreement, um, regulatory documents, anything of that nature, uh, besides myself.

Mr. Ho: Okay, sorry. So, I'm re-, um, speaking directly to the fact of you being the Director of the department. So, companies come in, they apply, and then some body within your organization selects who will then move up to the next level to be approved by you, as the Director. If one of those entities were to be PMI, for an example, since that is one of your companies of-, there is-, there-, potentially could be a conflict of interest with them, and you would not be able to sign to approve for that group of potential vendors that come up, who in your place, as the Director, would sign the approval?

Ms. Wan: I'm sorry. Point of, point of clarification, just-, uh, Deputy Corporation Counsel Sylvia Wan. My understanding is that the petitioner has, uh, firmly stated that he, in his position with the two companies in which he is president, in that role, he has withdrawn those companies from consideration for any contracts relating to the department in which he's a Director. So, what you had just stated would theoretic-, if he maintains that, would theoretically be an impossibility because it would require to him to sign contracts for a different department. Does that make sense?

Mr. Ho: It does. So, I'm just assuming that we are taking his word that for the future, which we have no control over, that that will be the case, so I withdraw my question and any other further conversation about it.

Ms. Wan: Okay. Just, just wanted to make sure I was, I was clear on that. Okay, thank you.

Mr. Allende: Board Member Erick Allende. *inaudible* Mr. Segawa. Um, I was just curious with-, are you the only engineer that's able to sign for projects that they would have with the County?

Mr. Segawa: For-, when you say sign for projects, um, you mean contracts?

Mr. Allende: No, no, no. For-, I'm saying, like, with your company, the, the WRSA, or the, your-, you know, um, the Wesley R. Segawa Associates, Inc., um, do you have other engineers and, um, people on staff in order to sign for the projects that you have going, or that are currently under contract?

Mr. Segawa: Oh, definitely. I have, I think, 7 to 10 licensed engineers on staff who would be signing off on documents prepared by us, or under our supervision.

Mr. Allende: Okay. Yeah, that, that makes perfect sense. Thank you very much.

Ms. Short: So, to clarify Erick's question, I believe with engineers, you guys stamp drawings to approve them, right? You have a stamp that you use? You have other engineers at your firms who would stamp any drawings that were to come through the County-, you would not stamp them yourselves?

Mr. Segawa: That's correct.

Ms. Short: Okay. So, to clarify, would you be signing on behalf of the company, or stamping on behalf of your company, or would someone else at your company be stamping those drawings?

Ms. Wan: No, I was talking about the contracts themselves.

Ms. Short: Oh, the County receiving-...

Ms. Wan: Yeah.

Ms. Short: ... contracts-...

Ms. Wan: Yeah, so-, Deputy Corporation Counsel Sylvia Wan. It seems like the Board is dancing around a particular question, but not quite formulating it, so, if you would-...

Ms. Short: Yes.

Ms. Wan: ... allow me leave, Chair-...

Ms. Short: Please.

Ms. Wan: ... because I, I think this is something you're trying to get clarification on. So, I understand that you have already stated your position that, in your department, you would not be accepting contracts from your two companies. However, you have acknowledged that there is a potential for your two companies to enter into contracts with the County in different departments. Is that correct?

Mr. Segawa: That is correct.

Ms. Wan: Okay. So, in that particular position, you being the president, still, of those two companies, who would be the signatory on behalf of the two companies for any future contracts that may or may not happen with the County, in other departments?

Ms. Short: Whose stamp would go on the drawing?

Ms. Wan: So, so, I think right now, you're conflating contracts-...

Ms. Short: Yes.

Ms. Wan: ... with drawings.

Ms. Short: Yes.

Ms. Wan: So, drawings may happen later, but before you get to drawings, you have to have a contract-...

Ms. Short: Who actually signs it, I see what you're saying. Thank you, Corp. Counsel. Yeah.

Mr. Segawa: So, at this point in time, um, those that are authorized to sign, I, I believe, are Phyllis Segawa and Kimberly Pua, okay?

Ms. Short: Do we have any more questions?

Ms. Valenzuela: I do. Hi, good morning. Thank you so much for coming and, and seeking-...

Ms. Short: State your name, Kelly.

Ms. Valenzuela: ... you know, um, information in regards to this. Um, and I understand that we always want to be above reproach, right? And I, I do commend you for wanting to retire and then taking this position as a Director, because most of us know we'd-, you'd rather retire, probably, and play golf. Um, but with that being said, sometimes it's hard for public scrutiny, and/or other County Employees, right, that are trying to either bid for RFPs or bid for contracts. So, um, I do have one question. You, you would, um, pull yourself away from the selection process, correct? But you still are the chief guy to say yay or nay on this-, the process-,

whoever they've picked, correct? So, if you were to say no to a company, do you have to make a recommendation after that, or, um, does it just go by the wayside and a whole new selection process happens? That, that's my question.

Mr. Segawa: That's a good question because I have not been there yet.

Ms. Valenzuela: Okay. I appreciate your honesty. Yeah, I understand. I just wanted to know what, what happens after that. Like, if a -, and that might be something you may want to inquire of, you know, um, is it a pool of people that, right, that get put before you and, um, say-, they, they recommend-, we're going to pick, you know, John Smith, and John Smith incorporated, whatever, and for some reason, you feel either they're not qualified or whatever reason, you say no, what do you do after that? Do you make ano-, do you make a recommendation? Does the staff? That would be really important, yeah.

Mr. Segawa: That's a good question because I-, that's a good question. I'm wondering if there are guidelines to follow as Director in the event I were to reject a selection. You know, I don't know the procurement, uh, code that well, to know what, what actions I can or cannot take.

Mr. Ho: Um, Chris Ho. So, just to clarify, if your-, one of your companies were to seek a contract outside of your department with, let's say, sorry, because you're sitting there, R&D, um, you yourself would not go as a representative of either of those companies before them, speaking as a officer or stockholder within those two companies?

Mr. Segawa: I would not. I cannot see myself doing that.

Mr. Ho: Thank you.

Ms. Short: So, to me it sounds like as long as he's not signing off on those contracts or appearing as the representation with those companies interacting with the County in any capacity, I feel like we're in a direction here, if someone would like to make a motion if there's no further questions at this time.

Mr. Ho: Chris Ho. Move to find no conflict of interest should the petitioner recuse themselves from any work related to either company.

Ms. Short: That was perfect. Can I get a second, please?

Ms. Fukumitsu: Uh, Vice Chair Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing-...

Ms. Wan: I'm, I'm sorry. Before we go forward, can I ask, um, Member Ho if he can please explain the rationale for his motion?

Mr. Ho: Yes. Chris Ho. Um, so-, excuse me. Based on what we've heard, um, the rationale for recusing himself, obviously, um-, in the event that for some foreseeable future, anywhere, um, that the company actually comes before his actual division, that he would recuse himself from that, um-, that would be the main rationale.

Ms. Wan: And then, in relation to contracts with other County departments?

Mr. Ho: I don't know if I can direct him to recuse himself from a private company. I can suggest that he does, but I don't know if that's within our purview to ask him to recuse himself as an officer or a stockholder within his own company with another department.

Ms. Wan: That's not-, I, I wasn't thinking about it from that perspective. Um, I believe what was stated previously in the questioning, or rather-, maybe Rachel, you can restate-, can you restate your statement now that there's a motion? It was posed as a question but it was more of a statement relating to, um, his role in seeking County contracts.

Ms. Short: Yes. So, as long as you are not the employee, uh, or representative, of the two firms which you are associated with or are a stockholder in, in seeking contracts within the County. Is that what you were looking for?

Ms. Wan: I believe that was your statement.

Ms. Short: Yup, that was my statement. You got that Chris? You want to try? Okay. Fair.

Ms. Wan: Um-...

Ms. Short: Um, basically, as long as he is not the individual who is representing those firms when seeking County contracts. Meaning

someone else from his company is the person interacting with the County.

Mr. Ho: Understood.

Ms. Short: Okay.

Mr. Ho: Chair, I would accept your friendly amendment to my motion-...

Ms. Short: Okay, can we get that?

Mr. Ho: ... and would leave up to Corporation Counsel to ask, um-, to word that in there.

Ms. Wan: Yeah, that's fine.

Ms. Short: Perfect.

Ms. Wan: So, um, I understand that your motion right now-, you're now moving to add, um, as additional basis for your original motion, the discussion that you had made, as well as Rachel's, to your main motion. We'll need a second for that amendment.

Ms. Short: Would someone like to second my friendly amendment?

Mr. Ho: Or Chris Ho's friendly amendment.

Ms. Short: Or Chris Ho's friendly amendment.

Ms. Valenzuela: Kelly Valenzuela, I second the amendment.

Ms. Short: Okay. So, we are going to have discussion on the amendment at this time. Any discussion to be had on this friendly amendment to the motion? Hearing and seeing none, I will call for a vote on the amendment. All those in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the amendment passes.

Motion and Vote: Board Member Ho moved to amend his motion for Petition 2025-07; Board Member Valenzuela seconded; All Members voted aye; Motion Passes (10:40 a.m.)

Ms. Short: Now we will seek-, is there any discussion to be had on the original motion?

Mr. Ho: On that motion as amended.

Ms. Short: As the motion as amended. Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay.

Ms. Wan: I'm sorry, I need to hear Erick's-...

Ms. Short: Erick.

Mr. Allende: Aye.

Ms. Short: Thank you. Hearing and seeing-, any opposition, please say nay. Hearing and seeing none, the motion passes. Thank you so much for your time. Appreciate you being here today.

Ms. Valenzuela: Thank you.

Motion and Vote: Board Member Ho moved to find no conflict of interest for Petition 2025-07; Vice Chair Fukumitsu seconded; All Members voted aye; Motion Passes (10:40 a.m.)

b. Petition 2025-08: Review of a Petition from a County Officer seeking clearance and guidance regarding potential conflict of interest.

Ms. Short: Okay. At this time, we will call petition 2025-08, the review of a petition from a County Officer seeking clearance and guidance regarding a potential conflict of interest. Do we have any public testimony on this agenda item?

Ms. Wan: Not at this time, Chair.

Ms. Short: Awesome. Can we the petitioner to please come up to the mic and state your name for the record please? We're on 2025-08.

Mr. Medina: Sorry, I didn't know-, it'd be a bit-, they didn't put any names on, so I have no idea. And I'm supposed to be here, but-...

Ms. Wan: Um, are you Benson Medina?

Ms. Short: Are you Benson? Okay, it-, your-, it's your time to shine.

Mr. Medina: Yeah, okay, good.

Ms. Short: Um, before we do say your name, note he is requesting a closed hearing.

Mr. Medina: Oh, yes. Uh-...

Ms. Short: Do you want to explain your reasoning for that?

Mr. Medina: Yeah. My staff did that, and they just checked the box. But, uh, um, yeah. They told me if I had a closed hearing, I would eliminate all the, you know, hecklers and, you know, uh, people that are in opposition to me. But, apparently, I see none, so, I'm, I'm okay in open hearing.

Mr. Short: So, you're withdrawing your request for a closed hearing, just for the record?

Mr. Medina: Yes.

Ms. Short: Okay. Wonderful. Um, so, at this time, could you please just explain a little about your petition and what you're seeking the Board's guidance on.

Mr. Medina: Well, I'm here at the behest of my, um, department, because they're-, I think they're at this point where, you know, they're deciding whether they're going to take keys away from grandpa. So, um, I'm here, basically, because, uh, my previous employment-, I, um, I worked, uh, with a company that is presently engaged in active contracts, uh, with the County, uh, a company called Sustainability Partners, and I think that's, uh, I think that's item number 1. And item number 2 is that, um, our department-, part of the scope of what we do is agriculture, and we work actively in ag tourism, uh, and my niece named Pomai Weigert is actually, uh, the leading authority in our state in agricultural tourism, um, for which we have active contracts. So, um, um, apparently there's some potential conflict of interest there. So, um, I can-, uh, let's go back and I'll address, uh, Sustainability Partners. Um, so, I, I worked for them for, um, 8 years, and what Sustainability Partners does, um, is that it works in, uh, helping to, um, to buy, install and maintain a government infrastructure. And, um, it is a company that does this all over the nation. And, so, um, one of the contracts that Sustainability Partners was able to acquire, uh, was one from the Department of Transportation, uh, back in 2021, that allowed us to basically come in and provide infrastructure, uh, funding, um, and maintenance, uh, for the

electrification of transportation. Uh, so when Governor Ige-, I think-, I believe it's 2019, uh, basically signed a declaration that by 2035, he wanted all state vehicles to be on, um, some other propulsion than fossil fuels, um, he charged the Department of Transportation to, to make that happen. So, when they went to the legislature and there was no money, uh, to transition from fossil fuels to electric transportation, they put an RFP out, uh, for a company like us-, we were awarded that contract, uh, for the next ten years. And so, um, we then proceeded over the last four or five years to plop about \$250 million dollars, um, into electric vehicles for the state, charging stations-, in fact, you're going to see five of them, uh, on this island, and that's part of what, uh, Sustainability Partners does. So, we engaged Hawai'i County, um, and so far, we only got, or Sustainability Partners only got, uh, to the point where they're replacing the broken, uh, chargers that are at the County buildings. Um, but the, uh, electric vehicles, they decided to put on hold because the County has decided they can't afford that. Now, uh, besides electric vehicles, the scope of what Sustainability Partners could do is really unlimited. Uh, so, one of the proposals that we had made to the previous administration was to take on this entire wastewater system, uh, plant. Uh, in fact, when we proposed it to, to Mayor, uh, Roth at the time, we could've done the whole, uh, system, for about \$180 million dollars. Uh, and because they opted not to take advantage of that, uh, the County just signed a \$337 million dollar bond, uh, two years later to, to do it. So, um, I guess sensing that, you know, I might, I might have some kind of allegiance to Sustainability Partners to try to sway contracts, uh, towards them, um, I don't. I'm not invested in them in any way. Um, although I understand the concept, and it's really the, uh, the concept that may be a conflict of interest to me, um, because of the training and knowledge that I have, it's really difficult for me to sit back and watch the County just flush money down the toilet. Um, they-, because it, it, it's to the point right now where, um, governments, and I'm not talking just about this government, but nationally, um, we'll need money, additional money, um, to build and maintain infrastructure. I mean, as you know, I mean our, our infrastructure nationwide is just crumbling-, it's falling into the ocean, and it's a result of how they're financed, but I won't go into that. Um, but, um, you know, I will tell the Mayor if he asks me, uh, my opinion on it, uh, I will render that opinion, but, um, you know, I have, I've no vested interest in having Sustainability Partners do anything further with the County. However, I will say that they are the only company out there that does something like this at the scale at which they do it. So, um, part of-, I guess internal conflict for me as a, you know-, I have great-grandchildren from six months old to ten years old, and the likelihood of them

living, uh, to 104 years old is about 50%, and so, I'm really concerned about the future, uh, infrastructure issues that this County has, um, particularly because what I've learned in working in that industry, quality of infrastructure, uh, determines quality of life. So, that's kind of where I'm at with that. So, um, any dealings-, in order to sort of, um, uh, mitigate, um, any conflicts so, uh, my Deputy Director, uh Dennis Lin, uh, now does any meetings, anything that needs to be signed, regarding Sustainability Partners, um, so, I, I feel like I'm pretty good, um, in that regard. Yeah, I, I'm not in a position, actually, as R&D Director, to really sway anything anywhere. I mean, you know, that could be like financially obligate the, um, uh, the County. On, uh, Pomai Wiegert's issue, um-, okay, so-...

