

WELCOME TO THE ETHICS COMMISSION MEETING

Please sign in at the testimony table.

As a courtesy, please silence your cell phone.



Date: October 17, 2018
Time: 11:30 a.m.
Place: Kapālama Hale
925 Dillingham Boulevard
1st Floor Conference Room

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum

- Cmmr. Amano participating via phone



Honolulu Ethics Commission
"We Hold the Public's Trust"

II. NEW BUSINESS

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution



Honolulu Ethics Commission
"We Hold the Public's Trust"

3

II.A. CHAIR'S REPORT (cont'd)

2. For Action: Approval of Open Session Minutes of August 15, 2018
3. For Action: Approval of Executive Session Minutes of August 15, 2018

[exec/session if needed, HRS §92-5(a)(4)]



Honolulu Ethics Commission
"We Hold the Public's Trust"

4

II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT

1. Staff Work Reports Summary

- Senior Clerk
- Legal Clerk III (TA)
- Investigator
- Associate Legal Counsel



Honolulu Ethics Commission
"We Hold the Public's Trust"

5

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS SENIOR CLERK

- Assisting with EC meeting administration, clerk functions; uploading docs to website
- Lobbyists - participated in forms debrief, cont'd work on lists, drafting FAQs
- Assisted with HPD JeoPARODY training
- Conducting PAC research, laptop purchase
- Organizing, summarizing Advisory Opinions



Honolulu Ethics Commission
"We Hold the Public's Trust"

6

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS LEGAL CLERK III (TA)

- Training – assisted with HPD JeoPARODY, finalized FY16–FY18 training totals
- Processing meeting minutes/materials, case intake, UIPA log; compiled FY18 data
- Assisting investigations, drafting correspondence
- Managing inventory, front-office, phones
- Updating, uploading content to website
- Led lobbyist forms debrief; updated forms, letters



Honolulu Ethics Commission
"We Hold the Public's Trust"

7

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS INVESTIGATOR

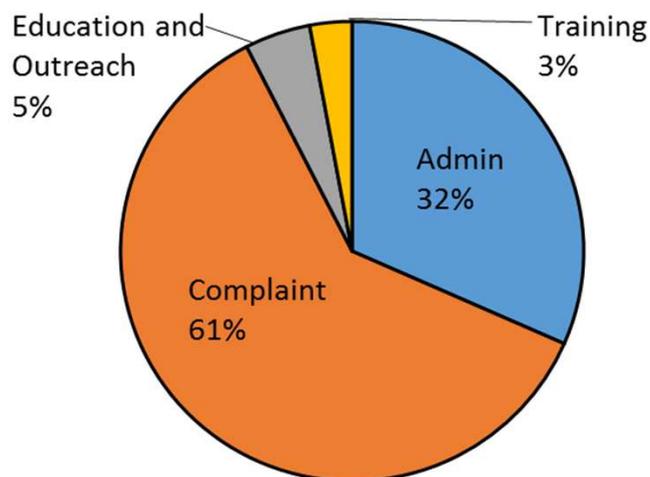
- Managing case load, attending case management meetings
- Attended, viewed training
- Conducted HPD JeoPARODY training, drafted feedback survey for future sessions
- Attended DCCA database showcase
- Working with ALC, creating SOPs, templates for investigations, reports



Honolulu Ethics Commission
"We Hold the Public's Trust"

8

II.B.1. STAFF WORK REPORTS SUMMARY INVESTIGATOR



9

II.B.1. STAFF WORK REPORTS – HIGHLIGHTS ASSOCIATE LEGAL COUNSEL (ALC)

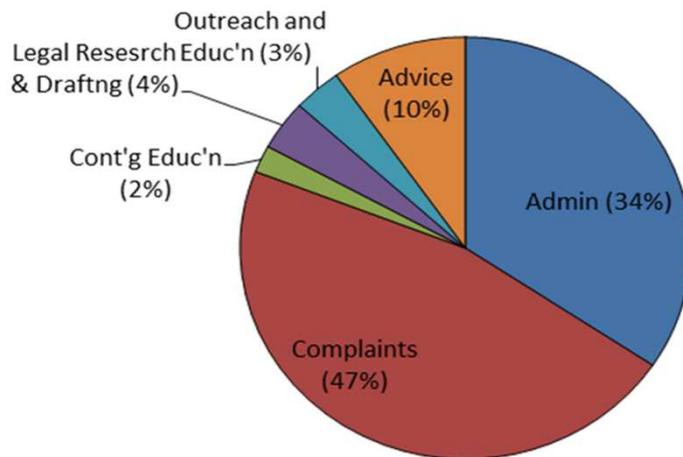
- Leading case management meetings; creating case SOPs, templates, Advisory Opinion compendium, index/database
- Investigating, prosecuting cases, strategy, training INV, LC III
- Drafting financial disclosures legislation; conducting multi-jurisdictional research for EC law, other revisions
- Handling requests for legal advice
- Preparing program of work for intern (law review, research, drafting)
- Training – creating new course; assisting with external training portal content conversion; conducted new emp’ee training; tweeting



