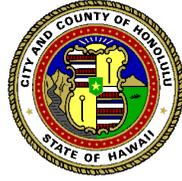


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

715 SOUTH KING STREET, SUITE 211 • HONOLULU, HAWAII 96813-3091
PHONE: (808) 768-7786 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics



KIRK CALDWELL
MAYOR

CHARLES W. TOTTO
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

Date and Place: September 23, 2015
 Standard Financial Plaza
 Conference Room, Suite 211

Present: Stanford Yuen, P.E., Acting Chair
 Stephen Silva, Commissioner
 Hon. Riki Amano (ret.), Commissioner
 Hon. Victoria Marks (ret), Commissioner
 Hon. Allene Suemori (ret), Commissioner
 Charles W. Tutto, Executive Director and Legal Counsel (EDLC)
 Laurie A. Wong, Associate Legal Counsel (ALC)
 William Shanafelt, Investigator III
 Geoffrey Kam, Deputy Corporation Counsel, Department of the
 Corporation Counsel (COR)

Absent: Katy Chen, Esq., Chair
 Michael Lilly, Esq., Vice Chair

Stenographer: Lisa P. Parker, Legal Clerk III
 Kristine Bigornia, Legal Clerk I

MINUTES OF THE SEPTEMBER 23, 2015 OPEN SESSION MEETING

I. CALL TO ORDER

Commissioner Suemori moved to have Commissioner Yuen lead the meeting. Commissioner Marks seconded. All were in favor and the motion carried.

Acting Chair, Yuen, called the meeting to order at 11:35 a.m.

II. OLD BUSINESS

- A. Confirming the Date and Time for the October 21, November 18, and December 16, 2015 Meetings.

The Commission confirmed meetings for the following tentative dates: October 21, 2015; November 18, 2015; and December 16, 2015.

- B. Request to set a specific date and time each month in 2016 for the Commission meetings.

The Commission confirmed the future meeting dates for calendar year 2016 to be set on the 3rd Wednesday of each month with the exception of November, which will be held on the 2nd Wednesday.

III. NEW BUSINESS

- A. Motion to Approve the Open Session Minutes of the August 27, 2015 Meeting.

Commissioner Amano requested a couple of revisions to the minutes. On page 2 paragraph 1, she does not recall Vice Chair Lilly “agreeing” to the suggestion of confirming the meeting dates through email. On page 3 paragraph 1 on Item IV.C., she pointed out that there is an extra “to.”

Staff will modify the minutes according to Commissioner Amano’s comments, by deleting the extra words.

Commissioner Marks moved to approve the open session minutes, as amended. Commissioner Silva seconded. All were in favor and the motion carried.

- B. Executive Director and Legal Counsel’s Administrative Report.

There were no questions and discussions for the following Items 1 to 5:

1. General statistics: Requests for advice and complaints requiring investigation.
2. Fiscal year 2015 statistics.
3. Current fiscal year budget issues.
4. Fiscal year 2017 budget.

5. Ethics training program.

Commissioner Marks recommended sending out a Newsletter to the City of the EC's report on a bi-annual basis. Commissioner Amano added that this will include the laws and impending move that will reach 8,000 City employees and Union Representatives.

The EDLC expressed one concern, about keeping the Newsletter on schedule, but will initiate to re-connect with City employees by Newsletter instead of conducting the previous mass training via email blast.

Commissioner Amano suggested the Newsletter be a high priority.

6. Staff's priorities for fiscal years 2016 – 2017.

The EDLC explained he did not include this item by reason of not having the City personnel surveys. He further explained that this was a secondary priority, but it would be moved up.

C. Request for a Motion to Set the FY 2016 Associate Legal Counsel's Salary Based on the Mayor's Directive.

With no further discussion, **Commissioner Marks moved to set the ALC's FY 2016 salary based on the Mayor's Directive. Commissioner Silva seconded. All were in favor and the motion carried.**

The EDLC thanked the Permitted Interaction Group ("Group") for continuing to support and push for this matter.

Commissioner Marks thanked the Group and stated to staff that the budget needs to be done accordingly. Commissioner Amano added that with the frequency of litigations and the growth of the agency, staff needs to plan ahead of time by two or three years. The EDLC explained that he is discussing with both the Budget and Fiscal Services Director and Managing Director on how to plan the budget accordingly.

Commissioner Amano thanked the ALC for her patience and for staying with the Commission.

D. Request for a Motion to Set the FY 2016 Salary of the Executive Director and Legal Counsel Based on the Mayor's Directive.

The EDLC announced to the Commission that his raise will be going towards the ALC's salary as a catch up.

With no further discussion, **Commissioner Marks moved to set the EDLC's FY 2016 salary, based on the Mayor's Directive. Commissioner Silva seconded. All were in favor and the motion carried.**

Commissioner Marks moved to exit Open Session, and enter Executive Session. Commissioner Suemori seconded. All were in favor, and the motion carried.

IV. EXECUTIVE SESSION SUMMARY (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; HRS Section 92-5(a)(4), 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. Motion to Approve the Minutes of the Executive Session of the August 27, 2015 meeting. (HRS Secs. 92-5(a)(2), (a)(4) and (a)(8))

Commissioner Amano moved to approve the executive session meeting minutes. Commissioner Silva seconded. All were in favor and the motion carried.

B. Plan for Processing Complaint Against Members of an Agency's Staff. (HRS Secs. 92-5(a)(2), a(4) and (a)(8))

At 11:46 a.m., staff removed themselves from the room for this item.

[Attorney-Client Privilege with Deputy Kam]

At 12:30 p.m., **Commissioner Marks moved to exit the executive session, and then to enter open session. Commissioner Silva seconded. All were in favor, and the motion carried.**

V. ADJOURNMENT

Commissioner Suemori moved to exit open session and adjourn the meeting. Commissioner Marks seconded. The motion carried.

The meeting adjourned at approximately 1:13 pm.