AGENDA

Date: February 15, 2017
Time: 11:30 a.m.
Place: Kapalama Hale
1st Floor Conference Room
925 Dillingham Boulevard
Honolulu, Hawaii 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, and Correspondence

2. For Action: Approval of Open Session Minutes of January 18, 2017

3. For Action: Approval of Executive Session Minutes of January 18, 2017

   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.

4. Nomination and Vote for Chair and Vice Chair, Calendar Year 2017
B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary

2. Statistics – Complaints, Requests for Advice

3. Budget
   a. FY2017 Operating Budget – None
   b. FY2018 Operating Budget Request – None

4. Ethics Training Program

5. Charter Amendment Question #2 – Propose Legislation to Conform ROH Sec. 3-6.4 – None

6. Audit – None

7. Legislation – Bills Report

8. Performance Appraisals
   a. Six-Months – EDLC, ALC, Investigator
   b. Annual – Legal Clerks

C. Rule-Making – None

D. For Discussion and Adoption: DRAFT Advisory Opinion 2017-01, Do “Independent Expenditures” Made by Super PACs for the Benefit of a City Officer Create a Conflict of Interest Under Revised Charter of Honolulu (RCH) Section 11-102.1(a)?

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E. For Discussion: Are the Conclusions in Advisory Opinion No. 76 (December 21, 1977) Still Correct Under Current Laws?

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F. For Discussion and Adoption: DRAFT Advisory Opinion 2017-02, Does the Honolulu Ethics Commission Have Jurisdiction to Decide:

1. Whether a Councilmember’s Receipt of 40 Percent or More of Campaign Contributions by a Special Interest Group Creates a Conflict of Interest When the Councilmember Has to Make Official Decisions Affecting the Special Interest Group; and

2. If Question 1 is Answered in the Positive, Were the City Council’s Five Votes Approving the Ho’opili Project (Bill 3, 2015) Invalid?

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G. For Discussion and Action: Request for Reconsideration of Material Submitted in support of Agenda Items II.D., E., and F., at the December 21, 2016 Ethics Commission Meeting and for Further Analysis Under RCH Sections 11-102.1(c), 11-103, and 11-104.

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III. Executive Session

A. For Discussion: Kealoha v. Totto, Civil No. 16-1-1166 GWBC in the Circuit Court of the First Circuit, State of Hawaii

Pursuant to Section 92-5(a)(4), HRS, the Commission will consult with the Commission’s attorneys regarding questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities.

B. For Discussion: Independent Ethics Investigator Retained Due to Conflict of Interest

Pursuant to Section 92-5(a)(4), HRS, the Commission will consult with the Commission’s attorneys regarding questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities.

C. For Discussion and Action: Request for Reconsideration of Investigation of Ethics Complaint
Pursuant to Section 92-5(a)(2), HRS, the Commission will consider the hire, evaluation, dismissal or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; and Section 92-5(a)(4), HRS, to consult with the Commission's attorneys regarding questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

IV. For Discussion: Strategic Planning – None

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; or by calling 768-7787 or 768-7791.

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 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 768-7787, via facsimile at 768-7768, or email 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