Honolulu Ethics Commission
 “We Hold the Public’s Trust”

10

II.B.1. STAFF WORK REPORTS SUMMARY ASSOCIATE LEGAL COUNSEL



11

II.B.2 STATISTICS

a. Website Sessions

- August 2018 - 374
- September 2018 - 346



Honolulu Ethics Commission
"We Hold the Public's Trust"

12

II.B.2 STATISTICS

b. FY2018 Statistics

- City's FY2018 Annual Report
- Ethics reports in the Dept. of the Corporation Counsel section
- New reporting categories
- Comprehensive view of Ethics' work



Honolulu Ethics Commission
 "We Hold the Public's Trust"

II.B.2.b STATISTICS – CITY'S FY2018 ANNUAL REPORT

ETHICS ⁵	FY 2015	FY 2016	FY 2017	FY 2018
Contacts Received (requests for advice, concerns, misc. inquiries)	307	344	268	613
Contacts Answered (requests for advice, concerns, misc. inquiries)	319	219	182	601
Ethics Concerns Received	93	111	86	58
Employees Trained	858	5,172	809	9,686 ⁶
Board, Commission Members Trained	85	0	0	176
Disclosures Received (financial, conflict of interest, outside interest, candidate, nomination, other)	715	746	774	841
Ethics Commission Meetings	9	16	14	11
Advisory Opinions Issued	4	1	3	1
Lobbyist Registrations, Annual Reports Received	213	213	268	323

II.B.3 BUDGET

b. For Discussion:

- FY 2020 Operating Budget Request
- Managing Director Budget Hearing
 - December 12, 2018
(COR/ETH)



Honolulu Ethics Commission
"We Hold the Public's Trust"

15

II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program

- Feedback - new HPD captains training (Sept); new emp'ee training (Oct)
- Developing course for next biennium
- Working w/ City IT Dept. to host board, commission member training on non-domain (private) user interface



Honolulu Ethics Commission
"We Hold the Public's Trust"

16

II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program (cont'd)

- Board/Commission members (Mindflash)
FY2018 total – 176
- City Employees
FY2018 total (1 dept. pending) – 9,686



Honolulu Ethics Commission
"We Hold the Public's Trust"

17

II.B.6. EDUCATION OPPORTUNITIES

a. State Campaign Spending Commission

- Postponed until 2019

b. Airing of *Dark Money*, PBS, Oct. 1, 2018

c. Soc. of Corp. Compliance and Ethics (SCCE)

- Oct. 21-24, 2018 (Las Vegas, NV)

d. Council on Gov'l Ethics Laws (COGEL)

COGEL Conference

- Dec. 9-12, 2018 (Philadelphia, PA)



Honolulu Ethics Commission
"We Hold the Public's Trust"

18

II.B.7. ETHICS COMMISSION MEETING SCHEDULE – CY2019

- Jan. 16
- Feb. 20
- Mar. 20
- Apr. 17
- May 15
- Jun. 19
- Jul. 17
- Aug. 21
- Sep. 18
- Oct. 16
- Nov. 13
- Dec. 18



Honolulu Ethics Commission
"We Hold the Public's Trust"

19

III. EXECUTIVE SESSION

A. For Discussion:

Kealoha v. Tutto



Honolulu Ethics Commission
"We Hold the Public's Trust"

20

III. EXECUTIVE SESSION

B. For Discussion:

Executive Director and Legal Counsel –
Annual Evaluation Feedback*

*Request deferral until Nov. 14, 2018



Honolulu Ethics Commission
"We Hold the Public's Trust"

21

III. EXECUTIVE SESSION

C. For Action:

Request for a Motion to Approve and Adopt
Staff's Draft Advisory Opinion No. 2018-2
Regarding Alleged Violation of RCH Sec. 11-104
Against a City Officer



Honolulu Ethics Commission
"We Hold the Public's Trust"

22

III. EXECUTIVE SESSION

D. For Action:

Request for a Motion to Approve and Adopt
Staff's Draft Advisory Opinion No. 2018-4 by
Request of a Department



