

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR



JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

AGENDA

Date: December 21, 2016
Time: 11:30 a.m.
Place: Standard Financial Plaza
Conference Room, Suite 211
715 South King Street
Honolulu, Hawaii 96813

2016 DEC 14 AM 9:28

**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 November 2, 2016
 3. For Action: Approval of Executive Session Minutes of the November 2, 2016 and December 7, 2016 meetings

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.

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
 - b. FY2018 Operating Budget Request
4. Ethics Training Program
5. Charter Amendments
6. Audit

C. Rule-Making

D. For Decision: Issues Relating to Independent Expenditures Made by Super Political Action Committees ("Super PACs") for the Benefit of a City Officer

1. 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); and
2. Do "Independent Expenditures" Made by Super PACs for the Benefit of a City Officer Create an Interest That Might Reasonably Tend to Create a Conflict With the Public Interest Requiring Disclosure Under RCH Section 11-103 Any Time Such Conflict Becomes Apparent?

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

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F. For Decision: Issues Relating to a Councilmember's Receipt of 40 Percent or More of Campaign Contributions by a Special Interest Group

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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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), HRS, the Commission will consider the hire, evaluation, dismissal, or discipline of an officer or employee where consideration of matters affecting privacy will be involved; and pursuant to 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

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.