

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 236

This is an advisory opinion in response to a letter requesting advice from the Ethics Commission as to whether it is permissible for City Council employees to solicit corporations to underwrite some of the Council's outreach efforts, including its television programming. Furthermore, at a meeting with the Ethics Commission, a City Council representative asked whether the Council might accept contributions from entities of the United States government or its political subdivisions.

The Commission understands the facts relative to this inquiry to be as follows:

The City Council is interested in expanding its outreach efforts into the community. Some ideas being considered include: closed captioning for the "Inside Honolulu Hale" television program, promotional notices about the program in local newspapers, and a computer bulletin board project that would enable users to download Council information. However, the Council lacks adequate public funding to pursue these projects.

As a related matter, there is the possibility that occasional grants may be available from the State of Hawaii or entities of the United States government or its political subdivisions to help underwrite the broadcast of certain conferences of interest to the general public.

The ethical questions presented are whether the solicitation of corporations for funding by agents of the City Council and whether the acceptance of funds from governmental entities in the United States would violate the Standards of Conduct.

The general rules in relation to those questions are found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.). Section 11-104, which deals with "Fair and Equal Treatment," states the following:

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.

Section 11-102.1, which deals with "Conflicts of Interest" states in pertinent part:

No elected or appointed officer or employee shall... [s]olicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties.

Because of the political nature of the City Council, the Commission finds that the City's Standards of Conduct would be violated if corporations are solicited to underwrite the Council's outreach efforts. Other candidates for political office could perceive that incumbent Councilmembers are receiving special advantage over what is available to every other person. Furthermore, the acceptance of such funding would cause many citizens to infer that a

corporation making a donation was giving that gift with the intention of influencing the Council in the performance of its official duties.

However, in regard to the acceptance of funding or donations in kind from a governmental entity of the United States or one of its political subdivisions, the Ethics Commission finds that there would be no violation of the Standards of Conduct. At least in theory, all entities of the United States government or its political subdivisions are working for the public good, rather than for private financial gain, which puts them in an entirely different situation from a private corporation.

Dated: March 8, 1994

SAMUEL L. DOMINGO
Chair, Ethics Commission