

WELCOME TO THE ETHICS COMMISSION MEETING

Please sign in at the testimony table.

As a courtesy, please silence your cell phone.



Date: September 20, 2017
Time: 11:30 a.m.
Place: Kapālama Hale
925 Dillingham Boulevard
1st Floor Conference Room

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ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum



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II. NEW BUSINESS

II.A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution



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II.A. CHAIR'S REPORT

2. For Action: Approval of Open Session Minutes of August 16, 2017
3. For Action: Approval of Executive Session Minutes of August 16, 2017

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



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

1. Staff Work Reports Summary



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

- Administering city purchasing credit card (pCard)
- Processing case intake, requests for advice, litigation, strategic planning correspondence, meeting materials, online training instructions, other
- Coordinating conference room and motorpool car use
- Attended sunshine law, info practices training (OIP)
- Attended mtg w/Mayor's legislative liaison on boards and commissions



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II.B.1. STAFF WORK REPORTS – HIGHLIGHTS LEGAL CLERK I

- Drafted/finalized online training instructions; working w/IT dept. (DIT) on training refinements; launching, managing board/commission member training
- Archiving files, cases, filings (8 of 14 pending)
- Updating, redesigning, refreshing website
- Assisting with investigations, case management
- Attended sunshine law, info practices training (OIP)
- Attended mtg w/Mayor’s legis/liaison on bds/comms



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II.B.1. STAFF WORK REPORTS – HIGHLIGHTS

Law School Interns (2)

- Project – Advisory Opinion Compendium Database
 - ✓ 96/203 opinions summarized
 - ✓ Target completion by Oct. 31, 2017



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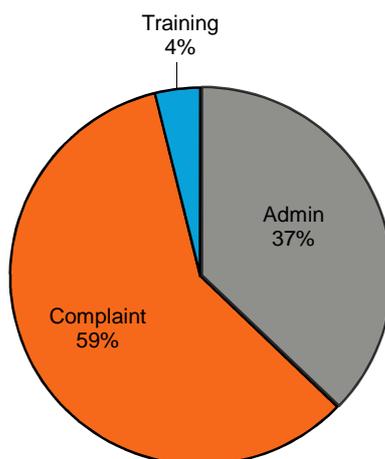
II.B.1. STAFF WORK REPORTS – HIGHLIGHTS INVESTIGATOR

- Managing case load (interviews, investigation, research/analysis, reporting)
- Developing triage/intake, case management process, process flowcharts, procedures
- Researching case management databases
- Taking online training – pivot tables



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II.B.1. STAFF WORK REPORTS SUMMARY INVESTIGATOR



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

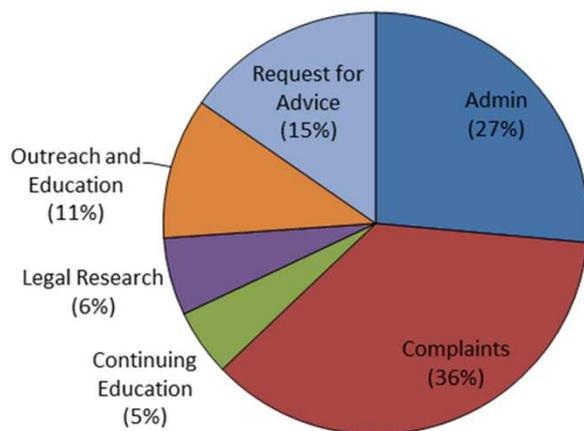
- Finalizing DIT ethics training application
- Managing cases, requests for advice, reporting
- Conducting case investigations, strategy, training Investigator and Legal Clerk I
- Prepping cases for probable cause hearings
- Handling ongoing admin responsibilities



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



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II.B. EDLC REPORT (cont'd)

