

WELCOME TO THE ETHICS COMMISSION MEETING

Please sign in at the testimony table.

As a courtesy, please silence your cell phone.



Date: December 20, 2017
Time: 11:30 a.m.
Place: Kapālama Hale
925 Dillingham Boulevard
1st Floor Conference Room

1

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum



Honolulu Ethics Commission
"We Hold the Public's Trust"

2

II. NEW BUSINESS

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution



Honolulu Ethics Commission
"We Hold the Public's Trust"

3

II.A. CHAIR'S REPORT

2. For Action: Approval of Open Session Minutes of November 15, 2017
3. For Action: Approval of Executive Session Minutes of November 15, 2017

[exec/session if needed, HRS §92-5(a)(4)]



Honolulu Ethics Commission
"We Hold the Public's Trust"

4

II.A. CHAIR'S REPORT

- 4. For Action: Nomination and Vote for Chair and Vice Chair, Calendar Year 2018**



Honolulu Ethics Commission
"We Hold the Public's Trust"

5

II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT

- 1. Staff Work Reports Summary**



Honolulu Ethics Commission
"We Hold the Public's Trust"

6

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS LEGAL CLERK III

- Administering city purchasing credit card (pCard)
- Processing case intake, requests for advice, misc. correspondence, litigation support, meeting materials, including probable cause hearing docs
- Coordinating conference room, motorpool car use
- Processed documents for scanning, archiving



Honolulu Ethics Commission
"We Hold the Public's Trust"

7

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS LEGAL CLERK I

- Assisting IT dept. (DIT) with training refinements; launching/managing board and commission member training
- Office docs delivered for scanning
- Updating, redesigning, refreshing website
- Assisting field investigations, case management; handling desk investigations
- Updated financial disclosure, lobbyist forms



Honolulu Ethics Commission
"We Hold the Public's Trust"

8

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS

Law School Interns (2)

- Project – Advisory Opinion Compendium Database
- ✓ Reassign remaining opinions (60), contact law school for interns



Honolulu Ethics Commission
"We Hold the Public's Trust"

9

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS INVESTIGATOR

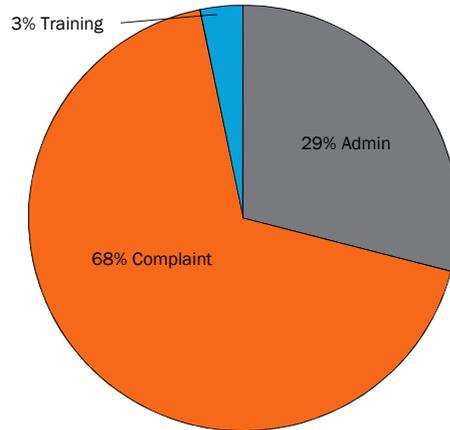
- Managing case load (interviews, investigation, research/analysis, reporting)
- Prepping investigation report for EC meeting
- Developing triage/intake, case management process, process flowcharts, procedures



Honolulu Ethics Commission
"We Hold the Public's Trust"

10

II.B.1. STAFF WORK REPORTS SUMMARY INVESTIGATOR – NOVEMBER TO DECEMBER 2017



11

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS ASSOCIATE LEGAL COUNSEL (ALC)

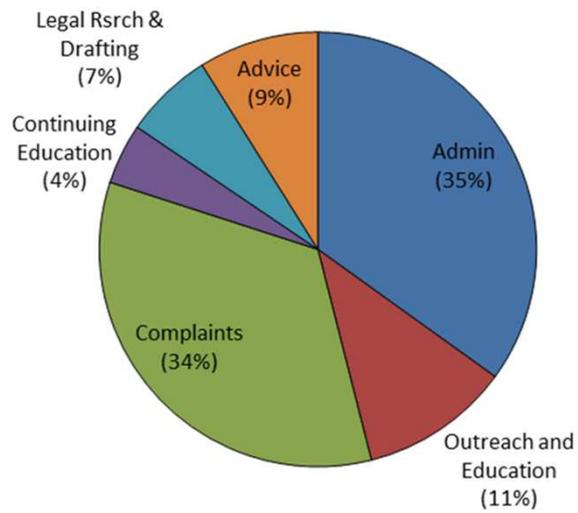
- Finalizing DIT ethics training application
- Managing requests for advice, reporting
- Investigating/managing cases, strategy, training Investigator and Legal Clerk I
- Prepping cases for probable cause hearings
- Handling ongoing admin responsibilities; drafted newsletter, gift guide



