

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR

JAN K. YAMANE  
EXECUTIVE DIRECTOR  
AND LEGAL COUNSEL

April 8, 2022

The Honorable Tommy Waters  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Relating to Gifts to Mayor, Prosecuting Attorney,  
Councilmember, and Officer or Employee

Attached for your review and appropriate action is a bill relating to gifts to city officers and employees, affecting ROH Sections 3-8.7 and 3-8.8.

The proposed bill seeks to revise the existing gifts ordinance, and includes language establishing a zero-tolerance policy for gifts from prohibited sources and limiting the gifts that can be given by others to \$25 in a year. Setting the limit at this relatively nominal amount allows for such gifts as lei or other "tokens of aloha" from non-prohibited sources. Limiting gifts to \$25 in a year would allow for flexibility that is not found in zero-tolerance policies but also make it possible to cut off potential gifts that could be seen as intended to influence. Gifts in the \$25 range are still unacceptable if they can be perceived as intending to influence a city employee or official. Such a change can help shift the City culture away from one where gifts are an acceptable practice lending to the public perception of corruption.

A table of consanguinity as mentioned in Sec. 3-8.7(d)(3) is provided for information and reference and not intended to be a part of the bill.

DEPT. COM. 267

Letter to the Honorable Tommy Waters Chair and Presiding Officer  
April 8, 2022  
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We respectfully request the bill be introduced by request at your earliest convenience. Please contact me at (808) 768-9242 if you have any questions.

Sincerely,



Digitally signed by Yamane,  
Jan K  
Date: 2022.04.08 16:14:16  
-10'00'

Jan K. Yamane  
Executive Director and Legal Counsel

Attachment

cc: Rick Blangiardi, Mayor  
Michael D. Formby, Managing Director



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

## A BILL FOR AN ORDINANCE

RELATING TO GIFTS TO MAYOR, PROSECUTING ATTORNEY, COUNCILMEMBER,  
AND OFFICER OR EMPLOYEE.

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

SECTION 1. Policy and Purpose. The City and County of Honolulu shall maintain the integrity of its elected and appointed officers and employees and assure the public that such officers and employees are not above reproach and not subject to influence by city vendors, clients, or others. They, as agents of public purpose, shall faithfully discharge the duties of their offices regardless of personal considerations and with no expectation of gift, gratuity, reward, or other thing of value, unless exempted under this section. Accordingly, the purpose of this ordinance is to clarify gifts to the mayor, the prosecuting attorney, councilmembers, and city officers and employees.

SECTION 2. Section 3-8.7, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**“Sec. 3-8.7 Gifts to mayor, prosecuting attorney, councilmember, and ~~[appointed]~~ officer or employee—Prohibition under certain circumstances.**

(a) For the purpose of this section:

~~“Appointed officer or employee” means an officer or employee, as defined under Section 3-8.1, other than an elected officer and shall include officers and employees of the board of water supply and the Honolulu Authority for Rapid Transportation.]~~

“Gift” means any gift, whether in the form of money, goods, service, loan, travel, entertainment, hospitality, thing[;] of value, favor, gratuity, commission, or promise ~~[or]~~ of a gift in any other form.

“Indirectly” means a gift to a city officer’s or employee’s spouse, domestic partner, fiancé, fiancée, siblings, children or parents; spouse’s or domestic partner’s children or parents; or children’s spouse or domestic partner.

“Negligible value” is defined as equal to or less than \$25.00.

“Officer or employee” shall be given the meaning as prescribed in subsections 3 and 4 of Revised Charter Section 13-101 and Section 3-8.1, and shall include officers



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and employees of the board of water supply and the Honolulu Authority for Rapid Transportation.

"Prohibited source" means any individual, person, organization, or entity doing business with the city including, but not limited to lobbyists, vendors, contractors, clients, political committees, tenants, concessionaires, persons with an interest that may be affected by performance or non-performance of the official's or employee's official duties, and any individual seeking official action from, or doing business with, the city, or representatives or agents of the above.

(b) ~~Neither the mayor, the prosecuting attorney, nor any appointed~~ No city officer or employee shall solicit, accept, or receive, directly or indirectly, any gift ~~[under]~~:

(1) From a prohibited source; or

(2) Under circumstances in which it can be reasonably inferred that the gift is intended:

~~[(1)]~~ (A) To influence the solicitor or recipient in the performance of an official duty; or

~~[(2)]~~ (B) As a reward or gratuity for any official action on the solicitor's or recipient's part.

