



## DEPARTMENT OF THE CORPORATION COUNSEL

Donna Y.L. Leong, Corporation Counsel

Paul S. Aoki, First Deputy Corporation Counsel

### POWERS, DUTIES, AND FUNCTIONS

The Department of the Corporation Counsel (COR) serves as the chief legal adviser and legal representative of all city agencies, the City Council, and all officers and employees of the city in matters relating to their official powers and duties. The department represents the city in all legal proceedings and performs all other legal services required by the Revised Charter of the City and County of Honolulu or other laws.

Under the Charter, the Ethics Commission is attached to the Department of the Corporation Counsel for administrative purposes only.

#### Counseling and Drafting Division

The Counseling and Drafting Division (C&D) comprises four sections: (1) Finance; (2) Infrastructure and Community Services; (3) Real Estate and Land Use; and (4) Personnel and Public Safety.

C&D provides legal advice to the Mayor, the city departments and agencies, the City Council and its committees, and the city boards and commissions. In this advisory capacity, C&D renders oral and written opinions; drafts and reviews bills and resolutions for submission to, or being considered by, the City Council or the state legislature, advances and presents testimony on the city's position on legal issues presented in state legislation; reviews and approves as to form and legality legal documents to which the city is a signatory; attends meetings of the City Council, the Council committees, and the city boards and commissions; provides legal representation on behalf of the city in state and city administrative proceedings and in selected court proceedings, such as real property tax appeals, eminent domain proceedings, quiet title proceedings, partitions of land court property, administrative appeals, foreclosures, bankruptcy actions, interpleader actions for the return of seized property, certain specialized litigation, and other matters as maybe assigned.

#### Litigation Division

The Litigation Division (LIT) provides certain legal representation of the city, and its officers and employees acting within the course and scope of their official duties, in state and federal courts in the State of Hawaii, including the trial and appellate courts. LIT processes and, if necessary, litigates certain claims by or against the city and such officers and employees, including tort, contract, civil rights, employment, and collection claims. LIT prosecutes liquor law violations before the Liquor Commission and advises and represents the Honolulu Police Department with regard to subpoenas duces tecum.

### Honolulu Ethics Commission

The mission of the Ethics Commission (Commission) is to ensure that city officers and employees understand and follow the standards of conduct governing their work for the public. The Commission's main focus is to deter conflicts of interest and the misuse of government resources or positions by city personnel. The Commission implements its objectives through a balance of training programs, advisory opinions, enforcement actions and legislation.

The seven Commission members are appointed by the Mayor and confirmed by the City Council. Commissioners serve staggered five-year terms.

### ACCOMPLISHMENTS

- COR continued to support the work of the 2015-2016 Charter Commission in its study and review of the operation of city government by assisting with legal review of the proposed amendments to the Revised Charter of the City and County of Honolulu, which will be submitted to the electorate for approval in the November 2016 general election, and providing advice and counsel to the Charter Commission.
- COR provided legal advice regarding Honolulu Authority for Rapid Transportation's (HART) agreements with utilities and third parties; contract administration; land use, environmental and construction permitting; state and city legislation; and project financing; the development of a multimodal fare collection system; broadband connectivity; real estate acquisitions; and numerous public record requests. COR represented HART in procurement protests and eminent domain proceedings. HART is responsible for the largest public capital project in state history.
- COR assisted the various departments and agencies in obtaining favorable outcomes in bid protest challenges to procurements of road rehabilitation projects, refuse collection vehicles, waterline improvements, and security guard services and continues to defend against numerous bid protests filed pursuant to the state Procurement Code.
- COR supported the city's acquisition of properties to be used for housing and services for homeless and low-income individuals and families: assisted with negotiating, preparing, and reviewing legal documentation, due diligence matters, permitting and other approvals, site-specific, funding-specific legal issues; and assisted with contracts for site work, development, improvements, and modifications to make properties suitable for housing and supportive services.

- The Ethics Commission staff utilized a new web-based software to create an interactive audio visual ethics training program. This software includes a learning management system which will enable staff to distribute and manage training materials more efficiently. This new delivery format will enable city officers and employees to complete ethics training at their work sites and from their desktops. It is scheduled for implementation in Fiscal Year 2017.

- The Ethics Commission received and responded to requests for advice, investigated complaints as shown in the Ethics chart below, issued one formal advisory opinion and one newsletter, and adopted a media policy.

<b>COUNSELING &amp; DRAFTING</b>	Outstanding C&D Requests as of 7/1/2015	New Requests Received FY 2016	Total Request Workload FY 2016	Requests Completed and Closed FY 2016	Outstanding C&D Requests as of 6/30/2016 <sup>3</sup>
Requests for Legal Services	4,461	1,382	5,843	954	4,889
Drafting Requests <sup>1</sup>	110	102	212	99	113
Requests for Review and Approval of Legal Documents	1,454	7,060	8,514	6,786	1,728
Pre-lawsuit Cases <sup>2</sup>	262	62	324	76	247
State and Federal Court Cases	1,329	506	1,835	289	1,546

<sup>1</sup> Drafting requests are requests to draft or review bills, resolutions, leases, easements, contracts, affidavits, etc.

<sup>2</sup> Adversarial proceedings before city or state administrative bodies.

<sup>3</sup> Gross amount due to backlog of cases that are ready to be closed that have not yet been closed.

<b>LITIGATION</b>	Outstanding LIT Requests as of 7/1/2015	New Requests Received FY 2016	Total Request Workload FY 2016	Requests Completed and Closed FY 2016	Outstanding LIT Requests as of 6/30/2016
Pre-lawsuit Cases <sup>4</sup>	750	499	1,249	672	577
State and Federal Court Cases	134	63	197	74	123
Subpoena Duces Tecum Requests	149	68	217	104	113

<sup>4</sup> Claims filed with and handled by the COR claims investigators.

<b>ETHICS</b>	Outstanding Matters as of 7/1/2015	New Matters Received FY 2016	Total Workload FY 2016	Matters Completed and Closed FY 2016	Outstanding Matters as of 6/30/2016
Requests to the Ethics Commission/ Staff for Ethics Advice	7	234	241	219	15
Investigations into Misconduct Complaints	57	111	168	118	50