Honolulu Ethics Commission
"We Hold the Public's Trust"

12

II.B.1. STAFF WORK REPORTS SUMMARY ASSOCIATE LEGAL COUNSEL – NOVEMBER TO DECEMBER 2017



13

II.B.2 STATISTICS

a. Website Sessions

- November 2017 – 457



Honolulu Ethics Commission
"We Hold the Public's Trust"

14

II.B.3 BUDGET

b. FY2019 Operating Budget Request

- Dec. 15, 2017 – Review budget recommendations with Managing Director



Honolulu Ethics Commission
"We Hold the Public's Trust"

15

II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program

- Mindflash Ethics Training (as of Dec. 13, 2017)
 - ✓ Police Comm (4/5 + 3 new members)
 - ✓ Building Board of Appeals (4/7)
 - ✓ Oahu Workforce Investment Board, staff (15/18)
 - ✓ Citizens' Advisory Commission on Civil Defense (5/5)



Honolulu Ethics Commission
"We Hold the Public's Trust"

16

II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program (cont'd)

- Mindflash deployed Dec. 8, 2017
 - ✓ Rate Commission
 - ✓ Zoning Board of Appeals
 - ✓ Planning Commission
 - ✓ Neighborhood Commission



Honolulu Ethics Commission
"We Hold the Public's Trust"

17

II.B.4. EDUCATION AND OUTREACH (cont'd)

b. Newsletter – *The Compass: Navigating Ethics for the City and County of Honolulu* (December 2017)

c. Gift Quick Reference Guide



Honolulu Ethics Commission
"We Hold the Public's Trust"

18

II.B.7. EDUCATION OPPORTUNITIES

- a. Council on Government Ethics Laws (COGEL)
Annual Conference, December 3-6, 2017

- b. Commr. Kanda – Strategic Communication
(pending)



Honolulu Ethics Commission
"We Hold the Public's Trust"

19

II.B.8. INTEGRITY HOTLINE

- For City and County of Honolulu employees
- Available 24/7
- EthicsPoint, NAVEX Global
- 3 Agencies:
 1. Internal Control (Budget & Fiscal Services)
 2. Equal Opportunity Office (Human Resources)
 3. Ethics Commission (Corporation Counsel)

[End – EDLC Report]



Honolulu Ethics Commission
"We Hold the Public's Trust"

20

III. EXECUTIVE SESSION

A. For Discussion:

Kealoha vs. Totto



Honolulu Ethics Commission
"We Hold the Public's Trust"

21

III. EXECUTIVE SESSION

C. For Discussion:

Administration of the Ethics Commission
Budget and Research on the Term
Administrative Purposes in Charter Section
11-107



Honolulu Ethics Commission
"We Hold the Public's Trust"

22

III. EXECUTIVE SESSION

D. For Decision:

Whether There Is Probable Cause That a City Employee Violated RCH Section 11-104

E. For Action:

Review and Approval to Issue a Notice of Alleged Violation of RCH Section 11-104



Honolulu Ethics Commission
"We Hold the Public's Trust"

III. EXECUTIVE SESSION

F. For Discussion:

Memorandum Regarding Procedural Issues Relating to Reconsideration of Staff's Preliminary Determination of April 19, 2017, Ethics Commission Meeting Agenda Item III.A.: Whether Officer Knew or Should Have Know That Officer's Alleged Partisan Advocacy for Charter Amendment on the November 8, 2016, Ballot Violated RCH Section 11-104



Honolulu Ethics Commission
"We Hold the Public's Trust"

IV. STRATEGIC PLANNING

Exposure Draft (dated November 15, 2017)