2. Statistics

a. Website Sessions

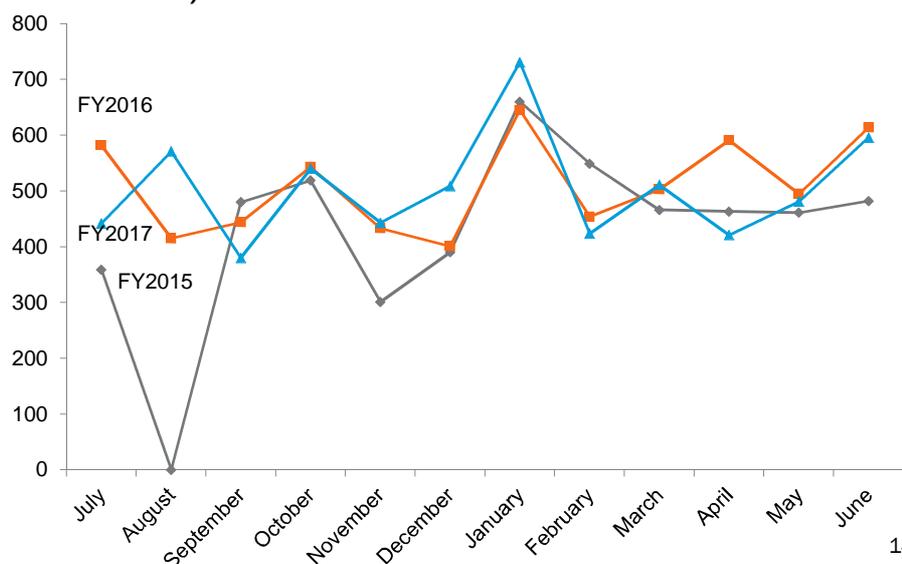
- August 2017 - 565

b. Website Sessions, FY 2015 - FY2017 (by month)



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II.B.2. STATISTICS
WEBSITE SESSIONS, FY2015 - FY2017 (by month)



II.B. EDLC REPORT (cont'd)

2. Statistics (cont'd)

c. Complaints and Requests for Advice (by source) – FY2017

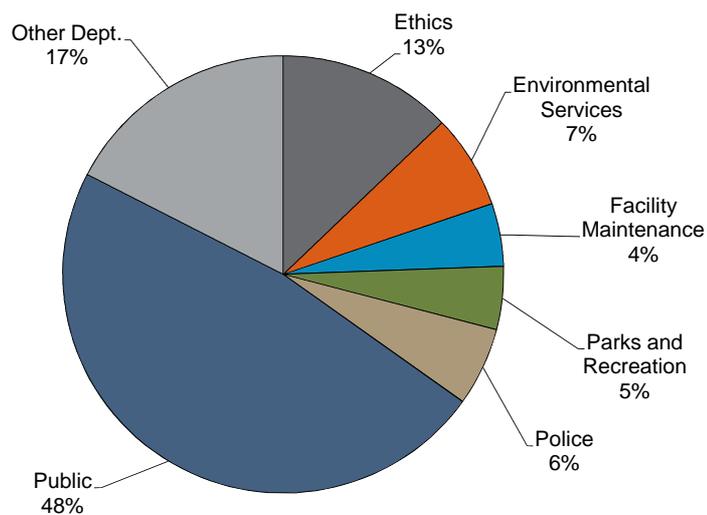
i. Complaints (by source) – FY2017

ii. Requests for Advice (by source) – FY2017

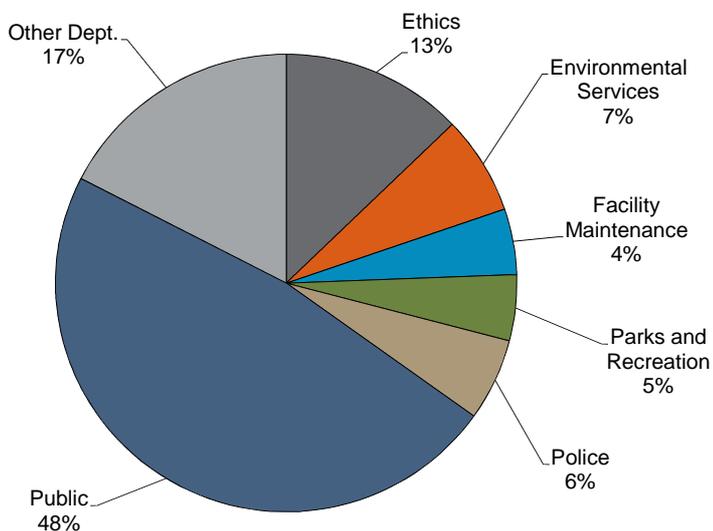


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II.B.2. STATISTICS COMPLAINTS AND REQUESTS FOR ADVICE (by source), FY2017