Honolulu Ethics Commission
"We Hold the Public's Trust"

23

III. EXECUTIVE SESSION

E. For Action:

Request for a Motion to Approve Conclusions
and Recommendations of Investigation Report
Related to Alleged Violation of RCH Sec. 11-104
Against a City Officer



Honolulu Ethics Commission
"We Hold the Public's Trust"

24

IV. STRATEGIC PLANNING

A. For Discussion: Media Policy

2. City of San Jose Media Policy
(Revised Date June 21, 2016)*

*Request deferral until Nov. 14, 2018



Honolulu Ethics Commission
"We Hold the Public's Trust"

25

V. ADJOURNMENT

Next Meeting: November 14, 2018

Website: www.honolulu.gov/ethics Email: ethics@honolulu.gov

 Twitter: @HonEthicsComm



Honolulu Ethics Commission
"We Hold the Public's Trust"

26

**Agenda Item II.B.2.b.,
Page 2
[Ethics Commission Statistics
– FY2018 Annual Report]**

September 19, 2018 – Ethics Commission Meeting

Agenda Item II.B.2.b.

Ethics Commission FY2018 Statistics

(to be reported in the City's *FY2018 Annual Report* – pending publication)

ETHICS ⁵	FY 2015	FY 2016	FY 2017	FY 2018
Contacts Received (requests for advice, concerns, misc. inquiries)	307	344	268	613
Contacts Answered (requests for advice, concerns, misc. inquiries)	319	219	182	601
Ethics Concerns Received	93	111	86	58
Employees Trained	858	5,172	809	9,686 ⁶
Board, Commission Members Trained	85	0	0	176
Disclosures Received (financial, conflict of interest, outside interest, candidate, nomination, other)	715	746	774	841
Ethics Commission Meetings	9	16	14	11
Advisory Opinions Issued	4	1	3	1
Lobbyist Registrations, Annual Reports Received	213	213	268	323

⁵The Ethics Commission is attached to COR for administrative purposes only.

⁶As of September 6, 2018, with one department pending, but in progress.

Agenda Item IV.A.2.,

Page 3

**[City of San Jose Media
Policy, Revised Date June 21,
2016]**

Email sent on July 18, 2018

Chair Marks and Director Yamane,

For next month's meeting, or whenever we next take up the media policy, I'm planning to refer to the media policy of the city of San Jose:

<https://www.sanjoseca.gov/DocumentCenter/View/16106>

This six-page document is a great model, but for our Commission's purposes, the most relevant part is subsection 4 (Departments). If you'd like to distribute this to the commissioners for reading in advance of the meeting, I'd recommend calling their attention to that section in particular.

One of the features of the San Jose policy is the existence and role of a communications office under the city manager that coordinates media response with city departments. I'm going to be out of town July 20-27, but after I get back, I'd be glad to try to find out who at Honolulu Hale I can ask about coordinating our media policy and efforts with those of the City and County. (If you know, maybe you can save me some research.)

Aloha,

David Monk

Media Policy**Section 6.1.3****1. PURPOSE**

To ensure that the public is informed about all aspects of City government by maintaining positive media relations; encouraging media coverage of the services and accomplishments of the City; and responding to the media with accurate and timely information.

2. POLICY**2.1 RELATIONSHIP WITH NEWS MEDIA**

The news media are an important component of the City's ability to communicate with and serve the public, accomplish public policy goals, and provide high quality and responsive municipal services.

Inquiries from the news media are a high priority and must be responded to by the appropriate department or person as quickly and efficiently as possible. Every effort will be made to meet media deadlines and to ensure that all information released is accurate.

The City does not centralize media information requests through any one office. Reporters may request interviews and seek information directly from any City department or office, and departments should respond consistent with this policy and with departmental policies.

2.2 WHAT IS NEWS MEDIA

In general, the City should respond to reporters fairly regardless of the type of media outlet represented by a reporter.

News media has experienced radical changes in recent years, and reporters now represent a wide range of news outlets. Although traditional media such as print and broadcast remain important, new types of media such as independent bloggers, community or citizen journalists, corporate online newsrooms, online news outlets, and social media and neighborhood platforms have also emerged as essential channels for disseminating public information.

2.3 PROACTIVE MEDIA RELATIONS

It is the goal of the City of San José to keep the public informed about achievements and efforts of the City and staff. The City seeks opportunities to proactively communicate by notifying local, national, professional, trade media and news media outlets about City achievements, awards, accomplishments, and innovations.

