

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR



JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

AGENDA

Date: November 2, 2016
Time: 11:30 a.m.
Place: Standard Financial Plaza
Conference Room, Suite 311
715 South King Street
Honolulu, Hawaii 96813

2016 OCT 26 PM 1:54
C & C of Honolulu

Notice: The Honolulu Ethics Commission is moving offices. As of Monday, November 14, 2016, our new address will be: **Kapālama Hale, 925 Dillingham Boulevard, Suite 190, Honolulu, Hawaii 96817.**

**MEMBERS OF THE PUBLIC ARE ENCOURAGED TO SPEAK
AND/OR SUBMIT WRITTEN TESTIMONY ON ANY AGENDA ITEM**

ORDER OF BUSINESS

- I. Call to Order, Public Notice, Quorum
- II. New Business
 - A. Chair's Report
 1. Announcements, Introductions, and Correspondence
 2. For Action: Approval of Open Session Minutes of September 21, 2016
 3. For Action: Approval of Executive Session Minutes of the August 31, 2016 and September 21, 2016 meetings

The Commission may convene an executive session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), to consult with the Commission's attorneys regarding questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary
2. Statistics – Complaints, Requests for Advice
3. Budget
 - a. FY2017 Operating Budget
 - b. FY2018 Operating Budget Request
4. Ethics Training Program
5. Charter Amendments
6. Audit
7. COGEL Conference – December 2016

C. For Discussion: Strategic Planning

D. For Discussion: Rule-Making

1. Introduction – John (Jack) McDonald, Esq., MPA Intern

E. Expectations for the Executive Director and Legal Counsel

F. For Discussion and Action: Personnel Evaluation Form for the Executive Director and Legal Counsel

III. Executive Session

- A. For Decision: Whether an employee's request to be an Uber/Lyft driver is incompatible with the employee's official duties in violation of RCH Sec. 11-102.1(c)?

Pursuant to Section 92-5(a)(4), HRS, the Commission will consult with the Commission's attorneys regarding questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- B. For Discussion: Case Brief – Boyd v. Hawaii State Ethics Commission, SCWC-14-0000352 (Haw. July 19, 2016)

Pursuant to Section 92-5(a)(4), HRS, the Commission will consult with the Commission’s attorneys regarding questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities.

- C. For Discussion: Kealoha v. Totto, Civil No. 16-1-1166 GWBC in the Circuit Court of the First Circuit, State of Hawaii.

1. Introduction – Richard Nakamura, Esq., Chong Nishimoto Sia Nakamura & Goya

Pursuant to Section 92-5(a)(4), HRS, the Commission will consult with the Commission’s attorneys regarding questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities.

- D. For Discussion: Independent Ethics Investigator Retained Due to Conflict of Interest

Pursuant to Section 92-5(a), HRS, the Commission will consider the hire, evaluation, dismissal, or discipline of an officer or employee where consideration of matters affecting privacy will be involved; and pursuant to Section 92-5(a)(4), HRS, to consult with the Commission’s attorneys regarding questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities.

IV. Adjournment

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number and agenda subject matter via email at ethics@honolulu.gov; or by calling 768-7787 or 768-7791.

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

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

WRITTEN TESTIMONY

Prior to the Day of the Meeting: Testimony may be emailed to ethics@honolulu.gov or faxed to 768-7768.

On the Day of the Meeting: Submit 10 copies of written testimony to Commission staff.

Individuals who require special needs accommodations are invited to contact the Honolulu Ethics Commission at 768-7787, via facsimile at 768-7768, or email ethics@honolulu.gov at least **4 working days** in advance of the meeting.

All handouts will be posted at www.honolulu.gov/ethics/meetings.html