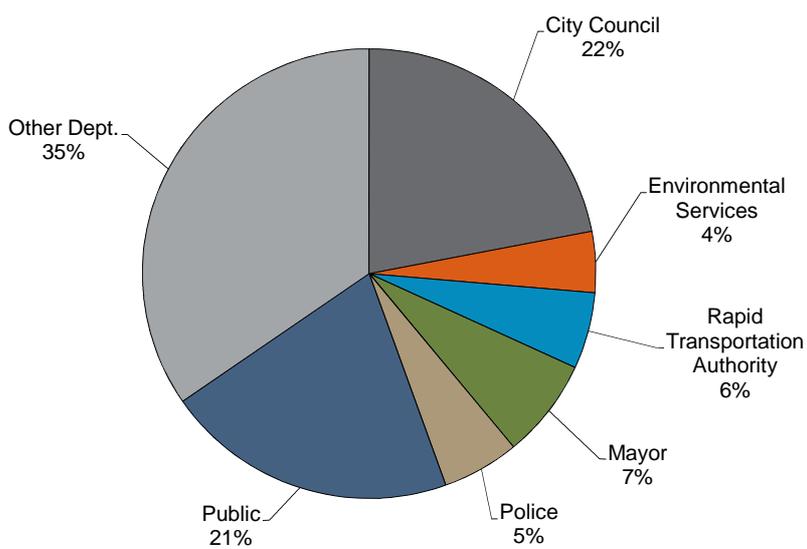


II.B.2. STATISTICS COMPLAINTS (by source), FY2017



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II.B.2. STATISTICS REQUEST FOR ADVICE (by source), FY2017



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II.B. EDLC REPORT (cont'd)

3. Budget

- a. FY2018 Operating Budget
- b. FY2019 Operating Budget Request
 - Sep. 8, 2017 (1st deadline to Budget and Fiscal Services)



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II.B.4. EDUCATION AND OUTREACH

- a. Ethics Training Program
 - Online ethics training launched
 - ✓ Councilmember meetings done (9/9)
 - ✓ Cabinet meeting – Aug. 22, 2017
 - ✓ Sent 58 Cabinet training evites, most completed training (48/58)



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program

- Online ethics training launched
 - ✓ Dept'l Training Coordinator sessions (2) – Sep. 18, 2017
 - ✓ Partnering w/ Human Resources, IT
 - ✓ Instructions drafted – employee (trainee), white-collar admin, blue-collar admin



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II.B.4. EDUCATION AND OUTREACH

a. Ethics Training Program (cont'd)

- Mindflash Ethics Training
 - ✓ Liquor Comm (2/4), resent Sept. 11
 - ✓ Community Based Development (18/18)
 - ✓ Clean Water Board (7/8), resent Sep. 11
 - ✓ HART New CEO



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II.B.4. EDUCATION AND OUTREACH

b. Center for the Advancement of Public Integrity (CAPI)

- Profiles in Public Integrity
- Issue Brief – Developing an Online Training Program



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II.B.5. CHARTER AMENDMENT QUES. NO. 2

- Ordinance 17-47 [Bill 057(17)] enacted Aug. 24, 2017

II.B.7. Legislation – City Council

- Ordinance 17-44 [Bill 050(17)] enacted Aug. 24, 2017



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II.B.8. EDUCATION OPPORTUNITIES

- a. Soc. of Corp. Compliance & Ethics (SCCE)
16th Annual Compliance & Ethics Institute
[Commissioners (2), EDLC attending]
- b. Council on Government Ethics Laws
(COGEL), Annual Conference, Dec. 3-6, 2017
(Toronto)

[End – EDLC Report]



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IV. STRATEGIC PLANNING

For Discussion:

Comments on *Ethics Commission – 2027*
(exposure draft dated June 21, 2017)

- Annotated draft strategic plan
- HGEA, AFSCME, Bd. Water Supply, Police, Human Resources, Ethics Cmmr, Member of the Public



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IV. STRATEGIC PLANNING

Timeline:

- ✓ *Sept. 1, 2017 – Receive comments*
- ✓ *Sept. 20, 2017 – Ethics Comm. reviews comments*
- *Sept. 27, 2017 – Permitted Interaction Grp (PIG) reviews comments, amends draft*
- *Nov. 2017 – PIG’s am’d draft to Ethics Comm. (1)*
- *Dec. 2017 – Ethics Comm. reviews am’d draft (2)*
- *Jan. 2018 – Ethics Comm. adopts strategic plan (3)*



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V. ADJOURNMENT

Honolulu Ethics Commission
Kapālama Hale
925 Dillingham Boulevard, Suite 190
Honolulu, Hawai`i 96817
Ph: (808) 768-7787

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

~MAHALO~



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**Agenda Item II.B.4.b.,
Page 2
[CAPI Update]**

Profile in Public Integrity:

Jan Yamane

**Executive Director and Legal Counsel,
Honolulu Ethics Commission**



Jan Yamane is the Executive Director and Legal Counsel of the [Honolulu Ethics Commission](#), a position she has held since August 2016. Before joining the Ethics Commission, Yamane worked for over ten years in the Office of the Hawai'i State Auditor, most notably as acting Hawai'i State Auditor from 2012-2016. Yamane holds a Juris Doctorate from the University of Hawai'i at Mānoa and a master's degree from Harvard University.

