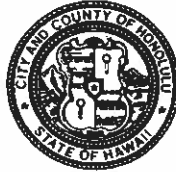


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics



RICK BLANGIARDI
MAYOR

JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

LAURIE A. WONG-NOWINSKI
ASSISTANT EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

May 11, 2022

The Honorable Andria Tupola, Chair
and Members
Committee on Executive Matters and Legal Affairs
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Tupola and Councilmembers:

SUBJECT: Bill 26 (2022)—Proposed CD1

The Ethics Commission respectfully requests the Council's consideration of the attached proposed amendment to Bill 26 (2022), relating to gifts to mayor, prosecuting attorney, councilmember, and officer or employee.

On page 3, subsection (d)(11) the language currently reads:

(11) Lei given at a celebration of negligible value;

It should read:

(11) Lei of negligible value given at a celebration;

where "negligible value" is modifying the lei, not the celebration.


DEPT. COM. 357
EMLA

The Honorable Andria Tupola, Chair
and Members
Committee on Executive Matters and Legal Affairs
May 11, 2022
Page 2

We look forward to discussing this measure when it is heard in committee.
Should you have any questions or require additional information, please call me at
(808) 768-9242.

Very truly yours,

Wong-
Nowinski,
Laurie A

 Digitally signed by
Wong-Nowinski, Laurie A
Date: 2022.05.10 14:31:26
-10'00'

Laurie A. Wong-Nowinski
Asst. Executive Director and Legal Counsel

HNH:LWN

Attachment

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



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 26 (2022)
PROPOSED CD1

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



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 26 (2022)
PROPOSED CD1

A BILL FOR AN ORDINANCE

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



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **26 (2022)**
PROPOSED CD1

A BILL FOR AN ORDINANCE

- (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 of negligible value given at a celebration;
- (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



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 26 (2022)
PROPOSED CD1

A BILL FOR AN ORDINANCE

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;~~



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 26 (2022)
PROPOSED CD1

A BILL FOR AN ORDINANCE

~~(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.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (BR)

DATE OF INTRODUCTION:

April 12, 2022
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

RICK BLANGIARDI, Mayor
City and County of Honolulu