- Ms. Short: I'm going to stop you right there, only because we-, you have two petitions-...
- Mr. Medina: Okay, good-...
- Ms. Short: So, we have to deal with one, vote on it, and then we'll move on to the other one.
- Mr. Medina: That's, that's a good one, thank you.
- Ms. Short: So, let's stop right there, um, if, if that's all you have to share regarding the Sustainability-...
- Mr. Medina: Sure.
- Ms. Short: ... Partners thing, awesome. And I'm going to let the Board-...
- Mr. Medina: Ask questions.
- Ms. Short: ... ask questions if that's alright with you. Thank you.
- Mr. Medina: Yup.
- Mr. Ho: Chris Ho. Um, just to clarify a few things. Um, one, section 2-84(a)(1) speaks to business or other undertaking in which that officer or employee has a substantial financial interest. You said that you do not have any stocks or investment in SP-...
- Mr. Medina: No.
- Mr. Ho: ... so, I'm a little curious as to how that would even relate-...

Ms. Short: He's not a stockholder.

Mr. Ho: ... to, right-, how that particular code would relate to what's being asked-...

Ms. Wan: Deputy Corporation Counsel Sylvia Wan. I think the question is, um, is Mr. Medina still a director of that company?

Mr. Medina: Yeah, no.

Ms. Short: Do you still have any financial interests in that company?

Mr. Medina: No, no I don't.

Mr. Ho: So, that's where I was actually going, but I wanted to just clarify my understanding of that particular rule before I asked that question.

Ms. Wan: Oh, okay. I'm, I'm-...

Mr. Medina: Well just, just, just to clarify-...

Ms. Wan: ... I'm sorry-...

Mr. Medina: ... yeah-...

Ms. Wan: ... I just want to clarify the question that my Board member-...

Mr. Medina: Yeah.

Ms. Wan: ... had to me as far as legal advice. Maybe I was misunderstanding your question, so can you restate your question to me so I can understand?

Mr. Ho: Trying to understand the relevance of 2-84(a)(1) with relation to what was stated in number 1 within that petition itself.

Ms. Wan: Okay, so, just so we're all clear, um, I'm going to read what is section 2-84(a)(1). Um, (a) reads no officer or employee shall take any official action directly affecting 1), a business or other undertaking in which that officer or employee has a substantial financial interest. So, that's, that's the statute as it reads, and the context that's being highlighted by member Ho is the statement on the petition, I was previously employed by Sustainability Partners as an infrastructure partner which installed-, and I'm just going to stop the sentence there-...

Mr. Medina: Yeah.

Ms. Wan: ... a variety of things-...

Mr. Medina: Yeah.

Ms. Wan: ... for the government. So, your question is whether his status of being previously employed is still connected to an active business or other undertaking?

Mr. Ho: So, that's where I was going to go with my question-...

Ms. Wan: Okay.

Mr. Ho: ... um, was if you are not, um, a stockholder within the actual company, um, so you have no financial anything connection to them-...

Mr. Medina: No. No.

Mr. Ho: ... okay, that's-...

Mr. Medina: Yeah.

Mr. Ho: ... me trying to draw the connection to what was in here. Thank you.

Mr. Medina: Yeah. And, and just to clarify one thing. So, when I, uh, when the Mayor contact-, same position as, uh, Wes, I was getting kind of ready to retire. Um, and, um, I was going to-, made the decision to come to work for the County, uh, Sustainability Partners and their legal counsel said, um, you know, just to make sure there's no conflicts of interest, they went through and made sure I was divested of everything, paid out my vacation, you know, whatever was owed to me, car allowance, they-, and they stated it all in a contract, he has nothing-, uh, no more financial interests in this company in any way. It's been paid out completely so, um, I wanted to make sure they were clear on that. Yeah.

Ms. Short: Thank you for your clarification. Erick, I believe you had a question.

Mr. Medina: Yeah.

Mr. Allende: Good morning Mr. Medina. Um, I was just curious. How would, say, you know, you say that Sustainability Partners is the only, uh,

person that, or entity that does that type of work and on that type of scale, if there was another company trying to break into the market, would you-, how would you-, or what would be the impact of your position on that company coming into the market to try to, you know, say, apply for contracts and, um, monies that the government or the County is trying to, um, put out there for an RFP?

Mr. Medina: Yeah. I think really minimal because the type of, um, uh, the type of contracts that they will be seeking will be more physical infrastructure. So, uh, Department of Environmental Management, uh, DPW, those guys-, uh, Research and Development, no. I mean, they wouldn't be coming to my department. Uh, though I might be asked to consult in a-, consult in a meeting or something that like, but, um, no. They wouldn't be actively engaging-, in fact, they're, they're still actually having meetings now. They met with water-, with the water people-, yeah, that would be somebody else they would meet with. Um, uh, so, typically, their market is, is, is really expensive infrastructure, expensive to put in, and really expensive to maintain over the long haul. So, in my department, which does, you know, agriculture, tourism, whatever, yeah, there wouldn't be, there wouldn't be any reason for them to, to talk to me, so, thank you. I don't know if that-, does that answer your question adequately?

Mr. Allende: Uh, yeah. And then, I was just kind of curious. So, in this, you know-, when it would be as an R&D Director, what is your scope of your, um, your daily duties and overall function as a Director for R&D?

Mr. Medina: Okay. So, the scope of-, um, the types of things that I handle in my department-, economic development, workforce development, agriculture, tourism, early childhood development, I have the, the film commissioner under me, I have, uh, public wellbeing, you know, those, and those-, that's basically the, the scope of what we're doing in R&D. And then, and then whatever the Mayor, uh, you know, at the will of the Mayor, he sends down these really terrific projects or ideas and my job is to run them down. Uh, so, yeah. And, and none of them are really an-, you know, find a better way to pay for wastewater, so.

Mr. Allende: Okay. Thank you very much.

Mr. Medina: Thank you.

Ms. Short: So, just to clarify, you-, the current contract with Sustainability Partners is not with your department?

Mr. Medina: Um, I think that the-, I think-, sorry, I'm trying to make sure this thing doesn't bubble up. Um, uh, just so-...

Ms. Short: Does Sustainability Partners-...

Mr. Medina: Yeah.

Ms. Short: ... have a contract with your department-...

Mr. Medina: Yeah.

Ms. Short: ... I guess is the question.

Mr. Medina: Yeah. So, uh, so, they-, the, the contract for, um, the fixing the chargers came through the, the energy division of our department. So, we used to have energy in our department, and then they got sent over to OSCER, so, um, although, uh, the contract to install those chargers was signed by my Deputy Director Dennis Lin, it's actually, um, uh, implemented by the Department of Public Works. So, I don't know if that-, I mean, that's the answer to the question.

Ms. Short: So, I guess-, yeah, just to clarify the timing. Were you, um, in your position as Director when Sustainability Partners received that contract?

Mr. Medina: No.

Ms. Short: Okay.

Mr. Medina: No, it was, yeah. Um, they received it, actually, like two years ago-...

Ms. Short: Okay.

Mr. Medina: ... and, and only negotiated when I came and Dennis signed it, actually. But they've been sitting on that contract for two years. So, yeah.

Ms. Wan: So, just to clarify, it was awarded two years ago-...

Mr. Medina: Yeah.

Ms. Wan: ... but the signing of the contract was recently-...

Mr. Medina: Yes.

Ms. Wan: ... and you did not sign it-...

Mr. Medina: No. No, Dennis signed it, and then it went up through-, I guess it goes HR, Finance-, there's a whole list of people-, Corp. Counsel, I think, signs off on it, so-...

Ms. Wan: And, also to clarify, the administration of that contract is no longer with your department-...

Mr. Medina: Right. Uh-...

Ms. Wan: ... it's with OSCER?

Mr. Medina: Not-, well, the administration of the contract, uh, goes to OSCER, but the actual physical implementation goes to Public Works.

Ms. Short: So, your depart-, so, your department-...

Mr. Medina: Yeah.

Ms. Short: ... is not implementing this contract?

Mr. Medina: No.

Mr. Short: Okay.

Mr. Medina: No. We have-...

Ms. Short: That's the clarification.

Mr. Medina: Yeah, no, we're not.

Mr. Allende: And then, sorry, Board Member Allende. Um, I just was curious. When, you know, for the other Board Members, when we had the meeting with, um, Zendo, and how he had that, uh, company, then his-, I think it's his sister or relative was managing, is that something that will be, or you guys feel like is somewhat similar that if Sustainability were to approach R&D, then it should be the Deputy Director that has and maintains all contact with them in order to, you know, kind of give yourself a barrier from any reproach that might be brought up, from, you know, any other, um, people from the outside looking in, type of a thing?

Mr. Medina: Yes, absolutely. So, we've already decided that as a, um, just as a, uh, matter of process, that anything that comes in that has, uh, Sustainability Partners on it, then Dennis deals with it. I don't...

Ms. Short: So, the Deputy Director of the department will deal with Sustainability Partners-...

Mr. Medina: Correct.

Ms. Short: ... you not-, you never will-...

Mr. Medina: I never will.

Ms. Short: Thank you for that-...

Mr. Allende: All communications and e-mails and everything, right?

Mr. Medina: Correct. Yes.

Ms. Short: So, you will not interact with Sustainability Partners at all, in your position as Director, I guess?

Mr. Medina: Uh, no, not officially. But, I mean, you know, if they-, they're still my friends-...

Ms. Short: Right.

Mr. Medina: ... and so, I deal with them, but not in official capacity as, um, as a Director-...

Ms. Short: In your position-, acting position as Director, I guess-...

Mr. Medina: Correct. Yes.

Ms. Short: Okay. Thank you.

Mr. Ho: Chris Ho, just to clarify that previous statement that you made that there was an, um, an understanding within your office-...

Mr. Medina: Yes.

Mr. Ho: ... is that a written understanding or a verbal understanding?

Mr. Medina: Well, I'm sure we could put it in, in writing-, it might already be in writing, because that-, it's what our, um, our Corporation Counsel advised us to do, so, um, I don't even see anything that has

Sustainability Partners on it. But, it should be a pretty easy thing to do-, send a e-mail so that it's in writing somewhere, but, yeah. I mean, if you feel like we should have it on paper, I mean-, I've sent e-mails to our Corp. Counsel just to make sure that there's a, uh, paper trail or e-mail trail-...

Ms. Short: And that can be part of our, um-...

Mr. Medina: Yeah.

Ms. Short: ... advisory opinion that we issue today, perfectly-...

Mr. Medina: Okay, great. Perfect. Thank you.

Ms. Short: So, with that said, I feel like someone's ready to make a motion.

Mr. Ho: Chris Ho, move to find no conflict of interest, should the petitioner recuse themselves from any work related to Sustainability Partners, and have that recusal in-, nope, I take that back, I'm going to back up and stop at Sustainability Partners, and then ask for assistance with the rest.

Ms. Short: May I offer a friendly amendment to the-...

Ms. Wan: Nope, not yet. So, you can put that motion on the floor, um, we'll need a second. In discussion, you guys can build on it if you'd like.

Ms. Short: Will someone second Chris' motion, please?

Ms. Fukumitsu: Vice Chair Fukumitsu, second.

Ms. Short: Okay, thank you. Calling for discussion, friendly amendment, um, included in that motion, I believe it should state any communication or interaction with Sustainability Partners be done by the Deputy Director of that department instead of Mr. Medina.

Mr. Allende: Any-, sorry, Board Member Allende. Can I also do a little-, the only thing is, um, after Sustainability Partners, can we just, um, put and affiliates? So, any subsidiaries or anything of that nature?

Ms. Short: Okay, so, Sustainability Partners and it's affiliates will only be dealt with by the Deputy Director, and not Mr. Medina.

Mr. Ho: Sorry, to do this appropriately, I am going to accept Board Member Allende's friendly amendment first. So, we'll need a second.

Ms. Wan: Um...

Mr. Ho: That way-, because I want to-...

Ms. Short: We're in discussion-...

Ms. Wan: You, you, you're in discussion, and so, if you would like to now move to amend your original motion, you can so move. Um, you can-, you don't have to break it down to two comments if you don't want to, they're already stated on the record. If you want to adopt both comments, you can. It's up-, it's your choice. If you want to do it one-by-one, that is completely fine.

Mr. Ho: Well, I guess if everyone's understanding of it then, by all means, both.

Ms. Wan: So, my understanding is your motion to amend is to include the additional, uh, recommendations by, um, Board Member Allende, and stating that it's Sustainability Partners and it-, and/or their affiliates, and including, also, the additional language proposed by, uh, Chair Rachel Short, is that correct?

Mr. Ho: That is correct.

Ms. Wan: Okay, we'll need a second.

Ms. Short: Can I get a second to that motion?

