

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



JAN K. YAMANE  
EXECUTIVE DIRECTOR  
AND LEGAL COUNSEL

**AGENDA**

Date: April 19, 2017  
Time: 11:30 a.m.  
Place: Kapālama Hale  
1<sup>st</sup> Floor Conference Room  
925 Dillingham Boulevard  
Honolulu, Hawaii 96817

2017 APR 12 PM 12:33  
RECORDED  
CITY CLERK  
C. C. OF HONOLULU

**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 – Presentation of Award of Recognition to Commissioner Stanford Yuen
    2. For Action: Approval of Open Session Minutes of March 15, 2017
    3. For Action: Approval of Executive Session Minutes of March 15, 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.

B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary
2. Statistics – Complaints, Requests for Advice (FY2015–FY2017, Quarter 2)
3. Budget
  - a. FY2017 Operating Budget – None
  - b. FY2018 Operating Budget Request – Bill 25, CD1 (2017) Update
4. Ethics Training Program
5. 2016 General Election Charter Amendment Question No. 2 – Bill to Conform ROH Section 3-6.4 With Question No. 2
6. Audit – None
7. Legislation – None

C. For Discussion: Rule-Making – When Receipt of Campaign Funds by an Elected Official or Expenditure of Campaign Funds by a Super Political Action Committee That Benefits an Elected Official Constitutes the Possession or Acquisition of Such an Interest by an Elected Official as Might Reasonably Tend to Create a Conflict With the Public Interest, Such Official Shall Make Full Disclosure in Writing to the Council

D. For Discussion: Procedures for Evaluating the Work Performance and Setting the Salary of the Executive Director and Legal Counsel Pursuant to RCH Section 11-107, as amended by 2016 General Election Charter Amendment Question No. 2

The Commission may convene an executive session pursuant to Section 92-5(a)(2), HRS, to consider the hire, evaluation, dismissal, or discipline of an officer of employee or of charges brought against the officer of employee, where consideration of the matters affecting privacy will be involved.

E. For Discussion: Procedures for Setting the Salary of the Associate Legal Counsel Pursuant to RCH Section 11-107, as amended by 2016 General Election Charter Amendment Question No. 2

The Commission may convene an executive session pursuant to Section 92-5(a)(2), HRS, to consider the hire, evaluation, dismissal, or discipline of an

officer of employee or of charges brought against the officer of employee, where consideration of the matters affecting privacy will be involved.

- III. Executive Session (The following agenda items will be reviewed in executive session pursuant to 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; and 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. For Discussion and Action: Request for Review of Legal Counsel's Preliminary Determination of Ethics Complaint: Whether Officer Knew or Should Have Known That Officer's Alleged Partisan Advocacy for Charter Amendment on the November 8, 2016, Ballot Violated RCH Section 11-104 (HRS Sections 92-5(a)(4) and (a)(8))
  - B. For Discussion: Kealoha vs. Totto, Civil No. 16-1-1166 GWBC in the Circuit Court of the First Circuit, State of Hawai'i, and Civil No. 1:16-CV-16-00682 JMS-KSC in the United States District Court for the District of Hawai'i (HRS Section 92-5(a)(4))
  - C. Independent Ethics Investigator Retained Due to Conflict of Interest – None
- IV. For Discussion: Strategic Planning – Permitted Interaction Group Report of April 10, 2017 Meeting
- 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](mailto: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](mailto: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](mailto: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](http://www.honolulu.gov/ethics/meetings.html)