Both in your current position with the Honolulu Ethics Commission and as Hawai'i State Auditor, you've been tasked with overseeing the conduct of government officials. How did you become interested in issues of public integrity, and why did you decide to devote your career to integrity enforcement?

I was attracted to public integrity work because I wanted to make a difference—to make things better for my community. I was born and raised in Honolulu, Hawai'i, and have lived here most of my life. Honolulu is my home, and community and family are very important to me. I have always felt a responsibility to my community. In Hawaiian, this is *kuleana*—a reciprocal relationship between the person who is responsible, and the thing for which they are responsible.

Prior to your current position in the Honolulu Ethics Office, you served for several years as the acting Hawai'i State Auditor. How did your experience in the Auditor's Office shape your understanding of anti-corruption issues? In what ways do the two offices differ?

The two offices are different, yet similar. In general, auditor's offices conduct post-audits of a state's transactions, programs, and performance of all departments. Audits look *back*—through the rear-view mirror—and identify ways to improve based on past performance.

Similarly, ethics investigations look through the rear-view mirror to review past conduct and practice, and determine whether established standards of conduct were met. On the other hand, ethics education, advice, and outreach look *forward*—through the windshield—and, if done correctly and timely, can anticipate and guide future behavior. The opportunity for ethics offices to affect prospective conduct is exciting work.

What are the most serious challenges you have faced since joining the Honolulu Ethics Office? In dealing with these challenges, what insights have you gained that could benefit other municipal ethics bodies?

Funding and resources are in short supply, so planning for the future is paramount. For municipal bodies with ethics boards and commissions, harness your members to lead your program into the future. Fortunately, Honolulu's Ethics Commission has taken a hands-on leadership approach. The commission's seven members are retired judges and mediators, a former state attorney general, marketing executive, and federal official, who collectively bring a wide range of experiences, strengths, and talents to the table. The commission has undertaken strategic planning, a draft of which is currently under review. The draft plan took almost a year to develop and provides a road map and dashboard for the next ten years.

Of which of your office's achievements are you most proud?

In addition to the draft strategic plan, we're especially excited to roll out online ethics training for city officers and employees in August 2017. We partnered with the city's IT and human resources departments to develop an in-house learning management system application to deliver ethics training to city workers' desktops. The online system will invite employees to participate, deliver and track training, issue completion certificates, and return ethics training data analytics to the Ethics Commission. In time, we plan to develop a compendium of ethics courses on gifts, use of city resources, preferential treatment, post-employment, and other topics.

What changes could the city of Honolulu make to encourage government accountability and reduce the likelihood of public ethics violations?

We need to clarify ethics laws so City officers and employees are aware of their responsibilities under the standards of conduct. For decades, Honolulu's ethics laws have been interpreted in advisory opinions, which are arranged numerically and by subject matter on our website. Such opinions are neither easy to access nor understand. To address this concern and as one of its strategic objectives, the commission is undertaking review, update, and alignment of key ordinances, rules, and advisory opinions. This includes amending laws and rules and adopting new rules and directives. This effort will take time, but alignment is an important first step in improving the city's standards of conduct. Once aligned, next steps would include issuing simplified guidance documents and updating training.

If funding and resources are in short supply, planning for the future is paramount

What is the most interesting or important thing you have learned about public integrity or corruption so far in your career?

The Hawai'i State Constitution establishes state and county ethics commissions, so public integrity is fundamental to state and local government.

But public integrity comes not only from the *tone at the top*—that is, management's leadership and commitment towards openness, honesty, integrity, and ethical behavior—but also from the personal integrity of each individual. The Hawai'i State Constitution also recognizes this truism in the preamble to its code of ethics:

The people of Hawai'i believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government. To keep faith with this belief, the legislature, each political subdivision and the constitutional convention shall adopt a code of ethics... Each code of ethics shall be administered by a separate ethics commission...

Hawai'i is fortunate to have public integrity as a constitutional mandate, especially since many state and local governments continue debate over whether to adopt such standards. Although budgets may rise and fall with the economy, there is comfort in knowing that, in Hawai'i, public integrity cannot be written out of the law or defunded.

