



BOARD OF ETHICS, County of Hawai'i

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

A G E N D A

Thursday, November 19, 2009 – 10:00 a.m.

333 Kīlauea Avenue, 2nd Floor

(County Council Chambers – Hilo)

Hilo, Hawai'i 96720

and Via Videoconference at

75-5722 Hanama Place (Kona Mayor's Office)

Kailua-Kona, Hawai'i 96740

1. CALL TO ORDER

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

3. APPROVAL OF MINUTES

Minutes of the October 14, 2009, Regular Session.

4. COMMUNICATIONS

- a. Communication No. 2009-81: Email to the Board dated 10/16/09, “urging the Board of Ethics to reconsider the decision rendered on Petition 2009-7.”
- b. Communication No. 2009-83: Letter to the Board dated 10/9/09, clarifying that the writer does not believe members of the Ethics Board are in “Safarik’s camp as reported in the Hawai’i Tribune Herald,” and regarding Board member Diane Gentry.
- c. Communication No. 2009-84: *The High Road* publication by the Hawai’i State Ethics Commission, October 2009.
- d. Communication No. 2009-87: Memo to Honolulu Mayor Hannemann from Charles Totto of the Honolulu Ethics Commission dated 10/27/09 regarding Hawai’i Council of Mayors, Legislation (S.B. No. 531 and H.B. No. 626, Clarifying County Ethics Agencies’ Process for Imposing Civil Fines)
- e. Draft *Informal Advisory Opinion* regarding Petition No. 2009-9 (heard at the Board’s October 14, 2009, meeting, and regarding the pen-throwing incident at the June 2, 2008, Council meeting).

5. NEW BUSINESS

- a. Petition No. 2009-10: Petitioner alleges that a County officer or employee violated Section 2-83(a)(3) of the Code of Ethics (regarding fair treatment) by treating a council person “in an unfair and biased manner, based on the fact that she opposed his opinion.”
- b. Petition No. 2009-11: Petitioner alleges that a County officer or employee violated Section 2-83(a)(3) of the Code of Ethics (regarding fair treatment) by violating his “constitutional right to petition the government by abridging my ability to speak at a public meeting [while allowing] others to speak even on items not on the agenda.”
- c. Petition No. 2009-13: Petitioner is seeking an opinion from the Board on whether her employment with the County of Hawai‘i is in conflict with her serving on the State Elections Commission.
- d. Counsel’s Report Regarding Matters and/or Inquiries Received by the Board, including:
 - (1) *Gift Disclosure Statement* received from Gary Sirman of the Workforce Investment Board, reporting that no gifts were received.
 - (2) Petition 2009-5 regarding the temporary hire of a retired employee.

6. UNFINISHED BUSINESS

- a. Discussion on Mayor Kenoi’s proposed amendments to the Ethics Code.

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 October 14, 2009, Executive Session.
- b. 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	Gary Sirman	Member	Workforce Investment Board

- c. Draft letter from the Board to the Petitioner in Petition No. 2009-12, wherein the Petitioner alleges that the Board violated Section 2-83 (fair treatment) of the Ethics Code by violating the Sunshine Law and its Rules of Practice and Procedure.

8. ANNOUNCEMENTS

The next monthly meeting of the Board of Ethics is scheduled for December 9, 2009, at 10:00 a.m., at the conference room at the Department of Liquor Control at 101 Aupuni Street, Suite 230, Hilo, Hawai‘i 96720.

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.