

Editorial | Our View

Keep government open to the public

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It's Sunshine Week, the yearly occasion to advocate for openness as the best prescription ensuring that government serves the general public. The state's Sunshine Law ensures that agencies making decisions affecting the public do their work at meetings that are properly noticed and open to all.

A quick look around the Honolulu good-government landscape provides the explanation for why there's a need to keep it an annual observance.

At the state Capitol, not much seems to be moving in pursuit of these ends. And in the halls of Honolulu municipal government, big question marks hang over, of all things, the city Ethics Commission.

Chuck Totto, the commission's embattled executive director, is on leave following an inquiry prompted by "an internal complaint regarding the management of the commission's staff and personnel," according to a statement by commission Chairwoman Victoria Marks.

Given the long-running tension between this commission and its chief of staff, it's fair for the public to wonder what's going on, what "outside, neutral investigator" Marks said was retained to vet the complaint and how this affects the independent functioning of this critical agency.

Recapping the history of this conflict: The commission last summer voted for a strict media policy curtailing what Totto and others on the commission or its staff could say to reporters. After an outcry from the media, the panel later replaced that policy to

allow a bit more freedom in public commentary.

What those critics found suspicious was that the stricter policy was adopted a month after Corporation Counsel Donna Leong called out Totto for publicly questioning the validity of then-City Councilman Nestor Garcia's votes on the rail project. Totto had cited Garcia for accepting gifts from lobbyists and others who would benefit from the project's land-use approvals.

Under these circumstances, the public deserves to know the disposition of the inquiry into Totto and the cause for any action taken in his case. The chief staffer for the Ethics Commission should have wide latitude to raise questions about the behavior of elected officials.

In other statewide developments, the push to keep greater transparency in government is in need of an extra push.

For example, there's Senate Bill 2121, which would make permanent a temporary provision that for the past two years allowed public agency boards to have "limited meetings" that are not required to be open to the public.

There are constraints on this option — including that scheduling one would require two-thirds approval in advance, and that no decisions be made. But it's unnecessary, serves no public interest and could be ripe for abuse; the bill should be rejected.

There are reasons for board members to visit sites informally to prepare for a decision. But they can do so on their own, rather than holding "meetings." Official discussions of issues should happen in public view.

A few other measures of note:

- >> SB 2439 would allow more freedom for persons to make a video, audio or photographic record of an on-duty law enforcement officer in a public place or location where the officer has no expectation of privacy. The bill, which deserves further consideration, would exempt that person from charges of obstructing government operations and violating privacy in the second degree.
- >> SB 1194 requires the electronic filing of lobbyist disclosure statements, and that the filed statements be posted online. This bill should advance.
- >> Advocates for SB 2912, a measure that would establish a statewide integrated sex offender treatment program, have not made a persuasive case why the interagency coordinating body developing the program should be exempt from the state Sunshine Law.

Legislation aimed at promoting transparency offers powerful tools for keeping government honest and accessible. The heavy lift to get these bills passed, and the difficulty in gaining information about an agency such as the Ethics Commission,

should remind citizens that their vigilance is needed, and not just during one week a year.