



BOARD OF ETHICS, County of Hawai'i

101 Aupuni Street, Suite 325, Hilo, Hawai'i 96720

A G E N D A

Wednesday, October 14, 2009 – 10:00 a.m.
101 Aupuni Street, Suite 230
(Department of Liquor Control Conference Room)
Hilo, Hawai'i 96720

1. CALL TO ORDER

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

3. APPROVAL OF MINUTES

Minutes of the September 23, 2009, Regular Session.

4. COMMUNICATIONS

- a. Communication No. 2009-64: Hawai'i Police Department *Annual Report Fiscal Year 2007-2008*.
- b. Communication No. 2009-71: *OpenLine* publication of the Office of Information Practices, August 2008.
- c. Draft *Informal Advisory Opinion* for Petition No. 2009-6 (petition was heard at the Board's 9/23/09 meeting, regarding the allegation that a County officer or employee violated Sections 2-83(a)(3) and 2-83(b)(5) of the Code of Ethics (regarding fair treatment) and "needs to be instructed to stop being discourteous and unfair to the public, and needs to understand our First Amendment Rights, in stopping . . . racist remarks and overbearing references to religion.")
- d. Draft *Informal Advisory Opinion* for Petition No. 2009-7 (petition was heard at the Board's 9/23/09 meeting, regarding the allegation that a County officer or employee violated Section 2-83(a)(3) of the Code of Ethics (regarding fair treatment) by making "insulting gestures during the time of testifiers exercising their constitutional First Amendment rights to free speech.")
- e. Draft *Informal Advisory Opinion* for Petition No. 2009-8 (petition was heard at the Board's 9/23/09 meeting, seeking an opinion from the Board on whether the petitioner's employment as a property manager with the County of Hawai'i was in

conflict with his ownership of a small real estate company which will have no transactions with the County.)

- f. Draft communication from the Board to the legislature in support of Senate Bills 531 and 128 and House bill 626, regarding the imposition of administrative fines.

5. NEW BUSINESS

- a. Petition No. 2009-9: Petitioners allege that a County officer or employee violated Section 2-83(a)(3) of the Code of Ethics (regarding fair treatment) by throwing a pen at the June 2, 2008, County Council meeting.
- b. Discussion on Mayor William Kenoi's proposed amendments to the Ethics Code (reference Communication No. 2009-66 from the Board's 9/23/09 agenda).

6. UNFINISHED BUSINESS

There is no Unfinished Business for this meeting.

7. EXECUTIVE SESSION

With reference to the agenda items listed below, one or more executive meetings are anticipated. In particular, the Board of Ethics anticipates it may consider the evaluation, dismissal, or disciplining of an officer or employee of the County of Hawai'i, where considerations of matters affecting privacy will be involved. The Board may also consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Therefore, pursuant to Hawai'i Revised Statutes ("HRS") Sections 92-5(a)(2) and (4), the following items may be considered in Executive Session.

- a. Approval of the minutes of the September 23, 2009, Executive Session.
- b. Communication No. 2009-72: Email to the Board's secretary dated 9/15/09, regarding "More Willful Violations of Hawai'i Sunshine Law," and Communication No. 2009-73: Deputy Corporation Counsel Renee Schoen's 10/2/09 response to Communication 2009-72.
- c. Communication No. 2009-69: Letter from the Office of Information Practices to the Board dated 9/23/09, requesting explanation as to whether the Board's agenda for its 9/23/09 meeting violated Chapter 92 of the Hawai'i Revised Statutes, and Communication No. 2009-74: letter from Deputy Corporation Counsel Renee Schoen to the Office of Information Practices regarding Communication No. 2009-69.

- d. Draft letter from the Board to Zendo Kern regarding his confidential financial disclosure.
- e. Review of *Confidential Financial Disclosure Forms* filed pursuant to Section 2-91.1(d), Hawai'i County Code, by County board and commission members and designated County employees, where personal matters will be reviewed:

	Name	Position	Board, Commission, or Department
1	Guy Kaulukukui	Commissioner	Charter Commission
2	Scott Stabo	Commissioner	Fire Commission

8. ANNOUNCEMENTS

The next monthly meeting of the Board of Ethics will be at a date and time to be announced (its regular date of November 11, 2009, falls on a holiday).

9. ADJOURNMENT



***NOTE:** If you require an accommodation or auxiliary aid and/or services to participate in this meeting (i.e., sign language, interpreter, large print), please call 961-8304, ext. 101).*

NOTICE TO LOBBYISTS

If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist (Article 15, Section 2-91.3(b), Hawai'i County Code).

A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." (Article 15, Section 2-91.3(a)(6), Hawai'i County Code.)

Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, Ben Franklin Building, 333 Kilauea Ave., 2nd Floor, Hilo, Hawai'i 96720.