

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 35

This is in response to your request for determination by the Ethics Commission whether or not there is a conflict of interest between your situation as a private consultant in connection with the housing study in the Kalihi-P_lama Model Cities area and as a member of the Mayor's Workable Program Advisory Committee and Housing and New Community Task Force Subcommittee.

We are of the opinion that there is no conflict. As a consultant employed by an independent contractor, your primary function is to make a study on housing and community developments; while as a member of the fore-going Mayor's Subcommittee, your primary functions is to provide information in developing a workable program for the development of housing under HUD specifications.

Section 7-15.2(e) provides that:

No officer or employee of the City, except as hereinafter provided, shall:

* * *

(e) Enter into any contract in behalf of the City with an officer or employee or with a business in which an officer or employee has a controlling or substantial financial interest, involving the furnishing of services, materials, supplies, and equipment unless the contract is made after competitive bidding; provided that this para-graph shall not apply to personal contracts of employment with the City as prescribed in subsections (g) and (h) of Section 5-603 of the Charter.

Since you are a member of a firm which is an independent contractor with the City or an agency of the City, you are exempt from any provisions of Section 7-15.2(e), R.O. 1969 and Article X of the Revised City Charter. Moreover, you are also a member of an advisory committee and not involved in making ultimate decisions.

In view of the foregoing we conclude that your situation cannot be deemed to be in conflict in the interest of the City.

Dated: Honolulu, Hawai'i, April 27, 1973.

ETHICS COMMISSION

Rev. Dr. Kenneth O. Rewick, Chairman