- Commissioner comments received
- Updated draft – pending
- Amended timeline – add one more meeting for approval



Honolulu Ethics Commission
"We Hold the Public's Trust"

25

IV. STRATEGIC PLANNING (cont'd)

Timeline:

- ✓ Sept. 1, 2017 – Receive comments
- ✓ Sept. 20, 2017 – Ethics Comm. reviews comments
- ✓ Sept. 27, 2017 – Permitted Interaction Grp (PIG) reviews comments, amends draft
- ✓ Nov. 2017 – PIG's am'd draft to Ethics Comm. (1)
- ✓ Dec. 2017 – **Ethics Comm. reviews am'd draft (2)**
- Jan. 2018 – Ethics Comm. **reviews adopts** strategic plan (**2**)
- Feb. 2018 – **Ethics Comm. adopts strategic plan (3)**



Honolulu Ethics Commission
"We Hold the Public's Trust"

26

V. ADJOURNMENT

Honolulu Ethics Commission
Kapālama Hale
925 Dillingham Boulevard, Suite 190
Honolulu, Hawai`i 96817
Ph: (808) 768-9242 (new main line)

Website: www.honolulu.gov/ethics Email: ethics@honolulu.gov

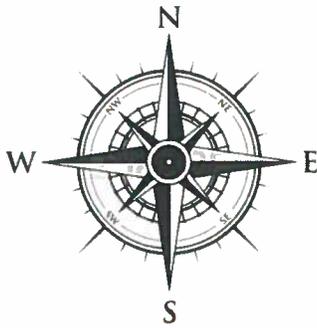
~Happy Holidays~



Honolulu Ethics Commission
"We Hold the Public's Trust"

27

**Agenda Item II.B.4.b.,
Page 2
Newsletter-The
Compass: Navigating
Ethics for C&C
(Dec 2017)**



The Compass: Navigating Ethics for the City and County of Honolulu

Honolulu Ethics Commission News Bulletin

December 2017

“To give real service, you must add something which cannot be bought or measured with money, and that is sincerity and integrity.”

-Douglas Adams

Honolulu Ethics Commission

Kapālama Hale
925 Dillingham Boulevard
Suite 190
Honolulu, HI 96817

(808)768-9242
ethics@honolulu.gov
www.honolulu.gov/ethics



Season's Greetings!

During the holiday season, questions often arise about accepting gifts. Just remember: You may not accept a gift if it appears that the gift is intended to influence or reward you for doing your City job, no matter what the value.

For guidance on gifts, enjoy our annual Christmas gifts mele, courtesy of the US Office of Government Ethics—local style.

The holiday season—a time for good cheer!

For egg nog, for parties, for friends to be near.

But I must be careful

Lest I accept free

A gift not permitted, no matter how wee.

I can pay market value if the gift I do like,

Or at my option say "Eh—I no like!"

I can always say no,

But I need not decline

If the Commission approves, then the gift can be mine.

For gifts that a friend or my family might send,

The rules recognize I don't want to offend.

Regardless of value,

It only must be

That their motive to give wasn't business, but me!

I always look forward to my office party.

We're all in good moods and the food is so hearty.

If no arm is twisted, Collecting's okay

To make sure that everyone has a good day.

So go forth with good cheer and know there's no reason

To think that the gifts rules will ruin your season!

New! Ethics Training

The Commission launched online all-employee ethics training with new content. Ethics elearning provides a convenient, self-paced, and cost-effective way to learn about city ethics. Our goal is to train all city officers and employees by the end of FY2018.

The online course includes clips from *Parks and Recreation* with comedian Amy Poehler to illustrate ethical issues in city government.

Board and commission member training has also moved to an online platform. A separate course highlights issues unique to these volunteer officers.

Mahalo to our partners—the Managing Director, DIT, DHR, and departmental training coordinators—for their on-going assistance and support.





