

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR



JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

AMENDED AGENDA

Date: June 21, 2017
Time: 11:30 a.m.
Place: Kapālama Hale
1st Floor Conference Room
925 Dillingham Boulevard
Honolulu, Hawaii 96817
and
371 Alae Road
Kula, Maui, HI 96790

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CITY OF HONOLULU
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Pursuant to HRS Sec. 92-3.5, members of the public may attend the public session at either location.

**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 May 17, 2017
 3. For Action: Approval of Executive Session Minutes of May 17, 2017

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 – None
3. Budget
 - a. FY2017 Operating Budget – None
 - b. FY2018 Operating Budget Request – City Council 3rd reading, June 7, 2017
4. Education and Outreach
 - a. Ethics Training Program – Update
 - b. Newsletter – *THE COMPASS: Navigating Ethics for the City & County of Honolulu* (released May 2017)
5. 2016 General Election Charter Amendment Question No. 2 – Bill 057 (17), Relating to Ethics Commission Staff (introduced June 7, 2017; Executive Management and Legal Affairs (EMLA) Committee, June 27, 2017)
6. Audit – None
7. Legislation
 - a. State Ethics Bills (enrolled to Governor)
 - i. HB508 HD1 SD1 CD1, Relating to Ethics (Report Title: government; ethics; fine increases; settlement agreement)
 - ii. HB511 HD1 SD1 CD1, Relating to Lobbyists (Report Title: State Ethics Commission; lobbyist law; lobbying; enforcement)
 - iii. HB852 HD2 SD1 CD1, Relating to Ethics (Report Title: State Ethics Commission; financial disclosure statements; notice; administrative fine)
 - b. Sunshine Law – HB165 HD1 SD2 CD1, Relating to Public Meetings (Report Title: sunshine law; public agency meetings and records) (enrolled to Governor)
 - c. Uniform Information Practices Act (UIPA) – SB572 SD1 HD1 CD1, Relating to Information Practices (Report Title: Office of Information Practices; freedom of information; disclosure rules) (enrolled to Governor)
 - d. City Council
 - i. Bill 050 (17), Relating to City Boards and Commissions
 - ii. Bill 057 (17), Relating to Ethics Commission Staff (see Item II.B.5.)

8. Education Opportunities

- a. Society of Corporate Compliance and Ethics, 16th Annual Compliance & Ethics Institute, October 15-18, 2017, Caesars Palace, Las Vegas, NV
- b. Council on Government Ethics Laws (COGEL), Annual Conference, December 3-6, 2017, Sheraton Centre Toronto

C. For Discussion: Rule-Making and Mayor's Directives, Memoranda, and Department Policies and Circulars, Item V., Administrative Directives Manual Policy Guidance

D. For Discussion and Action: Evaluate the Work Performance and Set the Salary of the Executive Director and Legal Counsel Pursuant to RCH Section 11-107, as amended by 2016 General Election Charter Amendment Question No. 2

The Commission may convene an executive session pursuant to Section 92-5(a)(2), HRS, to consider the hire, evaluation, dismissal, or discipline of an officer of employee or of charges brought against the officer of employee, where consideration of the matters affecting privacy will be involved.

E. For Discussion and Action: Set the Salary of the Associate Legal Counsel Pursuant to RCH Section 11-107, as amended by 2016 General Election Charter Amendment Question No. 2

The Commission may convene an executive session pursuant to Section 92-5(a)(2), HRS, to consider the hire, evaluation, dismissal, or discipline of an officer of employee or of charges brought against the officer of employee, where consideration of the matters affecting privacy will be involved.

III. Executive Session (The following agenda items will be reviewed in executive session pursuant to HRS Section 92-5(a)(4), to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities; and HRS Section 92-5(a)(8), to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to state or federal law or court order.)

A. For Discussion and Action: Request for Review of Legal Counsel's Preliminary Determination Regarding Alleged City Officer Misuse of City Resources to Provide Lunch for Individuals in Violation of Revised Charter of Honolulu Sec. 11-104 (Ethics Commission Rules of Procedure Section 5.5(2))

B. For Discussion: Kealoha vs. Totto, Civil No. 16-1-1166 GWBC in the Circuit Court of the First Circuit, State of Hawai'i, and Civil No. 1:16-CV-16-00682 JMS-KSC in the United States District Court for the District of Hawai'i (HRS Section 92-5(a)(4))

C. Independent Ethics Investigator Retained Due to Conflict of Interest – None

IV. For Discussion: Strategic Planning – Permitted Interaction Group Report of May 25, 2017 Meeting

V. 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