Mr. Allende: I'll second it. Board Member Allende, seconded motion.

Ms. Short: Any discussion to be had?

Ms. Wan: On the amendment.

Ms. Short: On the friendly amendment to the original motion?

Mr. Ho: Chris Ho. I think you may need to just restate it so that everyone's understanding what we're talking about.

Ms. Short: So, the friendly amendment to the original motion is going to state Sustainability Partners and its affiliates, and that all interaction and communication take place with the Deputy Director, and not Mr. Medina, directly.

Ms. Fukumitsu: I'm so sorry, Vice Chair Fukumitsu. I do have a question. We-, in our discussion, we had talked about this being in writing, documented in the department. Is that going to be part of-...

Ms. Short: That will be this, this document.

Ms. Wan: So, if you would like to include that as a specific direction, then you should probably include that in your opinion. Um, I will note that technically, that's outside of the basis-...

Ms. Fukumitsu: Okay-...

Ms. Wan: ... of this amendment-...

Ms. Fukumitsu: ... that's fine.

Ms. Wan: ... but, um, you guys can continue your discussion on the amendment, and then I would suggest, maybe, bringing that up again when you're considering the main motion.

Ms. Short: Any further discussion on the friendly amendment? Okay. All in favor of the friendly amendment, I'll call for a vote, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the friendly amendment to the original portion-, motion, thus passes.

Motion and Vote: Board Member Ho moved to adopt the friendly amendments to his original motion; Vice Chair Fukumitsu seconded; All Members voted aye; Motion Passes (11:04 a.m.)

Ms. Short: Now, back to Chris' original motion, if you would please state that, Mr. Ho.

Ms. Wan: He, he doesn't need to restate it.

Ms. Short: He doesn't?

Ms. Wan: No.

Ms. Short: Just for us?

Ms. Wan: You-, so, now, the main motion, as amended, is on the floor for discussion.

Ms. Short: Okay. The main motion, as amended, is on the floor for discussion. Do we have discussion? Hearing and see-, yeah, if you want to...

Ms. Fukumitsu: Well-, Vice Chair Fukumitsu, I'm sorry, clarification though, that is out of the scope of, or-...

Ms. Wan: No, you-...

Ms. Fukumitsu: ... I can?

Ms. Wan: Now is the time.

Ms. Fukumitsu: Oh, okay. Yeah, I just-, I think in this, and others going forward, we've always asked for some kind of procedural-, you know, we always talk about guard rails. And I, I think for the sake of transparency in the County, I think, you know, putting things in writing, putting these procedures in place, we're talking about precedent-, so, I do think it would be important to have a formal type of memo or, whatever it is, within the department, addressing the issue, and that agreeing to recuse yourself, etc., etc.

Ms. Wan: So, with that discussion that you just put forward in mind, are you suggesting an additional amendment to the motion? And you can just state your portion.

Ms. Fukumitsu: Okay, so, my recommendation for an amendment would be to include, um, instructions to put these procedures in place, or this, like, recusal process in place, within a departmental memo-, and, I don't know what I'm-...

Ms. Wan: Can I translate what you're-...

Ms. Fukumitsu: Please.

Ms. Wan: ... what you're trying to-...

Ms. Fukumitsu: Yes.

Ms. Wan: ... communicate?

Ms. Fukumitsu: Yes.

Ms. Wan: So, it sounds like, um, you're suggesting that the main motion be amended to also include the instructor-, instruction that the Director draft a written memo informing his employees of this recusal and the process in which it will, um, take place.

Ms. Fukumitsu: Yes. Thank you.

Mr. Ho: Chris Ho, I second.

Ms. Wan: Well-, so, are you going to adopt that friendly amendment?

Ms. Short: You have to adopt her friendly amendment to your original motion-...

Ms. Wan: Because you're the original mover.

Ms. Short: We're adopting another-...

Mr. Ho: Right, I-, sorry, I was just not un-, I was very unsure, since the amendment had already passed-...

Ms. Wan: You can do another amendment.

Mr. Ho: ... and since we were still-, oh, that's-, okay, yes, I accept your friendly amendment. Thank you.

Ms. Short: Wonderful. Let's get a vote on-...

Ms. Wan: Nope-...

Ms. Short: ... no-...

Ms. Wan: ... now you need a second.

Ms. Short: Oh, second the acceptance.

Ms. Valenzuela: Kelly Valenzuela, I second it.

Ms. Wan: Okay.

Ms. Short: Awesome. Now, we will have any further discussion on the additional amendment which we will be including. Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

****All members say aye in unison****

Ms. Short: Any opposition, please say nay. Hearing and seeing none, that motion so passes, and now we are back to the original motion that was on the able for discussion.

Motion and Vote: Board Member Ho moved to adopt the additional friendly amendments to his original motion; Board Member Valenzuela seconded; All members voted aye; Motion Passes (11:07 a.m.)

- Ms. Short: Any further discussion on our original motion with the two amendments? Look at that. Sorry, I just snapped at myself.
- Mr. Ho: Chair, may I ask-...
- Ms. Short: Please.
- Mr. Ho: ... another question?
- Ms. Short: Please.
- Mr. Ho: Um, so, should this pass, and it comes out as a memo from the Director, anyone that's hired after the memo has been sent out, would that be included in their onboarding packet, just to ensure that should communication come to that new employee, that is doesn't accidentally get sent because that new employee did not receive the memo because they started after it went out?
- Ms. Wan: Um, okay, so, I understand that the discussion that you're putting on the, on the floor. I, I think it's making a number of assumptions based on how a department runs, um, because there are certain elements that are included with every employee's onboarding, right? Just for an example, Board of Ethics packet, right, that everybody has to sign off on? As far as that recusal, um, that appears to be-, that memorandum would then become a policy for the department. So, I don't know if it necessarily needs to be a part of the onboarding, but it's a policy, that would otherwise follow, that would otherwise need to be followed if the situation arises. Does that make sense?
- Mr. Ho: It does, and it actually clarifies exactly what I was thinking, because I, as you said, have no idea what the department does, but since you stated it goes into a policy, that quashes the entire question.
- Ms. Short: Any further discussion?
- Ms. Wan: I'm sorry, let me just make sure I clarify that with the Director, is that correct?

Mr. Medina: Yes, that's correct. Yeah.

Ms. Wan: Okay, thank you. That was my general understanding.

Mr. Medina: Yeah.

Ms. Short: So, hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the motion so passes. Thank you so much.

Motion and Vote: Board Member Ho moved to find no conflict of interest for Petition 2025-08; Vice Chair Fukumitsu seconded; All Members voted aye; Motion Passes (11:09 a.m.)

c. Petition 2025-09: Review of a Petition from a County Officer seeking clearance and guidance regarding potential conflict of interest.

Ms. Short: Mr. Medina, At this time, we will move on to your second petition, um, 2025-09. It shows here that you did, again, request a closed hearing. Are you withdrawing that request?

Mr. Medina: Yes.

Ms. Short: Thank you. And also for the record, I would just like to state, I do know your sister, Lani Wiegert-...

Mr. Medina: Yeah.

Ms. Short: ... I've worked with her for many years-...

Mr. Medina: Yeah.

Ms. Short: ... at Hawai'i Care Choices as a presenter, I don't believe that will impact my decision making ability regarding your petition in any way-...

Mr. Medina: Okay.

Ms. Short: ... but I want it on the record that I do know Lani and love her dearly.

Mr. Medina: Okay.

Ms. Short: Okay. So, with that being said, will you please explain petition 2025-09?

Mr. Medina: Okay. So, the, um, the issue is really, um, uh-, not with my sister Lani, but her daughter, Pomai, um, who, uh, works for GoFarm, um, which is, uh, the agricultural extension of the University of Hawai'i. Um, we have, um, uh, over the-, over, uh, many years, funded, through R&D, uh, many of GoFarm's projects, uh, specifically in the area of agricultural tourism, uh, where, uh-, Pomai not, not just works there, but, um, she is really the leading authority in agricultural tourism, uh, in our state. Um, we, by the way, just awarded another, uh, \$25,000 grant, uh, to GoFarm, um, not to do agricultural tourism, uh, but for some other, uh, project. Um, noting that, uh, coming in, uh, once again, I did defer that potential conflict of interest, uh, through Deputy Director Lin who now, um, handles all the, um, inquiries, communication, meeting-, in fact, they just attended a meeting yesterday, um, with Planning, uh, to get guidance, uh, on ag, ag tourism rules and regulations, uh, pertaining to how farms set up. So, um, similar to what we did with Sustainability Partners, we took, uh-, in, uh-, developed an internal process for, uh, for dealing with that. So, just wanted to make sure that, uh, you know, all this came out, was in the open, and if any potential conflicts, um, uh, were perceived, that, um, my appearance before this Board and my explanation of how things are now the process that we have implemented, uh, would stand as, you know, justification for our department to continue to do work with GoFarm, um, in the area of agricultural tourism.

Ms. Short: Thank you very much. Does the Board have questions for Mr. Medina at this time? Erick.

Mr. Allende: Sorry, yeah. Um, no questions, I was just saying that is there a way that we could make a motion that would kind of similarly, um, reflect the languages but change out the company's names from that so then that way we can, you know-, just so that way everything is, um, equally, you know, just as above board as we just did for Sustainability from this, on this topic?

Ms. Short: Corp. counsel-...

Ms. Wan: Deputy Corporation Counsel Sylvia Wan. Um, potentially, but it does appear that that question is a little premature, just because we just started the questioning portion of this particular hearing. Um, so, I would-, if you were still of that mind after the questions are done from the Board, you can re-ask it, and I may help you-, guide you through that process.

Mr. Allende: Okay, thank you.

Ms. Short: Questions from the Board at this time.

Mr. Ho: Chris Ho. Um, what does IHVB stand for?

Mr. Medina: Um, it's Island of Hawai'i Visitors Bureau.

Mr. Ho: Okay, thank you.

Mr. Medina: Yeah. They had to make it different, I guess, but, yeah. I had to ask the same question. I, I didn't know when I came in.

Ms. Short: Please.

Mr. Ho: Chris Ho, more questions. Um, in here, you have that Lani was the founder of Ag Tourism Association-...

Mr. Medina: Yeah. Yeah. Hawai'i Ag Tourism Association.

Mr. Ho: ... um, is she still, um, involved in that as a stockholder or someone that is-...

Mr. Medina: No.

Mr. Ho: ... a decision maker?

Mr. Medina: No. Yeah.

Mr. Ho: And then, just to clarify, your niece does not live with you.

Mr. Medina: No.

Mr. Ho: Thank you.

Mr. Medina: Thank God. Oh, well, take that off the record, I'm, I'm sorry, but, yeah. It wouldn't work out. Uh, but I, but I will let you know that, uh, the whole ag tourism-, um, the development of that concept was Lani's idea, and between Lani, myself and my niece, we basically, in 2008, developed that whole association. So, his-, it really has been kind of a family, uh, business. And, so, although I'm not actively involved-, um, because I was their principle grant writer, I, I do have a lot of knowledge in this are for which I'm, I'm consulted on from time to time.

Ms. Wan: Uh, Deputy Corporation Counsel Sylvia Wan. I'm just going to remind the Board, um, for this particular petition, you're reviewing this under the guise of 2-84, conflicts of interest. Specifically, this one would be (a)(3), which would read in its totality, (a) no officer or employee shall take any official action directly affecting, (3) a business or undertaking in which the employee knows, or has reason to know, that a brother, sister, parent, and emancipated child, or household member, has a substantial financial interest, provided that the financial interest of these individuals shall not include those of any spouse or child. So, just so you understand your frame.

Mr. Ho: Chris Ho. That's actually why I asked the two questions that I did, and since the answers provided do not meet what's in (3), is it still appropriate?

Ms. Wan: I don't understand the question. Your, your questions were appropriate to ask, if that's the question.

Mr. Ho: No. If (a)(3) is appropriate because nei-, the family members listed are not family members that are within here-...

Ms. Wan: That is correct.

Mr. Ho: ... so, the niece does not, the niece does not live with him, sister has no financial gain from the stated company-...

Ms. Wan: So, that would be-...

Mr. Ho: ... so, I, I was just a little confused.

Ms. Wan: No, that's fine. So, that would be a complete bar, right? But, in that regard, the Code of Ethics are meant to be liberally construed. So,

given the situation and that facts being presented, you can still make findings that you think would be in the spirit of the Code of Ethics, given the particular situation that's being presented to you.

Mr. Ho: Thank you.

Ms. Short: It sounded to me like Board Member Allende was leaning towards, um, what we did with the previous petition meaning that Mr. Medina recuse himself-, Erick, please jump in at any point, that Mr. Medina, um, recuse himself-...

Mr. Allende; Yeah.

Ms. Short: ... and not interact with anyone from, excuse me-...

Mr. Allende: Um, the Agricul-, uh, Agricultural Tourism Association, and/or, um, the affiliates of GoFarm-...

Ms. Short; Yes.

Mr. Allende: ... as well, and branch of the UH Agriculture Department.

Ms. Short: Yes. And that his Deputy Director-...

Mr. Allende: Would maintain all contact, e-mails, and communication with, um, any of the said-, above said, uh, companies or entities.

Ms. Short: ... and IHVB, included in there as well Erick, right?

Mr. Allende: Yes.

Ms. Short: Okay.

Mr. Allende: Yes.

Mr. Medina: Um, can I-...

Ms. Wan: So-...

Mr. Medina: ... can I clarify something?

Ms. Wan: ... well, I'm sorry, just a moment.

Mr. Medina: Okay.

Ms. Wan: What I'm hearing is a joint motion-...

Ms. Short: Yes.

Ms. Wan: ... by Chair Short and Member Allende. Um, so, there will need to be a second to this joint motion if you-, if the Board wants to discuss.

Mr. Ho: Chris Ho, second.

Ms. Short: Discussion. Mr. Medina, it sounds like you have something you'd like to clarify.

