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Hawaii News

Ethics panel won't act on Hoopili, rail

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Farmlands on the Ewa plain to be developed into the master-planned community, Hoopili. An attempt by the Friends of Makakilo to stop the 11,750-home Hoopili project planned for Leeward Oahu and to limit the Honolulu rail line failed Wednesday after the Honolulu Ethics Commission ruled that key City Council votes enabling the projects should not be overturned.

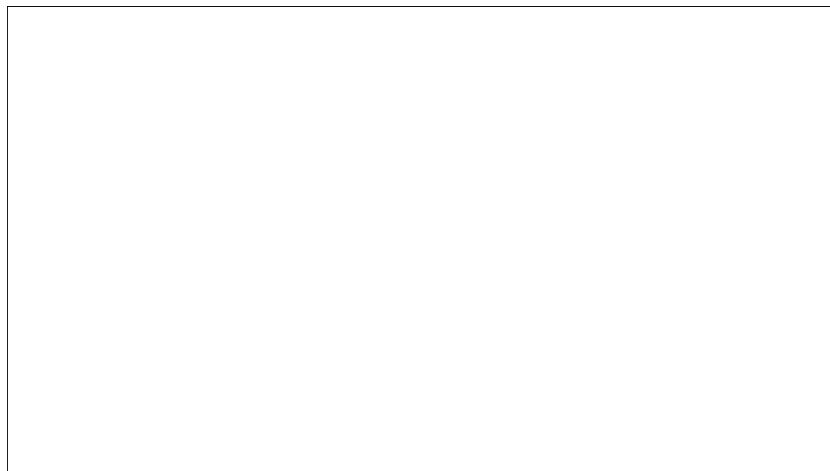
An attempt by the Friends of Makakilo to stop the 11,750-home Hoopili project planned for Leeward Oahu and to limit the Honolulu rail line failed Wednesday after

the Honolulu Ethics Commission ruled that key City Council votes enabling the projects should not be overturned.

Kioni Dudley, president of the community group, argued that City Council members should have disclosed campaign contributions that they received from developers and others — who stood to profit from the projects — as potential conflicts of interest prior to voting on bills that extended the rail tax surcharge and gave zoning approval to the master-planned housing project in Ewa that's being developed by D.R. Horton.

While commissioners unanimously ruled that they didn't have jurisdiction over some of the issues laid out by the Friends of Makakilo, or the power to invalidate the City Council votes, they did say that they planned to revisit a 40-year-old advisory opinion that exempts campaign contributions from being disclosed as potential conflicts of interest.

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While the move wouldn't retroactively affect approvals of the Hoopili or rail projects, it could bring greater public transparency to how much money Council members have received from specific interests that have a stake on issues they are voting on.

The commission is expected to issue an advisory opinion on the matter in the coming month and possibly make rules.

"We are going to be issuing an opinion that is prospective in going forward about whether or not and under what circumstances disclosures must be made under (the Honolulu Charter) if the contribution creates a conflict with the public interest," Michael Lilly, one of the commissioners and an attorney, told the Honolulu Star-Advertiser after the meeting.

Dudley said he was encouraged that the commission was taking up the old advisory opinion, but expressed disappointment that the commission hadn't been more aggressive in taking on what he sees as corruption within city government.

"It is a real victory," he told the Star-Advertiser. "There was a bigger victory that didn't materialize, that is all. We are going to continue moving ahead."

Dudley said he was contemplating taking the matter to court.

Campaign donations are public information and are listed on Hawaii's Campaign Spending Commission website. But Dudley argued that it's difficult for the public to sort through the hundreds of contributions and connect them to certain projects or developers.

He told commissioners that, according to his calculations, Council members had received between 43 percent and 91 percent of their campaign contributions between 2012 and 2014 from people or entities that stood to profit from the Hoopili project.

Dudley argued that the extent of the campaign contributions made it impossible for Council members to exercise impartial judgment when voting on the project, and that the public would have been alarmed if the extent of the influence was known.

The "news media would have been all over it, the people of the island would have been enraged and we would not have the current Council approval for the Hoopili project," he told commissioners during the meeting.

Similarly, Dudley argued that Council members should have filed conflict-of-interest disclosure forms prior to voting on a measure to extend the half-percent rail surtax because they had received tens of thousands of campaign donations from pro-rail super PACs, including Forward Progress and AiKea UNITE HERE.

"If each of them had declared the immense amount of support and the huge conflict it caused, the press would have covered it, the public would have been riled up, and the whole vote may have been lost," Dudley told commissioners.

Five out of seven City Council members cast final votes in January in favor of the rail surtax extension. Dudley estimated that the Council members received contributions of between \$60,000 and \$105,000 each from super PACs (political action committees).

The Friends of Makakilo have been one of the most vocal opponents of the Hoopili project, unsuccessfully arguing before the state Land Use Commission in 2012 against reclassifying the land from agricultural to urban for development.

Dudley said he isn't against the Honolulu rail project, but that it shouldn't be permitted to go past downtown Honolulu because the last five stops ending at Ala Moana Center could be inundated with water in the coming decades because of sea-level rise.

"It's just another effort to try to get the amount of money out there and in front of the public," Dudley said.

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