(c) During each one-year period beginning on July 1st and ending on June 30th, ~~[neither the mayor, the prosecuting attorney, nor any appointed]~~ no city officer or employee shall solicit, accept, or receive, directly or indirectly, from any one source any gift or gifts, not exempted by subsection (d), valued singly or in the aggregate ~~[in excess of \$200.00.]~~ of negligible value.

(d) Exempted from the prohibition of subsection (c) are the following:

(1) Gifts received by will or intestate succession;

(2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;

(3) Gifts from a spouse, fiancé, fiancée, any relative within four degrees of consanguinity or the spouse, domestic partner, fiancé, or fiancée of such a relative. A gift from any such person shall not be exempt from subsection



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- (c) if the person is acting as an agent or intermediary for any person not covered by this subdivision;
- (4) Political campaign contributions that comply with state law;
  - (5) Anything available or distributed to the public generally without regard to the official status of the recipient;
  - (6) Gifts that, within 30 days after receipt, are returned to the giver or donated to a public body or to a bona fide educational or charitable organization without the donation being claimed by the ~~[mayor, the prosecuting attorney, or an appointed]~~ officer or employee as a charitable contribution for tax purposes. In the event the gift is donated to a public body or to a bona fide educational or charitable organization, the donor shall send, along with the gift, documentation acknowledging the initial giver of the gift; ~~[and]~~
  - (7) Exchanges of negligible and approximately equal value on holidays, birthdays, or special occasions~~[-]~~;
  - (8) Lawful compensation as a city officer or employee;
  - (9) Typical beverage or snack given when attending a conference or meeting in an office;
  - (10) Items customarily given to express condolences or sympathy, such as flowers, food items, or cards, given to an officer or employee in connection with the death or significant injury or illness of the officer or employee or an immediate family member of the officer or employee. Such expressions of condolences or sympathy may include monetary gifts of negligible value;
  - (11) Lei given at a celebration of negligible value;
  - (12) An award, plaque, certificate, memento, novelty, or similar item of no resale value given in recognition of the recipient officer's or employee's civic, charitable, political, professional, or public service; and
  - (13) Gifts while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries when it would be a breach of protocol to refuse the gift or other tokens of recognition



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presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities.

- (e) A violation of this section by ~~[the mayor, the prosecuting attorney, or an appointed]~~ a city officer or employee shall be punishable in accordance with Section 3-8.5."

SECTION 3. Section 3-8.8, Revised Ordinances of Honolulu 1990, is repealed.

~~["Sec. 3-8.8 Gifts to councilmember—Prohibition under certain circumstances.~~

- ~~(a) No councilmember shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, goods, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can be reasonably inferred that the gift is intended to influence the councilmember in the performance of the councilmember's official duties or is intended as a reward for any official action on the councilmember's part.~~
- ~~(b) During each one-year period beginning on July 1st and ending on June 30th, no councilmember shall solicit, accept, or receive, directly or indirectly, from any one source any gift or gifts, not exempted by subsection (c), valued singly or in the aggregate in excess of \$200.00.~~
- ~~(c) Exempted from the prohibition of subsection (b) are the following:~~
- ~~(1) Gifts received by will or intestate succession;~~
  - ~~(2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;~~
  - ~~(3) Gifts from a spouse, fiancé, fiancée, any relative within four degrees of consanguinity of the councilmember or the spouse, fiancé, or fiancée of such a relative. A gift from any such person shall not be exempt from subsection (b) if the person is acting as an agent or intermediary for any person not covered by this subdivision;~~
  - ~~(4) Political campaign contributions that comply with state law;~~
  - ~~(5) Anything available or distributed to the public generally without regard to the official status of the recipient;~~



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- ~~(6) — Gifts that, within 30 days after receipt, are returned to the giver or donated to a public body or to a bona fide educational or charitable organization without the donation being claimed by the councilmember as a charitable contribution for tax purposes. In the event the gift is donated to a public body or bona fide educational or charitable organization, the councilmember shall send, along with the gift, documentation acknowledging the initial giver of the gift; and~~
- ~~(7) — Exchanges of approximately equal value on holidays, birthdays, or special occasions.~~
- ~~(d) — A violation of this section by a councilmember shall be punishable in accordance with Section 3-8.5.”]~~

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

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DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
RICK BLANGIARDI, Mayor  
City and County of Honolulu



# Table of Consanguinity

Showing degrees of relationships