**Agenda Item II.B.5.,
Page 2
[Ord. 17-47 (Bill 057-
17) 08-24-17]**



A BILL FOR AN ORDINANCE

RELATING TO ETHICS COMMISSION STAFF.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to repeal language duplicative of the Revised Charter of the City and County of Honolulu, Section 11-107, as amended by Charter Amendment #2 adopted at the general election held on November 8, 2016, in the City and County of Honolulu.

SECTION 2. Section 3-6.4, Revised Ordinances of Honolulu 1990 ("Commission staff"), is repealed.

~~["Sec. 3-6.4 Commission staff.~~

~~(a) There shall be an executive director of the ethics commission who shall be an attorney licensed to practice law in the State of Hawaii. The executive director shall be referred to as the legal counsel to the commission. The salary of the legal counsel shall be set by the ethics commission, within the EM-7 range applicable to city and county civil service employees, payable semi monthly out of the city treasury; provided, that the salary may fall below the EM-7 range if the position of legal counsel is less than a full-time position.~~

~~(b) The commission may appoint such additional staff and engage consultants as is necessary to assist it in the performance of its duties.~~

~~(c) The position of legal counsel and any other staff shall be exempt from the provisions of Chapter 11 of Article VI of the Revised Charter of Honolulu, as amended, but all positions except that of the legal counsel shall be included in the position classification plan."]~~

SECTION 3. Material to be repealed is bracketed and stricken.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 17-47

BILL 57 (2017)

Introduced: 05/23/17

By: RON MENOR – BY REQUEST

Committee: EXECUTIVE MATTERS AND
LEGAL AFFAIRS

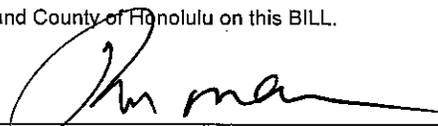
Title: A BILL FOR AN ORDINANCE RELATING TO ETHICS COMMISSION STAFF.

Voting Legend: * = Aye w/Reservations

06/07/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE.
06/27/17	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-256 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
07/01/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/12/17	COUNCIL/PUBLIC HEARING	CR-256 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, OZAWA. 2 ABSENT: MENOR, PINE.
07/19/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/25/17	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-289 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
08/09/17	COUNCIL	CR-289 ADOPTED AND BILL 57 (2017) PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


GLENN TAKAHASHI, CITY CLERK


RON MENOR, CHAIR AND PRESIDING OFFICER

**Agenda Item IV.A.,
Page 3
[Comments on
Exposure Draft
(Dated 06-21-17)]**

Exposure Draft – June 21, 2017 Ethics Commission meeting, annotated
with comments received September 2017

Ethics Commission – 2027

This document sets out a longer-term strategy and is based on discussions held in 2017. It is a work in progress, a flexible and directional touchstone for Commissioners and Staff. It will be revisited periodically over the next several years—2020 (year three), 2022 (year five), and 2024 (year seven)—and as key assumptions change or as internal or external conditions require. As needed, we will use it as source material to drive specific changes in direction, laws and rules, procedures and activities.

Lilly – state what plan is. Restate “Mission.”

Kanda – executive summary would be helpful.

As part of this strategy, we will examine other jurisdictions and determine best practices for ethics commissions and ethics oversight. Similar jurisdictions may have similar ethics laws, oversight and enforcement responsibilities, population size, demographics, geographic size, among other factors.

Finally, we commit to properly balancing transparency and openness with necessary and legally warranted confidentiality. Critical to our success, however, is the need for appropriate resources, including adequate budget, number and type of staff, and commissioner capacity proportionate to the overall workload.

I. Who We Are

Chartered by law, we are the City and County of Honolulu’s ethics watchdog agency. Our job is to ensure that all of the C&C’s approximately 10,000 elected leaders, appointed officials, and employees understand and follow the ethical standards of conduct governing their work for the public.

In Fiscal Year 2017, we began to review our policies and procedures to determine where we were and then plan for the future. We filled our full complement of five budgeted staff—Executive Director and Legal Counsel, Associate Legal Counsel, Investigator, and two Legal Clerks—and assessed and debriefed our practices and began making adjustments for efficiency and effectiveness. The work is on-going, but in progress.

Skills training for Commissioners and Staff is also essential for success. While some training has been accomplished—for example, sunshine law and government records training, core computer application refresher training, and investigation training—there is much more to do.

II. Why We Are Working on a Forward Facing Strategy

We are undertaking a focused review and giving intentional forethought to help shape the Commission’s future. We have a new Executive Director, a competent and hardworking Staff, and a strong set of Commissioners, all of whom are dedicated to implementing the agency’s mission. We anticipate a rising volume of work and cases of increased complexity. With this document, we want to further position ourselves so that our work is conducted with the greatest possible efficiency and integrity.

