

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 196

This advisory opinion is in response to a request for an advisory opinion regarding specific positions held by members of the staff of a City Councilmember on various community boards and organizations.

The first question concerns the Councilmember's senior aide. It is the Commission's understanding that the aide's position with the Hawaii Council of Churches as chair of the Coalition for Specialized Housing requires him to advocate and promote the Council of Churches' housing program. It is also the Commission's understanding that the Council of Churches actively seeks City funding and approval of their program for special needs housing. Finally, it is the Commission's understanding that the Councilmember votes upon the various housing proposals as a member of the Housing Committee and the funding of such proposals as a Councilmember.

Pursuant to Section 11-102(3) of the Revised Charter of the City & County of Honolulu 1973 (1984 Ed.) [RCH], and Section 6-1.2 (1) and (3) of the Revised Ordinances of Honolulu 1978 (1983 Ed.) [ROH], it would appear that the aide should not be a member of the Coalition for Specialized Housing, nor should he appear in behalf of this committee or the Council of Churches before any agency of the City, since there would be at least the appearance of a conflict of interest.

Second, regarding another member of the Councilmember's staff [Ms. X], the Commission understands the facts to be as follows:

- (1) Ms. X is chairperson of a neighborhood board.
- (2) She is a member of a local advisory board on mental health and substance abuse;
- (3) She is on the board of directors of the Hawaii Community Education Association;
- (4) She is an officer of the Hawaii State Youth Volunteer Board; and
- (5) She is a member of the Honolulu Neighborhood Housing Services.

Pursuant to Section 13-119, RCH, an officer or employee of the City and County is not precluded from being a member of a neighborhood board unless such service would be inconsistent or incompatible with or would tend to interfere with the duties and responsibilities of the other office. The Commission interprets that to mean that Ms. X can serve as an officer of the

neighborhood board, but that she cannot use her position as a councilmember's staff member to advance the positions of such board, nor should she allow such position on the neighborhood board to influence her independent judgment towards her official duties on the councilmember's staff.

Pursuant to Section 13-119, RCH, Ms. X's position on a local advisory board on mental health and substance abuse, the Hawaii Community Education Association, and the Hawaii State Youth Volunteer Board should be governed by the same principles as that governing her membership on the neighborhood board. These organizations do not get funding or approvals from the City Council and therefore membership in these organizations should not affect Ms. X's independent judgment.

Ms. X's membership on the Honolulu Neighborhood Housing Services is viewed in the same light as the aide's membership with the Council of Churches. Pursuant to Section 11-102, RCH, no employee should engage in any activity which is incompatible with the proper discharge of such person's official duties. The Honolulu Neighborhood Housing Services gets funding from the City Council and therefore membership in this organization would at least give the appearance of impairing the independence of judgement required of a City employee in the Charter.

Last, regarding the membership of two other members of the councilmember's staff, Mr. Y and Ms. Z, on two other local neighborhood boards, such membership would be governed by the same principles as those pertaining to Ms. X, above. Section 13-119, RCH, specifically allows such membership. Regarding Mr. Y's membership on an ethnic community council and presidency of another ethnic association, the Commission finds that as long as no City funding is sought for either of these organizations and Mr. Y does not attempt to represent either of them before any City agency, or allow his judgment to be impaired by these organizations, there is nothing in the Revised Charter or Revised Ordinances to preclude these activities.

Dated: June 13, 1989

JANE B. FELLMETH
Chair, Ethics Commission