

ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



CHARLES W. TOTTO
EXECUTIVE DIRECTOR & LEGAL COUNSEL

Advisory Opinion No. 2013-2

The Ethics Commission (Commission) clarifies that only travel expenses that result from official city business may be paid from city funds. The cost of air travel, food, lodging or other expenses resulting from personal activities of a city officer or employee may not be paid for with city funds. On occasion, an officer or employee will travel for legitimate city government purposes, and combine this travel with family, business, political campaign or other non-governmental activities. To the extent that such personal endeavors result in extra costs of travel, those costs may not be borne by the city.

Public funds may only be expended for a legitimate public purpose. *See*, Article VII, Section 4, Hawaii State Constitution.¹ In addition, city government officials may only use city funds for city purposes. Section 11-104, Revised Charter of Honolulu (RCH);² Advisory Opinion No. 2013-1; Advisory Opinion No. 2012-7; Commission's *Guidelines on the Use of City Resources*. The threshold issue is whether or not the travel is reasonable and necessary to accomplish a legitimate government purpose. If so, the full cost of the trip related to carrying out the city purpose may be paid from city funds. Non-city activities that increase the cost of travel may not be paid for by city funds.

The Commission recommends that the Council and administration amend their respective policies to ensure that documentation is required for travel so that expenses generated from official city business may be distinguished from expenses for personal

¹ APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED

Section 4. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 4 of Article I of this constitution. No grant of public money or property shall be made except pursuant to standards provided by law.

² **Section 11-104. Fair and Equal Treatment --**

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

activities.³ In this manner, the travel purposes and cost may be reviewed to protect the taxpayer from funding personal activities.

APPROVED:

/S/ _____
CHARLES W. GALL, Chair

Dated: May 15, 2013 _____

APPROVED AS TO FORM:

/S/ _____
CHARLES W. TOTTO
Executive Director and Legal Counsel

Dated: May 15, 2013 _____

³ Revised Ordinances of Honolulu Section 3-6.3(f) authorizes the Commission to make such recommendations: “The commission may submit to the mayor and council recommendations and reports which it deems advisable and which pertain to the standards of conduct contained in Article XI of the revised charter, to the administration of said Article XI or to any other matter relating to the fostering and maintenance of ethical conduct.”