

# ETHICS COMMISSION

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## CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL  
MAYOR



JAN K. YAMANE  
EXECUTIVE DIRECTOR  
AND LEGAL COUNSEL

### AGENDA

Date: March 21, 2018  
Time: 11:30 a.m.  
Place: Kapālama Hale  
1<sup>st</sup> Floor Conference Room  
925 Dillingham Boulevard  
Honolulu, Hawai'i 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, Correspondence, and Additional Distribution
    2. For Action: Approval of Open Session Minutes of February 21, 2018
    3. For Action: Approval of Executive Session Minutes of February 21, 2018  
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
  - a. Website Sessions, February 2018
  - b. Financial Disclosure Filings – Update
  - c. Lobbyist Registrations, Annual Reports – Update
3. Budget
  - a. FY2018 Operating Budget – None
  - b. FY2019 Operating Budget Request – Update
4. Education and Outreach
  - a. Ethics Training Program – Update
5. Audit – None
6. Legislation – Update
7. Education Opportunities
  - a. Office of Administrative Hearings, State Department of Commerce and Consumer Affairs – May 23, 2018
8. Integrity Hotline for City and County of Honolulu Employees – None

III. Executive Session (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of the matters affecting privacy will be involved; Section 92-5(a)(4), HRS, to consult with the Commission’s attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities and liabilities; or 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 Staff’s Amended Preliminary Determination of February 21, 2018 Ethics Commission Meeting Agenda Item III.C.: Whether Officer Knew or Should Have Known That Officer’s Alleged Partisan Advocacy for Charter Amendment on the November 8, 2016, Ballot Violated RCH Section 11-104 (*Ethics Commission Rules of Procedure* Section 5.5(2)(b))
- B. For Discussion and Action: Request for Review of Staff’s Preliminary Determination of February 23, 2018 Regarding Alleged Violation of RCH Sec. 11-104 by City Employees (*Ethics Commission Rules of Procedure* Section 5.5(2)(b))

- C. For Action: Request for a Motion to Approve and Adopt Staff's Draft Advisory Opinion No. 2018-1 Regarding Alleged Violation of RCH Sec. 11-104 Against a City Employee
  - D. For Discussion: Case Brief – Kawananakoa v. City and County of Honolulu, No. CAAP-16-0000366 (App. Feb. 21, 2018) (mem.)
  - E. Independent Ethics Investigator Retained Due to Conflict of Interest – None
- IV. Strategic Planning
- A. For Discussion and Action: Exposure Draft (dated March 21, 2018)
  - B. For Discussion: Media Policy (dated July 23, 2015) and Crisis Management
- 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](mailto:ethics@honolulu.gov); or by calling 768-9242.

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](mailto: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 768-9242, via facsimile at 768-7768, or email [ethics@honolulu.gov](mailto: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](http://www.honolulu.gov/ethics/meetings.html)