



BOARD OF ETHICS, County of Hawai'i

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

A G E N D A

Wednesday, September 23, 2009 – 10:00 a.m.
101 Aupuni Street, Suite 230
(Department of Liquor Control Conference Room)
Hilo, Hawai'i 96720

2009 SEP 15 PM 2 31
COUNTY OF ETHICS
COUNTY OF HAWAII

1. **CALL TO ORDER**

2. **STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

3. **APPROVAL OF MINUTES**

Minutes of the August 12, 2009, Regular Session.

4. **COMMUNICATIONS**

- a. Communication No. 2009-64: Hawai'i Police Department *Annual Report Fiscal Year 2007-2008*.
- b. Communication No. 2009-66: Letter from Mayor William Kenoi dated 9/14/09 regarding proposed amendments to the Ethics Code.

5. **NEW BUSINESS**

- a. Petition No. 2009-6: Petitioners allege 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."
- b. Petition No. 2009-7: Petitioners allege 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."
- c. Petition No. 2009-8: Petitioner is seeking an opinion from the Board on whether his employment as a property manager with the County of Hawai'i is in conflict with his ownership of a small real estate company which will have no transactions with the County.

- d. Counsel's Report Regarding Matters and/or Inquiries Received by the Board, including:
 - (1) *Gift Disclosure Statements* received from Brian DeLima (Merit Appeals Board), Searle Grace (Salary Commission), Patricia Provalenko (Salary Commission), and Henry Silva (Merit Appeals Board).
 - (2) Incomplete and/or moot petitions filed with the Board, if any.

6. UNFINISHED BUSINESS

- a. Further discussion/update on clarifying lobbyist registration requirements, including Communication No. 2009-63 (9/2/09 letter from County Clerk Kenneth Goodenow regarding recommended changes to the Lobbyist Registration Form and accompanying instructions).

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. The Board may also convene in Adjudicatory Session pursuant to HRS Section 92-6.

- a. Approval of August 12, 2009, Executive Session minutes.
- 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	Sherman Warner	Commissioner	Environmental Management Commission

8. ANNOUNCEMENTS

The next monthly meeting of the Board of Ethics is scheduled for October 14, 2009, at 10:00 a.m. at the Department of Liquor Control in Hilo at 101 Aupuni Street, Suite 230.

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.