Mr. Medina: Yes. So, as, as far as the IHVB goes, it's the Island of Hawai'i Visitors Bureau. Um, Pomai did serve on their board. She's no longer on their board. Now, this is an important organization which I deal with, like, daily, so, um, it wouldn't be realistic for me to not deal with them because it's in the scope of my job. Now, I understand the conflict was if she sat on that board, um, but she isn't on the board any-, anymore, and there's no financial gain or anything that could be con-, you know, received by her by being part of that, so-...

Mr. Short: So, no one in your family still has any association with IHVB?

Mr. Medina: No.

Mr. Short: Okay. Thank you for that clarification.

Mr. Medina: Yeah.

Ms. Wan: So, would either of the movers want to make an amendment at this time? You are in discussion.

Mr. Allende: I move to remove IHVB from said motion, but leave everything else.

Ms. Short: Can I get a second to that motion?

Mr. Ho: Chris Ho, second.

Ms. Short: Wonderful. Any discussion to be had on that amendment? Hearing and seeing none, I'll call for a vote on the amendment that Erick just made. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay.

Ms. Wan: Just a second. Kelly?

Ms. Valenzuela: Aye.

Ms. Short: Her-, your mic.

Ms. Valenzuela: Aye.

Ms. Short: Thank you.

Ms. Wan: Thank you.

Ms. Short: Hearing and seeing none, the motion thus passes.

Motion and Vote: Board Member Allende moved to adopt the friendly amendments to his and Chair Short's original motion; Board Member Ho seconded; All Members voted aye; Motion Passes (11:20 a.m.)

Ms. Short: We'll return now to discussion on mine and Erick's teamwork motion, if you will. Any further discussion on the motion on the floor?

Ms. Wan: As amended.

Mr. Short: As amended. Seeing none, we will vote on the motion-, oh, did you have something?

Mr. Ho: Chris Ho. I did-...

Ms. Short: Please.

Mr. Ho: ... I'm just trying to-, I'm going to ask it, and see what happens. Um, so, in section (3), it does say that, um, GoFarms, um, does have contracts with R&D.

Mr. Medina: Yes, that's correct.

Mr. Ho: Did you sign off on said contracts?

Mr. Medina: No:

Mr. Ho: Thank you.

Mr. Medina: No, and I don't sign them. Um, I don't sign them off any-, anyway. I mean, that's not part of the, the scope of, um-, as soon as I got in as the Director, uh, where I could see there would be potential conflicts, especially in the wording of these impact grants, I, I immediately gave that responsibility to our Deputy Director because I saw that there were going to be conflicts because the way that it was previously set up, the Director could decide who was going to get those grants. One person. And totally independent of what the-, um, there's a three person panel that reviews these grants, and even if they say we choose this, this and this, the Director could say no, I want this guy. And so, I saw that-, wow, that was a really big red flag. So, I said we're stopping that, it's going to be what the panel decides, and the final signature's going to be Dennis Lin's, not Benson's Medi-, not Benson Medina's signature, so-...

Ms. Short: Perfect.

Mr. Medina: ... that's how it's been set up.

Ms. Wan: Um-...

Ms. Short: Any further discussion on the motion on the floor? Corp. Counsel?

Ms. Wan: Uh, Deputy Corporation Counsel Sylvia Wan. So, I'm just going to note, based on, uh, what Member Allende had previously stated as far as his intention, was to make a similar motion for this petition as last petition, so I just want to highlight to the Board one stark difference, which is the requirement of, uh, the Director drafting a memorandum as to these recusals and procedures for this petition, and this situation. I'm just letting you know that that is presently not in your motion.

Ms. Short: Friendly amendment.

Ms. Fukumitsu: Vice Chair Fukumitsu, I have a friendly amendment, if we could add the piece about, uh, the proce-, the, the procedures, um, in memorandum to the department about the recusal piece.

Ms. Short: Can I get a-...

Ms. Fukumitsu: If you could help me.

Ms. Short: Can I get a second to that motion?

Mr. Ho: Chris Ho, second.

Ms. Short: Any discussion to be had? Hearing and seeing none, we will vote on adding this second friendly amendment to our original motion. All in favor, please say aye.

All members say aye

Ms. Short: Any opposition, please say none-, nay. Hearing and seeing none, the motion passes.

Motion and Vote: Vice Chair Fukumitsu moved to adopt the additional friendly amendment to Member Allende and Chair Short's original motion; Board Member Valenzuela Ho; All Members voted aye; Motion Passes (11:23 a.m.)

Ms. Short: So, moving back to the motion on the floor, including our two friendly amendments, any further discussion to be had? I will call for a vote at this time. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the motion thus passes. Thank you very much for your time, Mr. Medina.

Motion and Vote: Board Member Allende and Chair Short moved to find no conflict of interest for Petition 2025-09; Board Member Ho seconded; All Members voted aye; Motion Passes (11:23 a.m.)

d. Petition 2025-10: Review of a Petition from a County Employee seeking clearance and guidance regarding potential conflict of interest.

Mr. Medina: Okay. And, and thank you, very much, for your time because I-, having served in boards and commissions before, I know this is no

a easy job-, you're volunteers, so, uh, thank you for doing this. It's really important work that help to make the County go.

Ms. Short: Thank you. Thank you so much, Mr. Medina, I really appreciate you saying that-...

Mr. Medina: Now, uh, do I, do I receive any, uh, type of-...

Ms. Short: We will draft something, we'll approve it at our next meeting, I'll sign it, and we'll send it to you.

Mr. Medina: Oh, great. Thanks for that follow up...

Ms. Wan: So, similar to how you heard all those orders earlier in this meeting-...

Ms. Short: Yeah, you'll get one of those.

Mr. Medina: Oh, goodie, more orders. Okay, thanks, take care you guys.

Ms. Short: Thank you so much. At this time, we will call petition 2025-10, the review of a petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest-...

Ms. Wan: I'm sorry, Chair, um, can we please take a short recess-, how many-, we some-, we need a recess for technical issues-...

Ms. Short: Okay.

Mr. Allende: Can we take a ten-minute break?

Ms. Wan: Yes, can we take a ten-, we're going to take a ten- minute recess.

Ms. Short: Okay. It is 11:24, we will reconvene at 11:34. We are on recess for the record, thank you everyone.

Ms. Wan: Thank you.

****Board members take a short recess****

Ms. Short: Reconvening the Hawai'i County Board of Ethics at 11:33 a.m., we are calling petition-, oh, I am your Chair, Rachel Short, please let-, reflect that all members of the Board are present, including via

Zoom, as well call petition 2025-10. I'll note for the record, um, this petitioner has requested a closed hearing. Would you like to explain your reasoning for needing a closed hearing? Push your microphone, please.

Mr. Valera: Good morning Board-...

Ms. Short: Morning.

Mr. Valera: I've changed my mind.

Ms. Short: Okay. So, you are withdrawing your request for a closed hearing?

Mr. Valera: Yes.

Ms. Short: Wonderful, thank you so much.

Mr. Ho: Madame Chair, before we begin, um, with this particular, um, petition, I do need to put on the record, as a Department of Education employee, um, and as this, um, does deal with D.A.R.E., um, I, in my current role, do not deal with D.A.R.E. However, with it being within our schools, I do need to make it known that this-, my job and this petition have-, there's no conflict.

Ms. Short: Thank you. Let the record reflect that statement, thank you. At this time would you please explain the reason for your petition to us.

Mr. Valera: Good morning, my name is Roylen Valera, and, uh, I currently serve as the president of a non-profit-, a statewide non-profit organization called D.A.R.E. Hawai'i, and I've been in this role for at least eight years. After a while, you kind of lose count. Um, I've been involved with the D.A.R.E. program for almost twenty-five years, uh, in various roles. So, recently I applied for contingency relief funds from the County Council and it was suggested to me, uh, by one of the County Council members that because I serve as president of a non-profit organization and that I am currently a County employee, that I should petition the Board, and that's why I'm here today.

Ms. Wan: So, just to-, oh, I'm sorry, go ahead, Chair.

Ms. Short: I was just going to ask you to clarify your position with the County.

Mr. Valera: I'm a police officer.

Ms. Short: Okay. Thank you. Does the Board have questions at this time? Sorry, did you see my thought process? I have a question, I'm going to get it.

Mr. Allende: Good morning Mr. Valera, this is, uh, Erick Allende. I was just curious. As a, um, the president, are you the one who also, uh, organizes the, the days, uh, the D.A.R.E. program days for the children at the gymnasiums during the end of the year with everything-, the bouncy houses and all that stuff?

Mr. Valera: I'm, I'm involved with them, yes, but I am not the, the main contact or organizer of those events.

Mr. Allende: Okay. Thank you very much for doing that. I see that effects of the kids because of, uh, being down there very often, so, it, it's always a pleasure to see those in action, so, thank you for that.

Mr. Valera: Thank you.

Ms. Short: My brain has my question now. Is there any overlap between your role as president of this non-profit and your position as a police officer employed by the County?

Mr. Valera: Overlap as-, uh, in regards to financial overlap?

Mr. Short: I guess any overlap. Are you in uniform when you're in this role? Is there the potential for financial overlap?

Mr. Valera: So, okay, I guess I should explain little bit more.

Ms. Short: Yes, please.

Mr. Valera: So, in my role as president of the non-profit organization, uh, we support-, uh, D.A.R.E. Hawai'i supports their officers throughout the State of Hawai'i in each of the four major depar-, uh, police departments. Um, at this time, Maui has stepped aside, uh, so it's basically Honolulu Police Department, Kauai'i Police Department, and the Hawai'i Police Department. And what we offer officers for those departments is, uh, an opportunity for fundraising to that they can further extend their D.A.R.E. programs out of the classroom. And there are many different activities that are held statewide

outside of the classroom. Honolulu Police Department has a father daughter dance, uh, Kaua'i also have D.A.R.E. rallies or D.A.R.E. graduations, on the Big Island. One of the most notable activities we have is D.A.R.E. Day, uh, which is a celebration at the end of the year to honor, uh, the students who have graduated from the D.A.R.E. program that police officers instruct. Um, so, we support the officers in doing these out of classroom activities, and, I guess, aside from mentoring and coaching and sharing our knowledge of how to do these activities, we also do fundraising for them, as D.A.R.E. Hawai'i. So, on the flip-side of that, uh, as a police officer, in my professional role, uh, although I am not serving as a police officer in charge of the officers that run these activities, I'm kind of like the, uh, the old guy that has the knowledge. So, yes, I am consulted as far as, hey, how do we do this, or, who's the contact for this, or-, so, yes, I do offer-, and I am involved, as the Board Member had, had asked. Um, so, as far as any crossover, I, I don't know if that fully explains your question or answers your question, but as far as the money itself, we ask for money, 100% of the money goes towards that activity that it is asked for. Um, so, for, um, for example, for D.A.R.E. Day, we ask for money, 100% of that and then some is spent on that the activity. Uh, there's no-, in my role as the, the president-, I, I'm not paid, I am a full volunteer for the non-profit.

Ms. Short: That, that answers my question.

Mr. Ho: Uh, Chris Ho. So, when you go before the County Council to seek funds, um, you're going as the president for the organization and in no way, shape, or form are you dressed in uniform, as an officer...

Mr. Valera: Correct.

Mr. Ho: ... seeking those funds?

Mr. Valera: I either have to adjust my work schedule or take time off, as I did today, and appear in plain clothes-, normally, it's a polo shirt that says D.A.R.E. Hawai'i, uh, and I go ahead and do that on my own time.

Mr. Ho: Okay, thank you for that one. Um, are any of the funds received used to financially benefit any participating officer?

Mr. Valera: No.

Mr. Ho: Thank you.

Mr. Valera: Police officer?

Mr. Ho: Correct.

Mr. Valera: Correct. No.

Mr. Allende: Board Member Allende. I'm just curious. Are you also involved in HIPAL? Is that part of, uh, D.A.R.E. Hawai'i?

Mr. Valera: HIPAL is another program-, well, see now I'm wearing a couple of hats. So, in order to answer your question, I guess I'll share my knowledge. HIPAL is the Hawai'i Isle Police Activities League and it is another program run by the Hawai'i Police Department, and there are many times that D.A.R.E. Hawai'i and HIPAL collaborate to put on events.

Mr. Allende: Awesome, okay. I know I-, thank you very much for that participation as well. I used to help with all the little kids and everything like that at the *inaudible* and so, so awesome to see.

Mr. Valera: Oh, thank you.

Mr. Short: Do we have any more questions for our petitioner or would someone like to make a motion?

Ms. Fukumitsu: Uh, sorry, one more. Vice Chair Fukumitsu. And for the contingency relief funds, the County Council is responsible for the approval or denial of requests.

Mr. Valera: That's correct.

Ms. Fukumitsu: Perfect, thank-, in its entirety? The whole, the whole Council?

Mr. Valera: Yes.

Ms. Fukumitsu: Got it.

Ms. Short: Would someone like to make a motion? I see someone writing a motion so I'm going to give it a sec.

Ms. Valenzuela: I just want to say-, Kelly Valenzuela, just to say first and foremost, thank you for being a police officer and doing what you do today. Um, and secondly, you know, I have adult kids that took place in D.A.R.E. programs that carry them through. I mean, the things that you guys do I think are great, um, and, I really appreciate it in a volunteer capacity as well, and, I liked when you guys wear the uniforms too, it's okay. I just wanted to say that. Yeah.

Mr. Valera: Thank you.

Mr. Ho: Chris Ho, move to find no conflict of interest.

Ms. Short: Can I get a second to that motion?

Ms. Fukumitsu: Vice Chair Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposed, please say nay. Let the record reflect the motion passes, quite possibly our easiest motion ever. Thank you so much for your time, thank you for being here today, thank you for all the work you do for our community, we really, really, appreciate it on all levels from your employment with the County to your volunteers. Thank you, thank you, for what you're doing.

Ms. Wan: Okay, I'm sorry, Deputy Corporation Counsel Sylvia Wan.

Ms. Short: No.

Ms. Wan: You guys gave me whiplash. The motion has already been approved, that is completely out there. Can I just have one sentence to justify the finding of no conflict? Somebody. Anybody. Please.

Ms. Short: Um-...

Ms. Wan: Lisa, you sound ready to go. Please.

Ms. Fukumitsu: I was just going to say that there's no, um-, do you refer back to the 2.83 that there's no violation-...

