

F. The director of finance shall require such guarantees of performance by vendors as in the director's opinion may be necessary or may be prescribed by ordinance. (Amended 2010)

**Section 19.20. Disposition of Surplus Property.**

Surplus property means any property that no longer has any use to the agency or department that has custody of the item. All departments, offices, or agencies having materials, supplies, or equipment which are not useful to them shall return custody of the item to the director of finance, who shall, from time to time and at least annually, circulate a list of surplus items to the various departments and agencies of the county or other governmental agencies for redistribution and use. If the surplus property is found to be unusable for public purposes, the director of finance shall, after fixing a minimum price for the property, provide for the sale by sealed bid with or without advertising, to the highest bidder for not less than the minimum price established by the director of finance. Advertised auctions shall be published on two non-consecutive days in a daily newspaper of general circulation in the County of Kaua'i or the county website, and the proceeds shall be a realization of the general fund unless required otherwise by statute, ordinance, rule, grant, or gift.

Surplus property determined to be of no use to any county agency may be used for bid purposes, as a trade-in for credit to be applied to the final purchase price of the procurement solicitation.

Surplus property determined to be hazardous or that may potentially pose a danger to the public may be disposed of at the direction of the director of finance. The means by which said items are to be disposed of shall be determined solely by the director of finance or designee, provided such means are legal and appropriate for the specific item.

Surplus property having little or no monetary or salvage value as determined and certified by the director of finance or designee, and further determined to be impractical to be offered by auction, may be legally disposed of. (Amended 2010)

**Section 19.21. Past Due Accounts.** The finance director shall promptly collect all past due accounts. Unless otherwise provided by law any account more than ninety days past due shall be referred to the county attorney's office for collection. (Amended 1984)

**ARTICLE XX  
CODE OF ETHICS**

**Section 20.01. Standards of Conduct.** In order to establish a high standard of integrity and morality in government service, a code of ethics is hereby established.

**Section 20.02.** No officer or employee of the county shall:

A. Solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer or employee's official duties or is intended as a reward for any official action on the officer or employee's part.

B. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer or employee's official duties or use such information for the officer or employee's personal gain or for the benefit of anyone.

C. Acquire financial interest in business enterprises which the officer or employee may be directly involved in official action to be taken by the officer or employee.

D. Appear on behalf of private interests before any county board, commission, or agency.

E. Use the officer or employee's official position to secure a special benefit, privilege, or exemption for the officer or employee or others.

F. Use county property for other than public activity or purpose.

**Section 20.03. Contracts.**

A. The county shall not enter into any contract with an officer or employee or with a firm in which an officer or employee has a substantial interest involving services or property of a value in excess of \$1,000 unless the contract is made after competitive bidding. (Amended 2010)

B. The county shall not enter into a contract with any person or firm which is represented or assisted personally in the matter by a person who has been an employee of the agency within the preceding one year and who participated while in county employment with the subject matter of the contract. (Amended 2010)

C. This section shall not apply to a personal employment contract.

**Section 20.04. Disclosure.**

A. The mayor, councilpersons, all department heads and deputies, members of boards and commissions, the purchasing administrator, and any employee delegated or authorized to act on behalf of the director of finance and the deputy director of finance in their absence shall, within thirty days of assuming office, file with the board a list of all real property within the county in which such person has any right, title, or interest, a list of all business firms which contract for county business in which such person has any interest, and all of such person's places of employment, including part-time employment, all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses, and the names of persons represented before government agencies. Amendments to the list, including additions, deletions, or changes in title, interest in property or of employment, shall be made within thirty days of the occurrence of the amendment. The list shall be a matter of public record. (Amended 2008, 2010)

B. Any elected official, appointed officer, employee, or any member of a board or commission who possesses or acquires such interest as might reasonably tend to create a conflict with such person's duties or authority, or who is an owner, officer, executive director, or director of an organization, or whose member of such person's immediate family, which includes parents, siblings, spouse, or children, is an owner, officer, executive director, or director of an organization in any matter pending before such person shall make full disclosure of the conflict of interest and shall not participate in said matter. (Amended 1976, 1980, 2006, 2008)

C. Penalties.

(1) Any violation of any of the provisions of this section shall, at the option of the director of finance, render forfeit and void the contract, work, business, sale, or transaction affected.

(2) Any violation of any of the provisions of this section shall constitute cause for fine, suspension, or removal from office or employment.

D. The council shall, by ordinance, adopt and may, from time to time, revise and amend such complementary provisions as may be necessary to supplement the code of ethics.

E. The mayor, the council, and the board of ethics shall be responsible for the enforcement of provisions of this article. (Amended 2008)

**Section 20.05. Board of Ethics.** There shall be a board of ethics.

A. The board shall consist of seven members. (Amended 2006)

B. The board shall annually select a chair and a secretary from among its members and shall adopt rules necessary for the conduct of its meetings.

C. The board shall meet at the call of the chair or of a majority of its members. A majority of the membership shall constitute a quorum for the conduct of business, and the affirmative vote of at least a majority shall be necessary to take any action.

D. It shall be the function of the board:

(1) To initiate, receive, hear, and investigate complaints of violations of the code of ethics and to transmit its findings to the council as to complaints involving county officers and to the civil service commission as to employees. It may also, on its own, file impeachment proceedings in the circuit court.

(2) To render advisory opinions or interpretations with respect to application of the code on request. All requests for advisory opinions shall be answered within forty-five days of its filing and failure to submit an advisory opinion within said forty-five days shall be deemed a finding of no breach of the code. Opinions rendered or deemed rendered shall be binding on the board in any subsequent charges concerning the officer or employee of the county until said opinion is amended or revoked by the board. (Amended 2010)

(3) To prescribe a form for the disclosure provided in this section and to implement the requirements of the disclosure provisions.

(4) To examine all disclosure statements filed and to comment on or advise corrective action to any matters that may indicate a conflict of interest. (Amended 1976)

(5) To propose revisions of the code to assure its effectiveness.

E. In the course of its investigations, the board shall have the power to administer oaths and subpoena witnesses and to compel the production of books and papers pertinent thereto.

F. All hearings on complaints shall be closed to the public. Only findings of violations shall be referred to the council or the civil service commission. Upon referral to the council or civil service commission, the violations shall be treated as any other similar item of council or civil service commission business.

G. If any officer or employee or former officer or employee shall obtain an advisory opinion from the board and shall govern oneself accordingly or shall act in accordance with the opinions of the board, such person shall not be held guilty of violating any of the provisions of the code.

H. Cooperations. The council and mayor shall cooperate and provide financing and personnel help required by the board in the performance of its duties. (Amended 2010)