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Editorial | Our View

Audit could give city ethics a strong boost

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The Honolulu Ethics Commission needs a fresh start.

After the tumult surrounding the suspension and eventual resignation of the commission's longtime executive director, Chuck Totto, earlier this year — a clumsily managed affair that has become a mayoral campaign issue — the public has a right to expect better in the future.

But what is better? A proposal before the Honolulu City Council hopes to answer that question. Resolution 16-164, introduced by Council member Trevor Ozawa, calls for a "comprehensive management and performance" audit of the commission. The resolution is a worthy one, and has the support of the commission's new executive director, Jan Yamane, and commission chairwoman Victoria Marks.

The audit would, among other things, examine the commission's handling of Totto, and determine "how to improve the Commission's operations and efficiency in carrying out its duties and to help restore the public's trust in the Commission."

That such an audit would be necessary — and it is — speaks to the importance of the problem.

During its stormy relationship with Totto, the Ethics Commission took a series of actions earlier this year that caused a public outcry and prompted complaints that the commission's integrity had been fatally compromised by political meddling.

The commission imposed a restrictive media policy to prevent the director, staff and commissioners from speaking openly and candidly about the commission's work.

It suspended Totto, a 16-year veteran who worked through several city administrations, and tried to justify its actions through heavily redacted statements that explained little.

It imposed strict work rules on Totto's staff, including a requirement for submitting daily time-sheets in tenth-of-an-hour increments.

Furthermore, Corporation Counsel Donna Leong publicly attacked Totto for his comments that certain votes by several City Council members, including some on the sensitive rail transit project, may have been invalidated by a failure to disclose gifts from lobbyists and other interested parties.

The commission's subsequent media muzzle of Totto — supported by Leong — suggested the supposedly independent commission was acting at the Caldwell administration's behest.

All these issues need to be reviewed by an independent, dispassionate auditor, and explained to the public with a level of detail that the commission has thus far been unable, or unwilling, to provide.

The audit also should explain lessons learned, providing the commission and the public with defined standards that inspire confidence and remove what Ozawa calls the "ambiguity" surrounding the commission's work.

"The whole point is to find best practices," Ozawa said. "We may not be able to fix all the problems, but maybe we can fix some of them."

The commission's mission basically is twofold. First, to ensure that city employees and officials don't misuse or otherwise take advantage of their positions for personal benefit; second, to maintain public confidence in city government by serving as the public's watchdog.

These worthy goals can be accomplished only by a truly independent commission.

The audit should provide clear guidance on drawing a bright line between the commission and officials who may want to influence it for their own ends.

That includes breaking the administrative ties that bind, such as control over the commission's spending, as well as the role of city attorneys who would bypass the commission to provide employees with their own ethical guidance.

Ozawa also wants to examine whether the mayor should appoint all the commission members.

The audit should help the commission understand and carry out its unique role in educating the public, not only through formal opinions, but also through public engagement. Thus far, the latter has been sorely lacking.

The commission is rebuilding the staff in the wake of Totto's departure. An audit, properly focused, could be a strong boost to ethical city government.