Ms. Wan: Well that's, that's fair treatment, and then if you look at conflicts of interest, that's going to be 2-85, so, my understanding is the finding is there is no conflict of interest, so, if you-, if someone can just articulate-...

Ms. Short: Am I-...

Ms. Wan: Yeah.

Ms. Short: I, we find that there is no conflict of interest because the duties in his position, employed by the County, and his affiliation with the president of the non-profit do not interlap an-, overlap in any capacity.

Ms. Wan: And there's no financial interest-...

Ms. Short: And there's no financial interest.

Ms. Wan: Okay, thank you. That's all.

Ms. Fukumitsu: Yes.

Ms. Short: Thank you. That was too easy.

Mr. Ho: Madame-...

Ms. Fukumitsu: Yeah.

Mr. Valera: Thank you.

Mr. Ho: ... Madame Chair, if I can have a, a word of privilege, I guess, to-, I need to ask if I can talk to him.

Ms. Short: Oh, yes, of course.

Mr. Ho: Thank you. Um, as a D.A.R.E. graduate, I truly appreciate you and your entire program, and on behalf of the students in our state, thank you.

Ms. Short: Same. D.A.R.E. graduate here.

Mr. Valera: Thank you. Can I share a story? Do we have time?

Ms. Wan: I guess if we're all saying it, so am I.

Mr. Short: Yay! We all appreciate you and what you do for our County, obviously, in our community, from D.A.R.E. to you being a police officer, we are grateful for you and your service.

Mr. Valera: Thank you. Can I make a statement?

Ms. Short: Sure. Please.

Ms. Wan: At the leave of the Chair.

Ms. Short: Yeah,-...

Mr. Valera; Chair-...

Ms. Short: ... please.

Mr. Valera: ... long story short, we're having a D.A.R.E. organizational meeting for the D.A.R.E. Day, and this one teacher, I won't say from what school, but she's a fifth grade teacher, says, you know, I recall having D.A.R.E. Day, and we played D.A.R.E. basketball and I was on the team and, and I said, what school did you go to, and she said the school, and my eyes got big and I said, and who was your teacher, and she named the teacher, and I was like was the teacher's class on the third floor of the building, yes, I said I think I was your D.A.R.E. officer.

Ms. Fukumitsu: Love it.

Mr. Valera: Thank you very much.

Ms. Short: Thank you for the story and again, thank you for your service and all you do for the community. We really appreciate it. Thank you so much.

Motion and Vote: Board Member Ho moved to find no conflict of interest for Petition 2025-10; Vice Chair Fukumitsu seconded; All Members voted aye; Motion Passes (11:44 a.m.)

e. Petition 2025-11: Review of a Petition from a County Officer seeking clearance and guidance regarding a potential conflict of interest.

Ms. Short: Moving right along to, um, petition number 2025-11.

Ms. Wan: 12. 12.

Ms. Short: 11. Council Member Inaba?

Ms. Wan: No, you-, oh, sorry, I'm sorry. You're right. I'm-,

Ms. Short: Sorry.

Ms. Fukumitsu: Thank you.

Ms. Short: Okay. Right? Okay.

Ms. Wan: 11.

Ms. Short: Do we have Council Member-...

Ms. Wan: He's pre-, he's present on Zoom.

Mr. Inaba: Good morning, I'm here via Zoom.

Ms. Short: Good morning. If you could please state your name and tell us a little bit about your petition.

Mr. Inaba: Sure. Holeka Goro Inaba, I serve currently as Chair of the Hawai'i County Council. I represent District 08, North Kona. I've submitted this petition to you folks for an informal opinion. I recently-, Mayor Alameda nominated my mother, Kawehi Inaba, to serve on the Leeward Planning Commission. Um, so, that is a power, authority of the Mayor. Um, similar to your folks service on the Board of Ethics, she had to come before the Council for confirmation proceedings, um, and ahead of those proceedings, I submitted this petition on-, really to try and get a blanket review, um, and direction from you folks if there are certain cases where, uh, the Board thinks there would be a conflict and, um, hopefully getting any type of mitigation measures from you folks as well. Um, she was confirmed by the Council last week. I recused myself from-, on discussion and voting on the matter. Um, but ultimately that's where we are. I believe we have Planning Staff on the line from the Planning Department-, Director Jeff Darrow and Deputy Director Michelle Ahn, who are the subject area experts, um, regarding, you know, any applications or, um, things that come before the Council or the Planning Commissions. So, I've asked them to be here to answer any questions you folks may have. And

ultimately, the petition is pretty broad, just asking, um, any parts of section 2-83 or 2-84, if there are any potential conflicts, and, if so, uh, what specific mitigation steps should be taken. Happy to take any questions, um, and, yes, mahalo, you folks, for your service.

Ms. Short: Council Member Inaba, I have a question for you. You said you recused yourself from voting, um, and discussion during your mother's nomination, but you are Chair of the County Council, correct?

Mr. Inaba: Yes, and I also, um, gave up the chairmanship during, um, the Council proceed-, or, the official Council meeting where final action took place during her, uh, confirmation discussion-, I also gave up the Chair to the Vice Chair of the Council.

Ms. Short: So, that was my question. You didn't Chair that portion of the meeting-...

Mr. Inaba: No.

Ms. Short: ... okay, thank you.

Ms. Wan: Um, so, Council Member Inaba, if I can try to clarify, I guess, the question that's being brought forth to the Board. Your mother is being nominated for a position on the Leeward Planning Commission, which is a volunteer board. Um, the nomination comes from the Mayor's office, confirmation comes from County Council, to which you have recused yourself from the consideration and chairmanship relating to your mother's matter. So, um, I guess what is the quest-, if, if you've already taken the steps to recuse yourself from her conf-, the, the process of her confirmation, what is the, what is the question for conflict going forward?

Mr. Inaba: Yeah, if there are any conflicts that the Board identifies and any mitigation steps that I can take, um, if there are any identified conflicts.

Ms. Wan: So, I guess at this point, maybe there needs to be more information provided, and, and maybe the Planning Department, uh, Director and Deputy, can provide this information as to the role of the Leeward Planning Commission, and how that may intersect with County Council.

Mr. Inaba: Sure. Um, Director, uh, Deputy Director Ahn is on Zoom as well as Director Darrow, or he may be heading to chambers-, oh, there he is, he's on Zoom, yes.

Mr. Darrow: Aloha everyone. Um, I can, uh, touch bases on that. Uh, the Leeward Planning Commission, uh, normally, um, receives recommendations from the Planning Director, uh, regarding change of zone applications, as well as state land use boundary amendments, that ultimately are approved by the Council. Um, so, the Leeward Planning Commission would not be approving these, but they would be sending a favorable, or a unfavorable recommendation, uh, to the County Council. I, I believe the request is to determine that if there's an item that is being, um, considered at the Leeward Planning Commission, uh, by Mrs. Inaba, if that is going to have a direct conflict or any type of treatment issue, um, where the Council ultimately approves, uh, that consideration with the recommendation coming from, uh, the Leeward Planning Commission. It is, uh, unique. I don't recall a situation like this and I believe, um, by Chair Inaba by taking, uh, this step, uh, it's, um, you know, a step to, uh, just be, uh, you know, impartial and open, uh, to the process, just to make sure.

Ms. Wan: Can you clarify for the Board, um, what general form those recommendations-, how they appear when they're presented to County Council? Uh, like-, say, for instance, are the board members votes recorded?

Mr. Darrow: They-, I don't think they record it-, I mean, they're not recorded in the sense of, uh, we record them. Planning Department will record them, and it's part of the record, but the, the actual recommendation that goes up will say that the Leeward Planning Commission considered this re-, this item on this particular agenda and voted to forward a favorable recommendation, or to forward an unfavorable recommendation. Uh, but-, I'm, you know, the voting sheet is part of the record that ultimately is available, uh, to the Council. But it is not part of the actual, um, letter that goes up with the recommendation.

Mr. Ho: Chris Ho. Director Darrow, for that particular letter that does go to the County Council, is the Chair's signature on that letter?

Mr. Darrow: Yes.

Mr. Allende: *inaudible* Mr. Darrow. The, um, with what, um, Boar-, uh, mem-, uh, what's it called-, Board Member Ho just asked, how, um, how would those, uh, signatures-, or, is it just something similar to a petition that, you know, the Board of Ethics has that would be, uh, either seen by the, the County Council *inaudible* they, uh, say what type of, uh, favorable or unfavorable vote was given?

Mr. Darrow: I apologize. Um, maybe if you could rephrase the question.

Mr. Allende: So, I'm just curious because of the, the nature of how, what Board-, uh, what Board Member Ho was saying, whose signature was on it, and if it is the, the Chair's on it, is it presented as a, a petition as the Board of Ethics has, and then that way we can understand, you know, who's signing it, who's kind of approved it, and then the delivery method to the Council.

Mr. Darrow: So, what I'll do is I'll answer, um, but then I'm going to have, um, our staff member Maija Jackson, she's our Planning Program Manager, and she can more specifically-, when I say the Chair, I'm referring to the Chair of the Leeward Planning Commission, not the Chair of the Council. So, I can see that in the future, um, that may be something to consider if, if, um, Mrs. Inaba ends up becoming the Chair, then maybe that could be a consideration-...

Mr. Allende: Right.

Mr. Darrow: ... for the future, but, Maija, can you address the actual process of how, uh, the, you know, the recommendation is presented to the Chair to be able to send up to the Council?

Ms. Jackson: Yeah. Um, so, basically the Chair reviews the letter that captures the action that the Commission took at their meeting. So, um, the letter will say, as Jeff said, that the Commission voted to send a favorable recommendation, the actual vote's not recorded in the letter, but we do provide the minutes to the County Council, so, if they wanted to, they could look to see what the actual vote was. Or, for example, who may have recused themselves. Does that answer your question?

Mr. Allende: Yes, thank you. And, um, Council Member Inaba, uh, how many more terms do you have available to run again?

Mr. Inaba: Well, I'm currently in my third, so, I can run one more time for another 2-year term.

Mr. Allende: Okay. And, um, the, the Leeward Planning Commission is 4 years-, their terms?

Mr. Inaba: Uh, she serves a term ending December 31, 2029.

Mr. Allende: Thank you so much.

Mr. Inaba: Uh, Chair, if I may-...

Ms. Short: Yes. Please.

Mr. Inaba: I got to maybe just apologize. I know that the question here is really broad, um, because there isn't a specific type of action that I'm asking you folks for an opinion on, but trying to get just an understanding of what may be considered. Um, I did put in the petition that there is cases-, there are cases where I might introduce a Bill at Council that is required-, anything that amends the zoning or subdivision codes, those have to be referred to both the Leeward and Windward Planning Commissions for their review. Um, so, in that case, a Bill that I've drafted that I've introduced is going to the go to the Leeward Planning Commission for their review and recommendation back to us. That may be the only example of something that I could actually think of **inaudible** actual situa-, situation where she might need to recuse herself, but I provided that as an example for you folks to consider. Um, but for the rest, I, I couldn't identify, and that's why I'm coming-, I have come to you folks to try and understand better.

Mr. Allende: Council Member Inaba. Um, how often or how many times has it been in your, um, you know, terms as a Council Member that the Chair of a-, of the Leeward Planning Commission needed to come before you to either explain more or do anything interactive directly with the Council?

Mr. Inaba: I don't recall any time where, um, a commission member, nor the commission Chair, came before the Council in their official capacity as a commissioner.

Mr. Allende: Thank you. Can-...

Ms. Fukumitsu: Sorry, Vice Chair Fukumitsu. That was kind of my question, because I did read the, um, petition, and I was like who recuses-, who, what, where, when and how, right? It could go in other-, either direction-...

Ms. Wan: So, right now as it's being explained by all of the members-, uh, all of the witnesses present, um, it appears that, um, the Leeward Planning Commission does have a very specific role in relation to reviewing, um, potential rezoning applications. And, as a board, which as this current Board understands, um, in order for recommendation to be presented as the board's recommendation, a majority of the members need to vote in favor of it. And it does appear that the communication that's being provided to Council, whether it's favorable or unfavorable, is, uh, recognition of the majority of the Board's vote. So, there's that end. So, at the same-, so that's, that's level one. Level two, it sounds like, also, that the Commission may be hearing, or reviewing, uh, proposed ordinance by any Council Member. So, in that particular matter, uh, you know, there-, if there are relations-, you know, our Code does talk about that, right, so, just like we did earlier today, members on this Board did in fact recuse themselves when they were-, or, or at least mention the conflict so that the Board could say whether or not they were comfortable with that member still remaining. So, you do have methods of, of determining these things, and it sounds like you do have two distinct, um, situations that the Board could consider based on the information provided.

Mr. Ho: Uh, Chris Ho, move to find no conflict of interest so long as Ms. Inaba does not serve in the position of chairperson and Council Member Inaba recuses himself if Ms. Inaba is the Chair.

Ms. Valenzuela: No.

Mr. Ho: You can either second it or let it die. Those are your options.

Ms. Wan: Yeah. So, if there's a second-...

Ms. Short: Is there a second to the motion? Calling once-...

Mr. Allende: I'll second that.

Ms. Short: Okay. So, now are hav-, open to discussion. Chris, maybe you could explain your thought process.

Mr. Ho: Um, well the-, I was totally fine with just going no conflict of interest, but then I started thinking, I have to come up with a rationale as to my no conflict of interest. Then I started thinking, if the letter that goes to the Council has the chairperson's signature on it, in my mind, it-, well, yes, it does, um, notate the, the majority vote of it, it still carries the power of that person's name as the Chair. So, in the event that that individual is the Chair, then it's going to a family member, which he's already stated that he recused himself when, um, her confirmation did come up, so, that was pretty much the, the premise and I am not married to this you can kill it, change it, I really do not care. But, in sense of time, I wanted to try to get something out there rather than us sitting here and staring at each other.

Ms. Valenzuela: Kelly Valenzuela-...

Ms. Short: Mic, Kelly.