Media Policy**Section 6.1.3****2.4 OPEN GOVERNMENT**

The business conducted by the City of San José is generally public and therefore is accessible as public information. Inquiries regarding pending litigation, matters involving a significant exposure to litigation, and certain personnel-related information are exceptions under state law and City policy. The City's commitment to transparency is contained in the [Open Government Ordinance](#), Chapter 12.21 in the San Jose Municipal Code (https://www2.municode.com/library/ca/san_jose/codes/code_of_ordinances?nodeId=TIT12ETOPGOPR_CH12.21OPGO). The Open Government Manager in the City Manager's Communications Office and the City Attorney's Office should be consulted if there are questions whether or when certain information must be made available to the media or to the public. The City's [Public Records Policy](#) also provides guidance (<http://www.sanjoseca.gov/DocumentCenter/View/24722>)

2.5 CITY RESPONDS ONLY ON BEHALF OF THE CITY

City and departmental communications staffs represent only the City itself. For this reason, City staff will not respond to news media inquiries on behalf of other agencies, businesses, or organizations regarding policy, operations, or incidents. Communications staff, however, should endeavor to be helpful to reporters by referring such inquiries to other organizations as the situation requires and coordinate responses as appropriate.

2.6 SOCIAL MEDIA POSTING, ON-LINE MONITORING, AND RESPONSE

Increasingly reporters are using a variety of social media platforms to report, update, and share news stories. The City's [Web-Based Communications Policy](#) provides a framework for the City, including both the City Manager's Communications Office and departmental communicators, to disseminate information to the media and correct misinformation (www.sanjoseca.gov/DocumentCenter/View/16045).

City communications staff will proactively post to and actively monitor social media and on-line news and commentary sites relevant to the City issues and operations. When online commentary becomes inaccurate, unhelpful for customers and public, or detrimental to the City and its personnel, communications staff will work with the City Manager's Communications Office to determine when or whether it is appropriate to participate in an on-line discussion or submit a correction, or develop a response suitable for the specific discussion site and issue.

2.7 NO "PAY-TO-PLAY" MEDIA

Occasionally representatives from certain trade, business, or commercial media seek commitments for City advertising or access to lists of contractors or vendors in consideration for publishing a story. The City will not participate in any "pay to play" media proposal, and it will not provide lists of vendors or other potential advertising contacts to publications or other media as a condition for publication of a story.

Media Policy**Section 6.1.3****2.8 LANGUAGE ACCESS AND MEDIA**

Because of the diversity of the San José community, the City and its departments should consider steps to provide news and information in languages appropriate for residents with limited English proficiency. In addition, when appropriate and where practical, the City should develop the capacity to respond to news media inquiries that are not in English.

3. CITY MANAGER'S COMMUNICATIONS OFFICE**3.1 ROLE**

The City Manager's Communications Office is responsible for the coordination of Citywide media relations and for ensuring accuracy, consistency, and quality in the City's overall responses to media. The Communications Office assists departments as necessary in responding to and aiding news media, and it will refer news media inquiries it receives to departments as appropriate.

3.2 CONSULTING ASSISTANCE AND TRAINING

The Communications Office is available for advice and consultation with departments on media relations matters. Training in media relations policy, procedures, and techniques is periodically coordinated by the Communications Office.

4. DEPARTMENTS**4.1 DEPARTMENTAL MEDIA POLICIES**

Department directors, or a department's communications staff, will develop specific media policies for their departments that ensure that the appropriate persons respond to news media inquiries with accurate and timely information.

Departmental policies should designate which employees may respond to media inquiries, and under what circumstances. Policies also establish procedures to ensure that the department director and the City Manager's Communications Office are informed of media inquiries (see Section 4.4, Notifications and Referrals).

Departmental policies must be reviewed annually and updated as necessary, and updates must be regularly submitted to the City Manager's Communications Office.

Media Policy**Section 6.1.3****4.2 DEPARTMENT POLICY-RELATED INQUIRIES**

News media inquiries on departmental policy issues should be answered by the department director or the director's designee for the issue. Although every effort should be made to meet reporters' deadlines, information should be released only when it is confirmed to be factually accurate.

4.3 DEPARTMENT OPERATIONAL INQUIRIES

With the approval of a supervisor or manager, news media inquiries regarding operations within a department may be answered by a departmental employee who has the most relevant knowledge and experience.

Although every effort should be made to meet reporter's deadlines, information should be released only when it is confirmed to be factually accurate. When in doubt, check with a manager at the department's Executive Staff level or higher, or with the City Manager's Communications Office.