We recognize that a rising volume of work and cases of increased complexity drive a need for budget and resources proportionate to workload. Meeting this need will be one of our strategic priorities.

III. Dashboard

Here are the metrics and vital signs we plan use to monitor ourselves. Wherever possible, we will apply “aging” reports to evaluate workload and stay alert for backlogs, gaps, and case handling delays. This dashboard is meant to be a management and decision support tool for Commissioners and Staff.

Trailing Indicators (*Looking Back*)

1. Requests for trainings
2. Requests for advice
3. Advisory opinions

4. Preliminary determinations (reevaluate and address via future rule-making or policy adoption)
5. Investigations
6. Complaint procedures
7. Requests for information via the Uniform Information Practices Act (UIPA), Hawaii Revised Statutes Chapter 92F
8. Hearings
9. Ethics Commission meetings that comply with Hawaii open meetings law, also known as the sunshine law, Hawaii Revised Statutes Chapter 92

Lilly - add 10. Constitution, Charter, and Ordinance provisions governing ethics and enforcement.

Leading Indicators (Looking Ahead)

10. Anticipated population growth/decline in the C&C of Honolulu
11. Anticipated number of C&C employees and elected and appointed officials
12. Anticipated number of new employees and elected and appointed officials
13. Anticipated Ethics Commission budget and positions required to handle anticipated needs

Lilly - add 14. Anticipated new laws governing ethics and enforcement.

IV. Key Values

1. **Independence.** We will dispassionately (**Lilly**) appraise every circumstance that comes before us against pertinent laws and specific facts. We will play no political favorites, and let the chips fall where they may.

Lilly - add “dispassionately” between “will” and “appraise”

2. **Transparency.** We will strive for the greatest possible openness while honoring the rights of privacy and confidentiality [~~when privacy is required~~] (**Lilly**). We endeavor to balance a user-friendly guidance and

approach with sound procedures to vet, triage, and bring actions to enforce the City’s standards of conduct.

3. **Above Reproach.** We ourselves, as a Commission and as individuals, will continuously strive to merit the behaviors we enforce on others. Our charter is to help instill confidence in the integrity of City government employees and that they will adhere to the highest standards of ethical conduct. (Lilly)

IV. The Current Situation

Here is how we evaluate ourselves at this moment:

Major Strengths	Major Weaknesses
<p>We now have a strong Staff in place and a cohesive and dedicated group of Commissioners.</p> <p>Our relationships with other agencies are continuously improving.</p> <p>We have a vastly better method of training the City’s approximately 10,000 employees to their ethical duties.</p> <p>Our monthly data collection and reporting systems are steadily improving.</p> <p>Our meetings are more efficient with good opportunities for public testimony.</p>	<p>Our budget is insufficient to our core need and rising demand. Our existing staff is not large enough to fulfill all functions; that is, investigations, prosecutions, advisory opinions, ethics training, etc.</p> <p>We need to update and clarify our rules.</p> <p>We need to update our policies and procedures.</p> <p>Staff and Commissioners lack opportunities for skills and ethics training and upward mobility and opportunities to interact with ethics commissions of other jurisdictions.</p> <p>The ordinances that direct and guide us require updating.</p> <p>We are not well understood by <u>City officers, employees, and (Lilly)</u> the public at large.</p> <p>We remain entangled in litigation, which casts an unnecessary shadow over our work and drains resources.</p> <p>Administrative support duties are blurry and need to be clarified.</p>

	How we interpret and best function with sunshine law requirements.
Opportunities	Challenges
<p>We will eventually be audited, but we will undertake our own thinking on lessons learned and future efforts; knowledge gained from this effort will be supplemented by what external auditors recommend.</p> <p>We can define, operationalize, and make public our best practices.</p> <p>Rotation of Commissioners brings new perspectives and adds strength.</p> <p>We can utilize skilled volunteers who understand the Ethics Commission’s work.</p> <p>There are opportunities to impact the ordinance and adoption of rules.</p> <p>We can position ourselves for inevitable future administrations and councils.</p>	<p>Turnover and rotation. Potential loss of Staff and Commissioners.</p> <p>Flat resources or budget cuts if the economy dips, which is expected.</p> <p>Small number of excessively time-consuming cases that pull us away from other required work.</p> <p>Physical location. Not close to other agencies. Iwasa - Agree, phys location is a challenge. Scofflaws who ignore C&C ethical requirements, then the Ethics Commission gets blamed.</p>

HPD - We would like to refer to the items listed in the table under Major Strengths “...better method of training the City’s ~10,000 emp’ees to their ethical duties.” HPD would like to coordinate and combine the EC training along with the current HPD online training. “Ethics Training for HPD” is a current training topic provided to emp’ees on an annual basis. HPD training consists of several slides presented in a method similar to a PowerPoint presentation and followed by a test taken in digital format. The online training is monitored by the HPD Training Division, which utilizes emp’ees’ ID #s and City network credentials in order to track completion dates and test scores.