Ms. Valenzuela: Kelly Valenzuela. Hi, good morning. Thank you Jeff, Maija, um, Councilman Inaba, and Corp. Counsel. Um, so, first and foremost, Ms. Inaba is not the Chair. She is, um, from what I understand, correct me, um, Holeka, she is confirmed as a commissioner with the Leeward Planning Commission, correct?

Mr. Inaba: Correct.

Ms. Valenzuela: Okay. So, I think that what you sai-, what you shared-, and I appreciate your honesty, and we always want to be above reproach, right? It's Hawai'i, we all know each other, we're all related. Um, first and foremost, I commend, um, Kawehi Inaba to be on the Leeward Planning Commission, because we know that those Planning Commissions can get pretty lively and are rather difficult to navigate as commissioners, but I appreciate your honesty in saying that should you introduce a measure and/or something in that subject field of zoning, that, um, Kawehi, your mom, would recuse herself, um, and I just think that that would be, um, the way to go as far as honesty, um, as far as anything within the public, and us all serving, um, in a voluntary capacity and/or Council Member. That was what I had to say. I find no conflict.

Mr. Allende: Yeah. I think we, I think that's what was agreed upon by the motion of what Chris Ho was saying, um, and I don't see any conflict at all either, and, you know, it's, it's awesome that a family

stepped up to try to help the County of Hawai'i to, to further-, and better itself.

Ms. Fukumitsu: Um-...

Mr. Allende: So-...

Ms. Fukumitsu: But I-...

Mr. Allende: Council Member Inaba, there-, is there a difference between a commissioner or a, um, just a board member on the Leeward Planning?

Mr. Inaba: Uh, I would say no. Similar to your own Board, uh, your, your Chair-...

Mr. Allende: Right. Um-...

Mr. Inaba: ... proceeds from-, presides over the meeting, and then Vice Chair in her absence. Same with Leeward Planning Commission and same with the Council. So, the difference with the Council is because I have, um, more administrative duties-, there is a slight pay difference, but that's the main-...

Mr. Allende: No problem. No, I just wanted to make sure. But I think the, the reason why I wanted the clarification is just for the discussion with the, the Ethics Board is because she does have the potential to move into a, a chairperson or chair, um, woman role of the, of the, uh, Planning Commission. I think it's just more for-, so, that if that ever happens while you're in office, you know, for the checks and balances, I think that's all I wanted the clarification.

Mr. Inaba: Yes. So, she could become Chair and that would need to be voted on, um, by members of the Leeward Planning Commission themselves which I think happens on an annual basis per their commission rules. Um, Director Dar-, or Maija can correct me if I'm wrong.

Mr. Allende: Thank you.

Ms. Fukumitsu: Okay, I'm so sorry. Aloha. Uh, I just have a question. Uh, it's-, I, I, I understand what, uh, Board Member Ho is saying. But, for me, it's the potential of a conflict-...

Ms. Wan: Can you describe a little bit more as to what you're conf-, because when you say potential of a conflict, that is so innocuous-...

Ms. Fukumitsu: It is-...

Ms. Wan: So, can you, um-, right now, before the Board is two specific questions-...

Ms. Fukumitsu: Okay.

Ms. Wan: ... and I can restate those specific questions as to potential conflicts. If you are imagining a potential other conflict, you need to say it.

Ms. Fukumitsu: No, it's just when we were talking about, uh, saying that there is no conflict, I think we've identified for this conversation potential conflicts. So, in our, like, uh, ruling or an infor-, informal advisory opinion, I, I'm-...

Ms. Wan: So, so, in-, as a part of this discussion-...

Ms. Fukumitsu: Yeah.

Ms. Wan: ... can you identify where you think there is conflicts, based on the questions presented?

Ms. Fukumitsu: Oh, based on the examples that Chairperson-...

Ms. Wan: Yes.

Ms. Fukumitsu: ... Inaba provided, right? Those are potential conflicts of interest that he has agreed to recuse himself from?

Ms. Wan: Um, okay, yes, and I think, um, Member Ho's motion actually encapsulated that.

Ms. Fukumitsu: Okay, so, the motion was that in cases of potential conflict of interest, there is an understanding and agreement that either individual party would recuse themselves from the process-, from the approval process-...

Ms. Wan: Ms.-, uh, Member Ho, do you want to restate your motion?

Ms. Fukumitsu: Thank you.

Mr. Ho: Yes. Chris Ho. Um, I moved to find no conflict of so long as Ms. Inaba does not serve in the position of chairperson and Council Member Inaba recuses himself if Ms. Inaba is the chair. That was literally the motion that I had.

Ms. Wan: Is there, is there an additional conflict you're identifying that you would want to suggest a friendly amendment?

Ms. Fukumitsu: Uh, I wanted to circle back to the example that Councilman Inaba made right, about introducing legislation that Ms. Inaba would potentially recuse herself from the deliberation if-, that was my thing, not necessarily in regards to a position of her being chair-...

Mr. Ho: Right. So, I kind of-, I'm hoping to understand where you're coming from, uh, sorry, Chris Ho. Um, we cannot, um, put any verbiage that restricts Ms. Inaba from doing something because she's not the petitioner. We can only-, the-, my understanding is that we can only speak to the petitioner himself. Like, if we're putting something forward, we can't put in there that Ms. Inaba must recuse herself. That's why I worded it the way that I did, so, it was more towards Mr. Inaba, not necessarily towards his mom-...

Ms. Fukumitsu: Yeah.

Mr. Ho: ... because she's-, did not co-sign on here as a petitioner. So, unless she, you know, correct me if I'm wrong, um, Corporation Counsel, unless, um, Ms. Inaba puts her name on this petition or submits her own separate petition, I couldn't word it to restrict her ability on her board.

Ms. Wan: So, um, Deputy Corporation Counsel Sylvia Wan. I can understand where Member Ho is going. Um, yes, Ms. Inaba did not write her own petition. Uh, the Board has received information about, you know, the potential of an ordinance being presented to the Leeward Planning Commission in which Council Member Inaba would be the drafter. In that regard, um, if it behooves her to recuse, that would be the time. But, you're right, that would be her time to recuse. And just like any other board and commission, every board and member is encouraged to announce to the board where their conflicts lie and to actively recuse when a family member's

petition, item, subject matter comes before the board and commission in which they serve. So, if she doesn't do that, that is a completely separate petition. Um, I'm hoping that guidance provided enough for you. Please let me know if I need to provide more.

Mr. Ho: That was wonderful.

Ms. Wan: Are there any other questions, concerns, discussion? Rachel, I know we've been having a number of offline things. Do you want to speak to some of those?

Ms. Short: I, I just feel from an outsider perspective, you know, we talk a lot in here about optics, like, ethically, and I, I, see that from the position of awarding contracts or whatever, there isn't a clear violation of the Code here. I just think the idea of immediate family members, as is clearly outlined in our Code as, you know, parent, sibling, um, having immediate family members work together in this type of environment, there's just something about it that doesn't sit right with me. I just think from an optic standpoint, having a mother, son, commission, council, whatever you will-, it, I, there-, I don't know. That, that's just where my head is. So, obviously, there isn't a clear violation here, because if there was, I'd be able to vocalize it. But I think, just based on, you know, the definition of our current nepotism clause and it-, that it clearly lists, like, parents and siblings-, or parents, siblings, children, it's-, there's something there that I guess I just can't, I can't get over.

Ms. Wan: So, Deputy Corporation Counsel Sylvia Wan. I will note that Bill 21 is still in the process in Council. It has not become law yet. But, um, so, as far as your reference to nepotism, that's a little premature. However, my understanding, and correct me if I'm wrong, uh, if I'm wrong, you are referring back to the relationships of family members that are being indicated within 2-83-...

Ms. Short: Yes.

Ms. Wan: ... Fair Treatment, specifically you're looking at, um, 2-83(c) relating to, um, contracts and the award of contracts, um, as well-, you're considering conflicts of interest under 2-84(a)(3), which also relates to taking official actions, um, relating to a family member.

Ms. Short: Yes.

Ms. Wan: Now, that being said, um, it is-, the record is clear that there is no contracts being contemplated by any of the actions being presented today. We've heard applications for rezonings, we've heard, um, uh, potential ordinances for rezonings, um, and other matters that otherwise would come before Leeward Planning Commission, none of which were contracts. Um, so, I just wanted to make that clear.

Ms. Short: Right. Right.

Ms. Fukumitsu: Uh, you know, and I'm sure-, and I don't want to speak on Council, uh, Chairperson Inaba's behalf, but I, I'm sure, or I assume, part of the reason coming before the Board is awareness of the perception of how this looks in our community. We live in Hilo, we're going to have comments and folks who feel a certain way, and I think being mindful of that and doing our job as we're sworn to do and recusing ourselves, right, so, looking at it on the face of it, potential, down the road, but, like you were saying, right, we all have to be-...

Ms. Short: Yeah.

Ms. Fukumitsu: ... responsible enough to recuse ourselves or remove ourselves from processes-...

Ms. Short: That's her kuleana, yeah.

Ms. Fukumitsu: ... yes, it is. But I, I do know-, right, we're all aware of how this could potentially look for any, you know, in the, in the community, so, I appreciate your-...

Ms. Short: Thank you.

Ms. Fukumitsu: ... saying that because that's not-, probably an isolated thing. But, in, in, on it's face, right, where we're going, like, there's-, I, I don't know, I think I'm good with-...

Ms. Wan: Uh, so, the only one other thing that I'm, I'm just going to ask for the Board to consider is the fact that, um, so, Council Member Inaba had mentioned that he's up for-, he could potentially have

one more term, which is-, when would, if, if you were reelected, when would that term end, Council Member Inaba?

Mr. Inaba:

December 2028.

Ms. Wan:

Okay. And, um, Ms. Inaba, serving as a board member, would have a five year term, just like these-, just like each of your positions. So, that means that there would be, potentially, an additional two years where there would be no overlap whatsoever. I don't know if that adds, detracts, changes any of your discussion.

Mr. Ho:

Chris Ho. Can you say that again? I totally lost you at the tail end of what you just said.

Ms. Wan:

Okay. Um, so, my understanding of your motion is there is no conflict provided that Ms. Inaba is not serving as chair and, um, Council Member Inaba recuses himself, when? I'm sorry, I kind of lost that part.

Mr. Ho:

If she does become the Chair.

Ms. Wan:

If she does become the Chair. Okay. So, um, in that regard, your first one was that she basically could never become chair, so, are you, are you saying that that's going to be for her full five year term, are you saying that's only going to be for the term in which Council Member Inaba is a Council Member?

Mr. Ho:

The latter. Um, and I was trying to do it in a way that was more suggestive, not demanding, because I did not feel as though that was within our purview to do. So, if it needs to be adjusted to fit that, I am op-, completely okay with that. Um, and I do want to also thank Chair Short for her candor with regard to this. Um, I tried to do what I could to build some, um, what did we call that, um, barrier-, guide-...

Ms. Fukumitsu:

Guardrails.

Mr. Ho:

... guardrails, um, within the system within our ability, because we're very limited with what we're able to say and do, but I try to word it in a way that would help.

Ms. Wan:

Okay. So, if the-, do you feel like you need to amend your motion, or no, is the question.

Mr. Ho: Would I need to amend it to fit the rationale that we just-, what I had just said of more of a suggestion-, I have no problem with her being the Chairperson at all, and I don't think it's really our kuleana to tell her she cannot. Um, so how-...

Ms. Wan: Okay, so-...

Mr. Ho: ... how can I word that-...

Ms. Wan: So, my understanding is then your motion was to find that there was, um, no conflict for Council Member Inaba considering matters from the Leeward Planning Commission, in his, in his role as Council Member, provided that his mother is not chair of the Commission, and if she is chair of the Commission, he otherwise recuses himself, is that correct?

Mr. Ho: I accept your friendly amendment.

Ms. Wan: Okay, I just added a couple of words-...

Mr. Ho: Tweak.

Ms. Wan: ... around, around the edges. Thank you.

Mr. Ho: That's exact-, if I-, I wish I could've said it exactly that way.

Ms. Wan: Okay. Was that the intention of your-, so-...

Mr. Ho: Yes.

Ms. Wan: ... do you want to go ahead and move to amend your motion to reflect what I just stated?

Mr. Ho: Chris Ho, moved to amend my motion to the words that were stated by Deputy Corporation Counsel Wan.

Ms. Wan: Okay.

Mr. Allende: I second it. I second.

Ms. Short: Any discussion to be had on the friendly amendment to the original motion? All who accept the friendly amendment, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the friendly amendment thus passes.

Mr. Ho: Sorry, Madame Chair, did you need to hear Erick's vote?

Ms. Short: I did. Didn't we? I heard him.

Ms. Wan: Can you restate-...

Mr. Allende: Aye.

Ms. Wan: ... your vote please?

Ms. Short: Noah heard him.

Mr. Allende: Aye.

Ms. Wan: Thank you.

Motion and Vote: Board Member Ho moved to adopt the friendly amendments to his original motion; Board Member Allende seconded; All Members voted aye; Motion Passes (12:20 p.m.)

Ms. Short: Um, so, now we are back to our-, Chris' original motion with the friendly amendment included. Any further discussion to be had?

Mr. Inaba: Chair, um, Council Member Inaba. Um, I just want to point out-, so, the direction of the Board right now is saying that should my mother become chair of the Leeward Planning Commission, I would need to recuse myself from any matter referred by the Commission?

Ms. Wan: To Council.

Ms. Short: Wait, maybe you can clarify, Member Ho. I, I think, I believe the amendment, the motion reads as a commissioner, correct, not just chair, that he would need to recuse himself from-...

Ms. Wan: No, no, no. So, my understanding-, as I was stating it, it was when-, if his mother becomes chair to the Leeward Planning Commission, those matters that are being forwarded to County

Council-, basically it's-, if it's her signature on that block for the Leeward Planning Commission's recommendation, that Council Member Inaba would otherwise recuse himself. That's my understanding of the substance of your motion.

Mr. Ho: That is correct.

Ms. Short: Does that answer your question, Chair?

Mr. Inaba: Yeah, sorry, I think I just want to share a little bit more information regarding our Council Rules and I believe our Deputy Clerk, um, is in Hilo Chambers if you folks have specific questions. But Council Rule number 9, um, specifically number 6 under that rule, says that we can't refrain, um, from voting unless...