The Society of Corporate Compliance & Ethics 16th Annual

Compliance & Ethics Institute

October 15-18, 2017 • Caesars Palace • Las Vegas, NV



REMINDER! Annual Financial Disclosures Due January 31, 2018

All full-time exempt employees in the Executive and Legislative Branches, as well as division chiefs and board and commission members, must file annual financial disclosure forms with the Ethics Commission.

Elected officials and department directors and deputies must file annual financial disclosures with the City Clerk.

Deadline: January 31, 2018

Ethics Conference

The Hon. Victoria Marks (ret.), Chair, Hon. Riki May Amano (ret.), Commissioner, and Jan K. Yamane, Executive Director and Legal Counsel, attended the Society for Corporate Compliance and Ethics 16th Annual Conference held in October in Las Vegas. Each attendee paid their own way to train in ethics and compliance, expose the Commission to fresh ideas and new technology, and bring back learning and resources to benefit the Commission and City.

The conference included sessions on ethics hot topics, ethics legal updates, leadership, ethics and compliance best practices, ethics emerging

trends, and state of the art techniques, tools, and ethics management solutions.

Attendance at this and other ethics conferences is vital for continued growth of both Commissioners and staff. The need for ethics training was recently identified by the Commission during strategic planning as one of its strategic objectives. The Commission intends to pursue more ethics training opportunities.

Mahalo to Chair Marks, Commissioner Amano, and Executive Director Yamane for their time and financial commitment to refreshing and enhancing the City's ethics program.

New! Ethics Commission Strategic Plan - 2027

The Commission has been working on a 10-year Strategic Plan. The draft plan was circulated to all city departments and public worker unions, posted online, and discussed during public meetings to encourage transparency and feedback. The plan identifies the Commission's priorities, objectives, and direction until 2027. View the draft plan on the Commission's website and send us your comments!

[http://www.honolulu.gov/rep/site/ethics/Ethics Commission 2027 - D-4.pdf](http://www.honolulu.gov/rep/site/ethics/Ethics_Commission_2027_-_D-4.pdf)

Fun Fact: Honolulu Ethics Commission is 50 Years Old!!



Did you know that in January 1967, Mayor Neal S. Blaisdell appointed Honolulu's very first ethics commissioners and Chief Justice William S. Richardson administered the oath of office? The commissioners were: Lawrence B.C. Lau, John W. Anderson Jr., Mrs. Mildred Briner, Rev. Hiro Higuchi, Harold Ohama, Robert Lewis Stevenson, and Andrew J. Salz.

Mahalo to Robin Ballentyne, Municipal Reference Center Librarian, and our Po'okela Fellow Joseph Pagkalinawan for assisting with historical research on the Honolulu Ethics Commission.

**Agenda Item II.B.4.c.,
Page 2
Quick Reference
Guide**

GIFT QUICK REFERENCE GUIDE *

Question 1: Who is offering the gift?



Usually prohibited, regardless of the value of the gift

If the gift giver is a person or business that is:

- regulated by my agency
- applying for a permit with my agency
- involved in a contested case with my agency
- a contractor, consultant, or vendor of my agency
- a lobbyist



May be allowed, depending on the circumstances of the gift

If the gift giver is a non-profit organization or trade association:

- these gifts are allowable under some circumstances and prohibited under others.

Contact us for advice:

(808)768-9242
ethics@honolulu.gov
www.honolulu.gov/ethics



Usually allowed, depending on the value of the gift and City purpose

If the gift giver is:

- a foundation or government agency that wants to support City employees working in my field
- a family member or long-time friend who doesn't do any business with my agency (usually OK unless you think you were given the gift because of your City position)

Question 2: Does the gift benefit the City? (e.g., free lunch and program)

No, it only benefits me personally. I could conduct business in my office, and attending this event is not the best way to serve the public. I should not accept the gift of free lunch and program.

Yes, it benefits the City. The lunch and program are related to my City job, and I can use what I learn at the event to help me do a better job for the City. I can accept this gift.

*This guide is not a substitute for legal advice. Please contact the Honolulu Ethics Commission if you have questions.
Ph: 768-9242 Email: ethics@honolulu.gov Website: www.honolulu.gov/ethics