V. Assumptions About the Next 10 Years

- Ethics Commission’s staffing needs will increase even as we gain efficiency, but our budget will always be determined by others.
- Our caseload will go up because:
 - C&C of Honolulu’s population goes up about 10 percent every 10 years.
 - The more training and outreach we do, the more inquiries and cases are generated.
 - As the social fabric in Hawai’i changes because of demographic shifts and as O’ahu becomes more crowded and factionalized, we will receive more ethics inquiries and concerns. People are increasingly argumentative and litigious.
 - When the economy dips and city services are diminished, we will receive more ethics issues and concerns.
 - As C&C employee ranks turn over, training will need to be continuously refreshed and delivered to [a] (Lilly) new cohorts of employees.
- More employees will have electronic devices, enabling greater reach for ethics training. Computerized training delivery will become easier, faster, cheaper.
- The “80/20” principle will continue to prevail; that is, 80 percent of our work and effort will always focus on 20 percent of our caseload. Some of that 20 percent will be hot potatoes with high media visibility. As social media expands, there may be increasing numbers of hot potatoes.
- We will always be in some kind of “stretch mode” and likely never have all the resources we need.
- Over the next 5-10 years, federal and state funding will reduce.
- The process of Commissioner appointments will stay the same: Mayor appoints, Council confirms.

- We will need to do more effective education and outreach to the Mayor and Council to ensure they understand what we do and to secure the funds and positions we need to operate effectively.
- The Commission may on its own initiative initiate complaints.

VI Priority Objectives

Objective 1: Review, update, and realign key ordinances, rules, and standard operating procedures for the following:

	Priority Areas to be Reviewed for Changes	Ordinance	Rules	SOPs	Training & Education
1	Financial Disclosures				
2	Lobbyist Registrations				
3	Procedural and Substantive Rules				
4	Separation of Duties				
5	Gifts				
6	Fair & Equal Treatment				
7	Conflict of Interest Disclosures				

AFSCME – This priority objective is to review and update ordinances, rules, and policies and procedures. When that occurs, the HGEA should be provided the opportunity to review those proposed changes and offer comments and concerns at that time.

In conjunction with the above:

- Examine analogous procedures from Office of Disciplinary Counsel and other ethics commissions, possibly Indianapolis, IN; Cincinnati, OH; Jacksonville, FL; and also review their staff-to-workload ratios.
- Review and revise, as needed the definition of “complaint” and consider disallowing anonymous complaints to proceed to investigation without named complainant. Prior to that, it would be a “contact.”

Iwasa – Whistleblowers may come forward requesting anonymity for various reasons, which I think commrs are well aware of. While I understand the desire to require ID of complainants at the point of starting an investigation, I am concerned that this would be a blanket policy that treats all whistleblowers the same without recognizing that some situations may warrant nondisclosure of the complainant beyond the inquiry stage.

There may be instances in which investigations could at least get started while the ID of the complainant is unknown. I think the better policy is to go forward on a case-by-case basis and allow anonymous complaints to proceed as long as practicable and permitted by law.

AFSCME – agree and support that EC should review and revise the definition of “complaint” and that the EC should not allow anonymous complaints to proceed to investigation without a named complainant.

- c. Analyze and potentially pursue having Corporation Counsel or other government attorneys (Lilly) conduct some (Lilly) prosecutions as a way of reducing internal conflicts between Commission functions.

AFSCME - Instead of COR participating in prosecutions where there is a conflict of interest, the EC should consider having a corp. counsel from another county or a dep. AG to assist in those instances, to avoid any conflict of interest or the appearance of any conflict of interest.

- d. To ensure uniformity of practice and continuity to the future, develop an updatable set of policies and procedures available to the Commission, Staff, and the public. Collate existing Commission policies and procedures and develop new ones in conjunction with future changes to the ordinances and rules described above.
- e. Consider adopting as a policy that the Commission [will] may (Lilly) not initiate or proceed with its own investigation if official investigations are being conducted by other tribunals.