Ms. Short: It's a problem.

Mr. Inaba: ... uh, excused by the chairperson, chairperson, or for a stated conflict of interest. So, based on the current motion, I guess I would need direction as to what is the conflict of interest that, um, could essentially force me not to do my job and vote on any matters from the Commission-...

Mr. Ho: Okay. So, I'll answer that question. Um, so, it is in relation to the fact that we're sitting here with this actual petition that you brought forward, um, asking-, what I'm assuming is asking whether or not we as the Board of Ethics see any potential ethical issue with you and your mother, um, serving in any capacity within the County, whether it be a commission or as a Council Member. Um, so, while I understand that is one of the rules within, um, the County Council, it now binds our hands with moving forward, so, we would then have to restructure the entire motion, and potentially find an actual violation, which I was trying to avoid, in providing some guardrails, but if-, not even but if, um-, would this be more of a suggestion to them or a you must do type of thing, and that is to, um, Deputy Corporation Counsel.

Ms. Wan: Deputy Corporation Counsel Sylvia Wan. Um, I think what you're asking is if it is a must or a may in relating to the Board's opinion, and the Board's opinion is strictly within the kuleana of the Board. So, I'm sorry I cannot answer that question for you.

Mr. Ho: So, it's more of a, an opinion. Here's our opinion, here's what we think.

Ms. Wan: Yes, but your-...

Mr. Ho: You can choose to do with it as you please.

Ms. Wan: ... but your-, no, your opinion does, does bind Mr. Inaba's actions-...

Mr. Ho: Right, so, then-...

Ms. Wan: ... so-, um, the question is though, if you are finding that there would otherwise be a conflict of interest if Council Member Inaba were to consider a matter in which there is a Leeward Planning Commission, um, recommendation, whether to a favorable or not favorable recommendation for a particular rezoning, what is the conflict for Council Member Inaba, sitting in his Council Member seat, relating to that rezoning that would also include, as a part of the communications to Council, this recommendation from the Leeward Planning Commission, in which-, in this hypothetical, in which his mother is otherwise chair.

Mr. Ho: Understood. So, what I would probably-, sorry, Chris Ho. Um, what I would probably suggest is that we do not vote on this and move to just find no conflict of interest on face value of the petition that was submitted. And then should anything happen, if something gets submitted to us, it gets submitted to us. We cannot see into the future, all we can deal with is what is written as a petition to us at this very moment in this very time.

Mr. Allende: Board Member Allende-...

Ms. Valenzuela: Board Member Kelly Valenzuela-...

Mr. Allende: ... I'm trying to figure out, what is it that-, I think it's almost like a combination of two things. Um, one, it's more of what was spoken about between, um, what will happen and how we would need to constrain the fact that, um, Ms. Inaba would be the chair that would therefore be the one presenting an idea to the, the-, or goes from with the signature that's presenting the favorable or non-favorable res-, uh, outlook, to the Board-, uh, County Council. And then-, but I think what we need to do is almost have both parties, if that-, um, submit a, a petition because if Holeka-, we can't

hamstring, um, Council Member, uh, Inaba by saying you can't vote because that's what he's there for through the constituents that voted him into, into office, because now it's, it's putting a damper on what he's been elected for, uh, to help that part of the district. So, if we put it as, you know, both parties would need to, so, if he needs to, or feels the need to submit something to the Leeward Planning Commission, Ms. Inaba would recuse herself, and then-, but, it's the same as if any of us are on, you know, this Board of Board of Ethics, well, we make a, um, statement of, you know, we need to make this known-, I think it's more of a statement that, uh, Council Member Holeka would need to say and just be like okay, this is out here, my mother serves on this commission as-, and this is her capacity, whether it's a commissioner, as a council, uh, a chair or co-chair, or vice chair, just so then that way it puts it out there just as any of our Board Members do before it hears a petition of whether or not it hears the petitioner, uh, or if there's any connection to the petitioner. But, I think that would be the, the amendment to the, um, the motion set-, that's been, you know, uh, put forth by Board Member Ho and myself, is that we kind of see if either we need to continue this try to see if that's something within our purview or how that might be done, because like, uh, like I was saying, I don't think it's right or ethical or even among us to try to hamstring a district on what a Council Member, who's been elected by that district, what they can and cannot vote on.

Ms. Valenzuela:

Board Member Valenzuela. I just, I just want to say something for the record that I misunderstood. I did not vote, or I'm not too sure how to verbalize it, for just a blanket that Councilman Inaba can't weigh in or vote. That, that to me is unrealistic. He's the Chair beside the Council Member. I understood it to be that if Council Inaba introduces a measure-, I'm not too sure if you guys have sat in a Leeward Planning Commission-, so, what they do, they do zonings, you know, different things to do with land development-, if he introduces something, then I could see where, um, Kawehi Inaba, being his mom in that capacity even though she is a commissioner, would recuse herself on the recommendation that would go up. That's one thing. But for him to not be able to weigh in on anything that's coming forth for the Planning Commission, in my opinion, Board Member Kelly Valenzuela, is totally unrealistic, number one. Number two, Kawehi Inaba is not the chair. She's just getting on the commission. There are many other members on the commission that I know that would love to be the chair. So, I think

for us to assume that right now, with the petition in front of us, is not correct. That's just my opinion.

Mr. Ho: Chris Ho, call to question. But I need a second.

Ms. Short: I second.

Ms. Wan: Okay. So, I'll just note that it's-, the motion that you had me state that's on the record which finding no conflict provided that Council Member Inaba, um, recuses himself from considerations in which, um, recommendations are provided by the Leeward Planning Commission in which his mother is Chair, and if he pro-, um, I'm sorry, I think that's it.

Ms. Short: I, I have a friendly amendment. I-...

Ms. Wan: No, we-...

Mr. Ho: Sorry, we're-, we called to question-...

Ms. Wan: ... we-, he called to question-...

Mr. Ho: ... so, we just-, we're moving into a vote.

Ms. Short: Um, okay.

Ms. Wan: Yeah. You can just vote your vote.

Ms. Short: All in favor, please say aye. All opposed, please say nay.

All members say nay in unison

Ms. Short: Okay, the motion passes.

Motion and Vote: Board Member Chris Ho moved to call into question his original motion; Chair Short seconded; All members voted nay. Member Ho's original motion fails (10:12 a.m.)

Ms. Wan: Kelly, I didn't hear your, I didn't hear your-...

Ms. Short: Oh, Kelly, sorry-...

Ms. Valenzuela: Nay.

Ms. Short: Okay. The motion dies. Um, would someone like to make another motion for us to discuss?

Mr. Ho: Chris Ho, move to find no conflict of interest.

Ms. Fukumitsu: Vice Chair Fukumitsu, second.

Ms. Short: Any discussion to be had? I think what's, what, for me, personally-, and again, it's nothing personal against you, Chair Inaba, I'm so grateful for you and your work and everything you do for our community, it's just my own kuleana and na'au sitting in this, you know what I mean, space, um, where I feel a very strong moral and ethical duty to our community. I think what's bugging me is the thought of offline conversations, right? Your mom has something appear before her at the Leeward Planning Commission, she says to you like oh, wouldn't it be great if we did this, and this, and this, and this, and this, and then you go into Council with that attitude of like, yeah, mom's on board with this, she told me all the reasons it'd be good, and then that obviously can have some sort of sway or influence. So, I would like to offer some sort of friendly amendment that we find there's no conflict of interest given that Council Member Inaba and his mother do not discuss anything having to do with their duties in their positions as a member of a commission or as our Council Chair, offline. Would someone like to second my friendly amendment?

Ms. Wan: Uh, Chair Ho would have to adopt it first.

Ms. Short: Okay. Chair Ho would have to adopt my amendment.

Mr. Ho: I am not the Chair.

Ms. Wan: I'm sorry, I'm sorry-...

Ms. Short: Our former Vice Chair Ho-...

Ms. Wan: I'm sorry-...

Ms. Short: Member Ho, would you like to adopt my amendment-...

Ms. Wan: ... Member Ho would have to adopt the amendment-...

Mr. Ho: Unfortunately, I, I'm going to have to say no.

Ms. Short: Okay.

Ms. Fukumitsu: Uh, I'm so confused. Board, uh, Vice Chair Fukumitsu, question. I mean, is that even within the purview of this Board to, you know, adopt that amendment and-, I mean, it's more of-, it's, it's our opinion, correct?

Ms. Wan: It's an informal advisory opinion, yes. However, if, if a County Officer of Employee does not follow the advice of the informal advisory opinion, then a formal petition can be brought, so, it does have weight. So, there is weight to that. Um, that being said, um, you know, I, to, to en-, to enter in to just a kernel of, of thought, for Ms. Short's, um, discussion-, you know, there are, how do I say this-, you are also required, as County employees, to maintain confidentiality. Maintain confidentiality within your particular position and your particular work. This Board has a responsibility to maintain confidentiality, as far as all of the matters that are presented to you, that are not otherwise being shared with the public in an open hearing. That being said, each other member of other boards and commissions, as well as Council, has that duty and responsibility. That's what's in the Code of Ethics. So, what you're asking about contemplates a, a violation of Code.

Ms. Short: Okay. Okay. Alright. So, I'm just speaking my piece about a potential conflict, but it's already written in there, so, if that were to happen, we would see it in front of us.

Ms. Wan: Uh, this is all hypothetical so theoretically, yes.

Ms. Short: Okay, thank you. That answers my question.

Mr. Ho: Chris Ho. Um, Deputy Corporation Counsel, will I need to also give justification for my motion? Since it's just move to find no conflict of interest?

Ms. Wan: I think you guys have had a lot of discussion-...

Ms. Short: Yeah, we've-...

Mr. Ho: Okay. I just want to make sure because-...

Ms. Wan: If, if you want to, please-...

Mr. Ho: No.

Ms. Wan: ... it doesn't hurt.

Ms. Short: Someone want to second that motion?

Ms. Wan: No, it's already second, you're in discussion.

Ms. Short: It's already seconded, we're in discussion. And I withdraw my friendly amendment. Any further discussion to be had? I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the motion passes. Thank you very, very much for your time, Chair Inaba. We appreciate you being here.

Motion and Vote: Board Member Ho moved to find no conflict of interest for Petition 2025-11; Vice Chair Fukumitsu Seconded; All Members voted aye; Motion Passes (12:35 p.m.)

f. Petition 2025-12: Review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest.

Mr. Inaba: Thank you so much. Just real quick Chair, if I may-...

Ms. Short: Please.

Mr. Inaba: ... I, I got to sit and listen to your deliberations today, and I think the Board of Ethics probably has the best handle of County operations because of all of the different petitions that are brought before you folks. So, just my sincere mahalo for your service, um, to our community and thank you Planning staff for joining, um, as material expertise today. Take care, you folks, aloha.

Ms. Short: Thank you for your time, and thank you very much for saying that, Chair. I will put that in my hat.

Ms. Fukumitsu: Okay.

Ms. Short: Alright. Okay, moving right along to petition 2025-12, um, the review of a petition from a non-County employee seeking

clearance and guiding regarding a potential conflict of interest. Thank you so much for your patience. If you would please, um, state your name and explain the reason for your petition, it doesn't look like you're requesting a closed hearing.

Ms. O'Dell: No, I did not request a closed hearing.

Ms. Short: Perfect, thank you.

Ms. O'Dell: My name is Naomi O'Dell, I am the Administrator for the Vehicle Registration and Licensing Division, and the reason for my petition is just to determine whether or not accepting a gift of travel, and lodging, and possibly meal expenses, in the amount, probably of \$7,333 dollars, to travel from Kona to Gdańsk, uh, Poland, would be considered a violation of Ethics Code, um, 2-91(4).

Ms. Short: So, just to clarify, are you employed by the County?

Ms. O'Dell: I am.

Ms. Short: And what is your role within the County?

Ms. O'Dell: I'm the Administrator for the Vehicle Registration and Licensing Division.

Ms. Short: Okay. And the, um, clarification that you're asking for-, the trip you're asking to take, does that have anything to do with your role as a County employee?

Ms. O'Dell: Yes.

Ms. Short: What-, can you explain that?

Ms. O'Dell: Um, the trip is being funded by our current contractor, um, Thales. They, uh, produce our drivers license and state ID commercial drivers license credentials, and, um, we are going to Poland because that's where their factory is, where they make the cards. And, uh, the reason that we need to go there is because, um, in the past, drivers licenses were printed with, uh, colored ribbon, and, um, what we're going towards now is having the color imprinted on the card, so, no color, uh, ink will be used when we do the final processing. So, we're going there to make sure that the color that

ends up on the card is the color that we want to see on our drivers license and state IDs.

- Ms. Short: So, this trip, um, benefits the County, I guess, or your position within the County-, the-, it's purpose is-...
- Ms. O'Dell: It benefits the State of Hawai'i-...
- Ms. Short: ... the State-...
- Ms. O'Dell: ... yeah-...
- Ms. Short: ... but the purpose is, the purpose of this trip of for the ser-, role that you serve for the County, correct?
- Ms. O'Dell: Yes, yes.
- Ms. Fukumitsu: Aloha, Vice Chair Fukumitsu. And the, um, the City and County and us as well-, we're already in contract with this vendor?
- Ms. O'Dell: Yes, we are.
- Ms. Fukumitsu: So, um, this trip is in alignment with a contract that's already been awarded, in line with your professional responsibilities-...
- Ms. O'Dell: Yes.
- Ms. Fukumitsu: ... with your department?
- Ms. O'Dell: Okay, mahalo.
- Mr. Ho: Chris Ho. So, um, I understand that you are going representing the County of Hawai'i, um, are other counties going on this same trip?
- Ms. O'Dell: No, they chose not to. The, um, the most important County to attend was the City and County of Honolulu because they, um, have signing, um, they need to sign off once we accept the color. Um, but the City and-, the Director, Hashiro, um, she wanted a County representative to accompany her on this trip, so, she put it out to all the counties if anybody wanted to go. And I said I would go if nobody else was interested.

Mr. Ho: Okay. Do you know what the expiration on the contract with the current vendor is?