4.4 NOTIFICATIONS AND REFERRALS BY DEPARTMENTS

- a. Whenever a news media inquiry concerns a matter of broad community significance, is likely to result in controversy, could have a practical and/or political impact on a large segment of the community, or relates to an emergency situation, the City Manager's Communications Office will be notified immediately.
- b. When a department receives an inquiry from the news media regarding issues involving more than one department, responses will be coordinated with the other relevant department(s) and with the City Manager's Communications Office.

4.5 NEWS CONFERENCES/EVENTS PLANNING

News conferences or other efforts to attract media attention about a departmental issue or event should be coordinated with the City Manager's Communications Office. Depending on the issue or event, the Mayor's Public Information Officer and/or the affected City Councilmember(s) should also be included in the coordination.

Requests from the office of the Mayor and/or a City Councilmember for assistance with, or participation in, a news conference or other efforts to attract media attention should be coordinated with the City Manager's Communications Office. When in doubt, check with the City Manager's Communications Office.

Media Policy**Section 6.1.3****5. PUBLIC RECORDS REQUESTS**

Requests from the media for public records should be handled promptly and consistent with the City's Public Records Policy. When there are questions about whether the information requested can be released, departments should consult with the City Attorney's Office and the Open Government Manager in the City Manager's Office.

In addition, the City Manager's Communications Office should be notified whenever such a request is an unusual, extensive, affects multiple departments, or appears to be related to a news media investigative effort. This requirement is in addition to any notification requirements contained in the City's Public Records Policy (www.sanjoseca.gov/DocumentCenter/View/24722).

6. CORRECTIONS, COMMENTARY, LETTERS

The City has an obligation to help the news media provide accurate information to the public. Therefore, factual errors should be corrected in an appropriate and timely way.

Commentary, opinion columns, and letters to the editor that are written to represent the City's view regarding operations, policies, or City positions must be coordinated with the City Manager's Communications Office.

Individual City employees may express personal opinions with "letters to the editor," but not as representatives of the City unless they have prior approval by their department director and the City Manager's Communications Office.

7. MAYOR AND COUNCIL ROLES**7.1 MAYOR AND COUNCIL OFFICES AS A MEDIA RESOURCE**

The Mayor and City Councilmembers can be valuable resources for providing policy and political perspectives in response to specific news media inquiries; helping to disseminate City news and information to constituents and identifying stakeholders who should be informed; participating in news media events; and providing statements for news releases.

Departments should coordinate their requests for participation from the City Council with the Mayor's Public Information Officer or the relevant Council office.

7.2 NOTIFICATIONS

Whenever a major event of unusual significance occurs, either citywide or for a Council district, the City Manager's Office should be notified immediately. As much as practical, notification must be made to a live body; voicemail, email, or text messages can supplement that notification. The notifying party and the City Manager's Office will coordinate appropriate and timely notifications to the Mayor and appropriate Councilmembers.

Media Policy**Section 6.1.3**

Events of citywide or district significance have or could have a substantial practical or political impact on the city as a whole, on a significant portion of the community, or on a neighborhood. This includes but is not limited to any incident or issue that is likely to attract substantial news media interest, including major police and fire incidents.

7.3 MEDIA INQUIRIES TO THE MAYOR'S OFFICE

Media inquiries are frequently directed to the Mayor's Public Information Officer. When such a request involves operational issues; the Mayor's Office refers calls to the CMO Communications Office or to appropriate department staff. In responding to such a referral, the department should comply with its media policy and ensure the request is responded to with accurate and timely information.

8. EMERGENCY PUBLIC INFORMATION

In the event of an emergency, the City's *Emergency Operations Plan* designates the City Manager's Director of Communications as the Emergency Public Information Officer. The plan also designates a line of succession to this responsibility when the Director of Communications is absent or when additional shifts are required.

As part of their normal responsibilities, communications staff in the departments are also members of the City's Emergency Public Information Team. The City Manager's Communications Office coordinates regular training and exercises for staff involved in the emergency public information function.

Department directors should ensure that departmental emergency operations plans address the essential communications component of any departmental vulnerabilities. Plans should address who speaks for the department in an emergency, off-hour availability and contact information of key staff, and training. Departmental plans also should include the development of fact sheets and similar materials on operations, issues, and services that are likely to be of concern in an emergency.

Approved:

/s/ David Vossbrink
David Vossbrink
Director of Communications

June 21, 2016
Date

Approved for Posting:

/s/ Jennifer Schembri
Jennifer Schembri
Director of Employee Relations
City Manager's Office

June 21, 2016
Date