AFSCME – Objective is stated very broadly and should be clarified. The EC should be conducting its own independent

investigation to determine whether any standards of conduct have been violated. However, this proposed objective suggests that the EC should consider adopting as a policy that they will not initiate or proceed with its own investigation “if official investigations are being conducted by other tribunals.” What does this mean? Does it include admin. investigations by City depts. or on behalf of City depts. (e.g., priv. agencies hired by the City) concerning wrongdoing by emp’ees? What does “by other tribunals” mean? Criminal investigations by the Prosecuting Atty’s office? The EC should be doing its own independent investigations and not relying on investigations of other depts. or agencies who are conducting investigations for different purposes (e.g., looking for violations of admin. rules, criminal statutes, etc.).

HPD – Subsections d. and e. address policies and procedures with respect to investigations. It may be good practice to establish guidelines for requesting information and the questioning of City emp’ees, while keeping in mind the respective Collective Bargaining Agreements, Garrity Rights, and Weingarten Rights.

Kubo/DHR - Even if other tribunals are conducting investigations, they are probably addressing issues different from the focus of the Ethics Comm., which is the violation of any Ethics laws. The majority of other investigations done by Departments are primarily for disciplinary reasons-violations of any policies and procedures/ Admin. rules/ Guidelines, insubordination, workplace violence, performance issues etc. Even criminal investigations could be conducted simultaneously with Admin. investigations. DHR advises departments to conduct Admin. investigations despite an ongoing criminal investigation as “timeliness” of the pending discipline would be adversely affected should we proceed to arbitration.

Therefore, I believe that the Ethics Commission should not wait to see the outcome of other investigations as the purpose and focus of violations are different.

Iwasa – Please do not adopt this policy. The plan does not define “official investigations,” but presumably they could be any investigation headed by a government agency.

This should also be handled on a case-by-case basis. For example, if the state ethics commission is investigating a complaint, then it may make sense to not move forward on a separate county investigation. However, just because an agency is investigating a complaint does not mean it would be in the best interest of the complainant or the public for the EC to hold off on its own investigation.

Objective 2: Further strengthen and expand the education and training of the City and County's ~10,000 officers and employees.

BWS – Mgmt and staff support the EC's plans for regular training, particularly the use of training software, to teach and remind all emp'ees about ethics considerations.

AFSCME – Agree and support this objective. Feel it's vital to strengthen and expand the education and training of C & C emp'ees especially since p. 5 of the plan predicts the EC's caseload to rise due to numerous factors.

- a. Develop and deliver improved outreach materials (brochures, FAQs, newsletters, etc.) that describe the Commission's work and provide offers of assistance.
- b. Conduct additional outreach to all elected and appointed officials and to all agency employees to make them fully aware of the Commission's capabilities and ~~[to offer]~~ provide (Lilly) regular or specialized trainings.

Lilly - add in somewhere "special training in ethics for elected officials." One-on-one training was his personal commitment to councilmembers.

- c. Continue to refine, track, and regularly evaluate the use training software as a core-training tool.
- d. Offer an annual training for lobbyists, possible with the State Ethics Commission so as to avoid duplication of efforts.
- e. Continue to work with the City Department of Information Technology to develop an in-house ethics training application.

Objective 3: Strengthen the internal capabilities and procedures of the Ethics Commission.

- a. Acquire and implement a case management data base to enable tracking, dashboard monitoring, and reporting.
- b. Acquire and implement a comprehensive compendium of Ethics Commission Advisory Opinions that is easy to use when conducting legal research.
- c. Develop and implement training and professional development activities for Staff and Commissioners. Potential areas to be covered include sunshine law, information technologies, and data management. Mechanisms can include:
 - i. State Public Library's Gale Courses for computer application training (MS Word, Excel, Power Point, Access, others);
 - ii. Equal Opportunity Office Internal Investigation Training;
 - iii. Reid Investigator Interview Training; and
 - iv. Attendance at Council on Governmental Ethics Laws conferences and/or the Society of Corporate Compliance and Ethics.
- d. Develop and implement a simple written policy on who speaks publicly for the Commission.

Objective 4: Above and beyond our management “dashboard,” develop, implement, and use a simple set of overall effectiveness measures that will describe quantitatively the core efficacy of the Commission. The measures should reflect both inputs and outputs and the quantity and quality of both.

VII. Short Term Actions and Accelerators – Calendar Year 2017

Action to be completed or started before the end of Calendar Year 2017.

	ACTION	WHO AND BY WHEN

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