Ms. O'Dell: I believe it's five years.
Mr. Ho: Five years from to-...

Ms. O'Dell: From, from this year-...

Mr. Ho: ... from this year-...

Ms. O'Dell: ... so-...

Mr. Ho: ... so, there-...

Ms. O'Dell: ... in 2029 with-...

Mr. Ho: ... so, they're not trying to seek an extension to their contract?

Ms. O'Dell: Uh, no, but they have been with, uh, they have been our contract, um, our contractor for many years. They bought out our original contractor, which we've been with since 2005, because our drivers licenses are over twenty years old, in the same design.

Mr. Ho: Okay. Um, how familiar are you with the contract-...

Ms. O'Dell: Um-...

Mr. Ho: ... before I ask my next question?

Ms. O'Dell: So-so.

Mr. Ho: Okay. Um, is this travel a component of the contract? Like, is it written in that this contracted company will pay for fo-...

Ms. O'Dell: No.

Mr. Ho: Okay.

Ms. O'Dell: It's not written in there.

Mr. Ho: Thank you.

Ms. O'Dell: There's actually, um, two trips. One was to Poland for the color, and the second one is for personalization, just to make sure that all

the um personal information that's going on the drivers license or ID is correct and in the right place. That one is, um, scheduled for sometime in August, in the United States.

Mr. Ho: Sorry. Um, just to, for my own clarification, maybe others, I don't know. Um, when it comes to-, because I'm holding my ID right now and I'm looking at it, so the company that we're contracted with provides what for my ID, the color? I, I guess I-, that's where I'm a little confused-...

Ms. O'Dell: The, the contractor has two different production sites. One is in Poland and, and that production site is just for the cards, and the second one is in Minnesota, which will do all the actual printing, you know? All the 1, 2, 3, 4, 5, that's on the license.

Mr. Ho: Okay. So, you go to Poland to look at the facility that produces the physical card-...

Ms. O'Dell: Yes.

Mr. Ho: ... that would, what I'm assuming starts off as just a blank slate-...

Ms. O'Dell: Yes.

Mr. Ho: ... with no coloration?

Ms. O'Dell: Yes-...

Mr. Ho: Okay.

Ms. O'Dell: ... originally, yeah.

Mr. Ho: Thank you.

Ms. Short: So, I just want to clarify, in-, we were just deferring over here, if she's, if you're performing a job in your official capacity that you do for the County, then I don't know that this trip would be considered a gift, because it sounds like a business trip to me, because she's going merely for the sole purpose of learning about how drivers licenses are made, what we're going to be doing, and then bringing it back. So, I don't know where we-...

Ms. Wan: Can you turn that into a question?

Ms. Short: I motion to find that, um, there's-, I, I motion to find, um, that this trip is totally within the confines of our-, wait, wait, let's take totally out of the motion. I motion to find, um, that this trip benefits the County in your role of your official capacity and does not need to be found or reported as a gift. Was that right?

Ms. Wan: That's fine.

Ms. Short: Okay.

Ms. Wan: Would you like me to restate it for you?

Ms. Short: Yes, please-...

Ms. Wan: Okay.

Ms. Short; ... that would be wonderful.

Ms. Wan: Um, my understanding of, of Chair Rachel Short's motion is that she moves to find that there is no duty to disclose this particular trip as a gift because the trip in and of itself is of a benefit to the County and the petitioner is travelling in her official capacity performing her duties for the County, um, for this meeting. Is that it?

Ms. Short: What she said, yes. I second that motion.

Ms. Wan: Okay. I'm, I'm-...

Mr. Ho: You can't second your own motion.

Ms. Short: I know, I'm joking. Yes, that was my motion.

Ms. Wan: Okay. I, can I adjust it just a second?

Ms. Short: Please.

Ms. Wan: Um, because it's not for a meeting, it's for-, it's a business trip.

Ms. Fukumitsu: It's a business trip.

Ms. Short: A business trip, that's what-, it's business travel.

Ms. Wan: Okay.

Ms. Short: Yeah.

Ms. Wan: So, as long as you allow me just a little bit of leave to, like, tweak that language a little bit in your order, I'd appreciate that-...

Ms. Short: Someone want to second that?

Ms. Fukumitsu: Uh, Vice Chair Fukumitsu, second.

Ms. Short: Any discussion to be had?

Mr. Ho: One last question. Um, so, just, um, your-, excuse me. Your attendance to this particular work meeting is to provide, um, County level advice with regards to the, the cards to the person who would be ultimately making decisions, in essence-...

Ms. O'Dell: To work with, to work with the Director-...

Mr. Ho: ... okay, perfect.

Ms. O'Dell: ... of the City and County of-...

Mr. Ho: I just wanted to make sure it was clearly on the record to back up what you're stating.

Ms. Short: Yeah. Any further discussion? I'll call for the vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the motion passes. Thank you so much, enjoy Poland, always wanted to go there.

Motion and Vote: Chair Short moved to find no conflict of interest for Petition 2025-12; Vice Chair Fukumitsu Seconded; All Members voted aye; Motion Passes (12:46 p.m.)

g. Petition 2025-13: Review of a Petition from non-County Employee seeking clearance and guidance regarding a potential conflict of interest.

Ms. Short: Moving right along-...

Ms. Valenzuela: Take lots of warm clothes, lots of warm clothes.

Ms. Short: ... petition number 2025-13, uh, the review of a petition from a County employee seeking clearance and guidance regarding a potential conflict of interest. Is our petitioner here? There we go.

Ms. Young: Makena Young on Zoom.

Ms. Short: Wonderful. If you could please-, you already stated your name. If you could please tell us, uh, about your petition and the reason for it-...

Ms. Wan: So, Chair, I'm sorry, clarification. This is non-County person. So-...

Ms. Short: Oh.

Ms. Wan: ... this, this is the petition I was tell-, I-...

Ms. Short: You were wrong.

Ms. Wan: ... flagged for you-...

Ms. Short: You had 12 as non-County-...

Ms. Wan: Oh, I'm sorry.

Ms. Short: ... so, that's why. Okay, non-County employee.

Ms. Wan: Yes. So, my understanding is that Ms. Young is actually from the M.A.D.D. organization, and so this petition is coming from you asking for an informal advisory, but it is coming from a-...

Ms. Short: Outside-...

Ms. Wan: ... person that is not a County officer or employee. Thank you.

Ms. Short: Okay. Thank you for that clarification. Ms. Young, if you could please tell us about your petition and why you're seeking our guidance today.

Ms. Wan: Well, no.

Ms. Short: Or, I guess-...

Ms. Wan: So, uh, I, I put the note in here because according to Hawai'i County Code 2-86(b), right, as far as-...

Ms. Short; Oh, there's-...

Ms. Wan: ... asking for an informal advisory opinion as to guidance for an employees action, that can only come from an employee-...

Ms. Short: An employee.

Ms. Wan: ... or an officer-...

Ms. Short: Okay.

Ms. Wan: ... Um, the only pathway for a third party, which would be Ms. Makena's group, to file a petition is if they want to allege a violation of the Code of Ethics.

Ms. Short: Okay.

Ms. Wan: This petition was still put on this Board's agenda because the Board staff does not have any power-...

Ms. Short: Right. Okay, um, so, yeah. This is a third party petition, so, before we address the merits, I guess are there any motions at this time, based solely on the written submissions of this party and the fact that they aren't an employee of the County and they're not alleging a violation?

Ms. Valenzuela: Board Member Kelly Valenzuela. Because it's not a County employee, I make a motion to dismiss it.

Ms. Short: And that's per Rule 4.5 and/or Rule 4.8, correct?

Ms. Valenzuela: Yes.

Ms. Short: Would someone like to second that motion?

Mr. Ho: Chris Ho, second.

Ms. Short: Any discussion to be had? Hearing and seeing none, I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the motion passes. Thank you for your time, Ms. Young.

Motion and Vote: Board Member Valenzuela moved to dismiss Petition 2025-13; Board Member Ho Seconded; All Members voted aye; Motion Passes (12:49 p.m.)

h. Update Regarding Bill 21 and Review of Council Communication 91.1

Ms. Wan: So, Ms., uh, Deputy Corporation Counsel Sylvia Wan. So, Ms. Young, just, um, I understand, I, I did review your petition, I understand that you were seeking guidance, basically, on behalf of the potential employee that would be recognized. If that potential employee has a question as to whether or not, um, that recognition, if accepted, should be reported as a gift, that employee should otherwise petition the Board.

Ms. Young: Okay, yeah, I just wanted to see if you guys thought that there were any problems that they would need to do that. I mean, none of us see that there's any, um, sort of conflict or, you know, problem with doing it, but yeah, I wanted to see.

Ms. Wan: There may, may not be but that's going to be up to the employee to review our Code and to make that determination whether or not they actually have a question.

Ms. Short: I would encourage that employee to file a, the informal advisory opinion that you filed-...

Ms. Wan: If they have a question.

Ms. Short: If they have a question.

Ms. Wan: Thank you.

Ms. Young: Thank you.

Ms. Short: Thank you so much. Um, at this time, we are going to table our executive session 'til next meeting.

Mr. Ho: Chair, we have another item, h., on the agenda.

Ms. Wan: Do you want me to do the draft-...

Ms. Short: Where-...

Ms. Wan: ... the, the update?

Ms. Short: Oh, yeah.

Ms. Wan: Okay. So, just quickly, do you want to-, just call it real quick, Chair.

Ms. Short: Um, agenda item h.

Ms. Wan: Alright. So, at this point, I did provide to the Board a communication from County Council regarding Bill 21. I understand you just signed off your letter today. Um, that will be forwarded to Council. Um, at the last meeting in, I believe it was committee, um, I could be wrong in that regard, um, March 31, there was an amendment that was proposed by, um, Member Kimball. I just wanted to let the Board know that that amendment was adopted, so, there is now a draft 2 of Bill 21 that now shows this particular language. Um, that Bill has not yet passed Council, it is still up for, I believe, an additional reading. I don't have that date for you right, I'm sorry, but just wanted to give you that update.

Ms. Fukumitsu: Thank you.

Ms. Short: Wonderful.

Mr. Ho: Chair, just to-, there is no action necessary for h, correct?

Ms. Wan: There is no action necessary for the Board at this time. It was just merely an update from Council to the Board.

6 & 7. EXECUTIVE SESSION & ANNOUNCEMENTS (12:51 p.m.)

Ms. Short: Thank you, Council. Um, so, we will be tabling agenda item number 6, executive session, to our next meeting, which will move me right along to announcements, number 7. Um, the next monthly meeting of the Board of Ethics is scheduled tentatively for

Wednesday May 14, 2025, at 10:00 a.m., here at the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i, 96720. Can I get a motion from a Board member-, does-, we don't-, do we need to vote on this? No?

Mr. Ho:

Chair, can I ask-...

Ms. Wan:

No, no, no, no, sorry, that's, that's-...

Ms. Short:

Okay. So, the next monthly meeting of the Board of Ethics is scheduled for Wednesday, May 14, 2025, at 10:00 a.m., here at the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i, 96720, and I'll move on to agenda item number 8, can I get a motion to adjourn?

Mr. Ho:

I have a question.

Ms. Short:

Please.

Mr. Ho:

Is there a rationale as to why we're tabling executive session?

Ms. Short:

I have to leave and she doesn't want to Chair.

Ms. Fukumitsu:

I can. Do you guys want to stay? What do we, what do we have to do in exec-, what, what's left? Just the signing papers?

Ms. Short:

It's just signing the papers.

Ms. Wan:

So, um, okay. The rea-, the rationale for tabling the rest of the, um, agenda items, would be because, although you would technically have quorum, you would not have enough people physically present to clear whatever it is that the remaining-...

Ms. Short:

We could do in executive session.

Ms. Wan:

... Board is here, sign off on-...

Ms. Short:

Thank you.

Ms. Wan:

... uhm, for the rest of the meeting because, um, Member Allende is on Zoom and he can't otherwise review-...

Ms. Short:

That makes more sense.

Ms. Wan: ... by Zoom-...

Ms. Short: What she said, again.

Ms. Wan: ... so, technically, you wouldn't have quorum for the remainder-, items.

Ms. Short: And I have to go-...

Mr. Ho: Thank you.

Ms. Short: ... so, that's why we're tabling-...

Mr. Allende: Okay.

Ms. Valenzuela: I do have a question.

Ms. Short: Oh, Kelly.

Ms. Wan: So-...

Ms. Valenzuela: Oh, sorry. I just-, real quick question, in regards to this part. Why did it change where you can't-...

Ms. Wan: Okay, so, that's administrative, I can, I can tell you as soon as we're done-...

Ms. Valenzuela: ... pouch it to him and I, in Kona-...

Ms. Short: Wait-...

Ms. Valenzuela: ... because that's where we live-...

Ms. Short: ... we can't talk about it in here. She'll talk to you offline.

Ms. Valenzuela: Okay.

Ms. Wan: I'll talk to you offline.

Ms. Valenzuela: Okay. Sorry, I kept-...

8. ADJOURNMENT (12:53 p.m.)

Ms. Short: Can I get a motion to adjourn?
Mr. Ho: Chris Ho, move to adjourn.
Mr. Allende: No problem. *inaudible*
Ms. Fukumitsu: Vice Chair Fukumitsu, second.
Ms. Short: Any, any discussion to be had? Hearing and seeing none, all in favor of adjournment at 12:53 p.m., please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, 12:53 p.m., the Hawai'i County Board of Ethics is adjourned.
Mr. Ho: I got to go.
Ms. Short: Thank you everyone for being here today, we'll see you next month.
Ms. Valenzuela: Okay, thank you-...
Ms. Short: Blessed Merrie Monarch to all-...
Mr. Ho: Bye, Erick.
Mr. Allende: Have a great one, take care. Nice seeing you all.
Ms. Fukumitsu: Bye, Erick,
Mr. Allende: Bye.

Motion and Vote: Chair Short moved to adjourn the meeting; Vice Chair Fukumitsu seconded; All Members voted aye; Motion Passes (12:53 p.m.)

Respectfully submitted:

Noah Agustin, Secretary Assistant