

COUNTY OF KAUAI
CHARTER REVIEW COMMISSION
AMENDMENT PROPOSAL FORM
BY THE
BOARD OF ETHICS

PROPOSAL #1

1. *Provide a brief description of the purpose of the proposed Charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:*

The purpose of this amendment is to avoid a situation where an employee or officer of the County does business with the County in a situation where either he or his department, etc. approves the proposal. This is now being done in some areas and leads to the appearance of impropriety.

2. *If applicable, list the Charter provision(s) proposed to be deleted or amended:*

Article XX Code of Ethics, Section 20.02, Paragraph C

3. *Attach the text of the proposed Charter Amendment in Ramseyer format.*

Acquire financial interest in business enterprises which he may be directly involved in official action to be taken by him, his department, agency, commission or the county council.

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PROPOSAL #2

1. *Provide a brief description of the purpose of the proposed Charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:*

The purpose of this change to the Charter is to make sure that in a situation where an officer or employee, if the amount is more than \$500.00, are competing on a fair and equitable basis with the private sector. We've had situations in the past where it appears that the bidding process has been compromised by some individuals having knowledge of other bids before they have placed their bid with the County.

2. *If applicable, list the Charter provision(s) proposed to be deleted or amended:*

Article XX Code of Ethics, Section 20.03 Contracts, Paragraph A

3. *Attach the text of the proposed Charter Amendment in Ramseyer format.*

The county shall not enter into any contract with [an] the officer or employee or with a firm in which an officer or employee has [a substantial interest] an interest involving services or property of a value in excess of \$500.00 unless the contract is [made after competitive bidding] being submitted as part of the competitive bidding process.

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PROPOSAL #3

1. *Provide a brief description of the purpose of the proposed Charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:*

This change in the Charter would require Councilpersons to recuse themselves from voting on an issue where they have a conflict of interest. The present Charter allows them to vote on the issue and the reason has been given to put them on record. However, we have situations where people with very large interests can vote and debate on issues where other commissions and groups in county government have to recuse themselves from voting and debating that issue.

As an alternative, we would request that the word “public” be added before “written” in the last line of the paragraph. Disclosure to the Council is public knowledge in the minutes, but most of the public does not read the minutes and therefore, we think public disclosure is the least we should do to change this if the Charter Commission doesn’t agree with recusal.

2. *If applicable, list the Charter provision(s) proposed to be deleted or amended:*

Article XX Code of Ethics, Section 20.04, Paragraph B (last sentence)

3. *Attach the text of the proposed Charter Amendment in Ramseyer format.*

...No appointed officer or employee shall participate, discuss or vote on such pending matter unless his vote is required to establish a quorum to act on such matter. [provided that a member of the council is not precluded from voting on such matter so long as written disclosure has been made in the event there is a conflict of interest relating to such matter.]

Alternative

...No appointed officer or employee shall participate, discuss or vote on such pending matter unless his vote is required to establish a quorum to act on such matter; provided that a member of the council is not precluded from voting on such matter so long as public written disclosure has been made in the event there is a conflict of interest relating to such matter.

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PROPOSAL #4

1. *Provide a brief description of the purpose of the proposed Charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:*

At the present time the Chief of Police is appointed and removed by the Police Commission. It appears that this has been one of the problems in that those directly accountable to the voter who should be in charge of appointments and removals of department heads are not operating in this manner. There are several other departments in the County in which this is true, these are the Personnel Department, the Planning Commission and the Liquor Commission. While we have had no problems in this area as far as ethics are concerned, we believe this change in the appointment of Chief of Police would be advantageous to the County and to the operation of the Police Department.

2. *If applicable, list the Charter provision(s) proposed to be deleted or amended:*

Applies to Article XI Police Department, Section 11.04 Chief of Police

3. *Attach the text of the proposed Charter Amendment in Ramseyer format.*

The chief of police shall be appointed by the [police commission] mayor and council on recommendation from the police commission. He may be removed [by the police commission] on recommendation of the police commission by the mayor and council only after being given a written statement of the charges against him and a hearing before the commission.

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PROPOSAL #5

1. *Provide a brief description of the purpose of the proposed Charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:*

At the present time the selection of Boards and Commission members is basically an administrative function, we do not suggest changing this, however we believe the process should be opened up further in an effort to get as well qualified Board and Commission members as possible. The public posting of notice would allow the public to be aware of the openings so that those people that are interested and having expertise in a particular area would come forward. We do not believe it would be necessary for the Mayor and Council to appoint the person coming forward in this manner, they would still be free to appoint whoever they believe would do the best job.

2. *If applicable, list the Charter provision(s) proposed to be deleted or amended:*

Article XXIII General Provisions, Section 23.02 Boards and Commissions,
Paragraph A

3. *Attach the text of the proposed Charter Amendment in Ramseyer format.*

All boards and commissions shall consist of at least five members and a public notice shall declare each board or commission vacancy for voter application.

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PROPOSAL #6

1. *Provide a brief description of the purpose of the proposed Charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:*

The Board of Ethics usually meets only once a month, and it is sometimes impossible to issue an advisory opinion within 30 days of its filing with the Board. The change will allow the Board the time to receive it when it meets, although it will still be the intent of the Board to answer the request for advisory opinions as quickly as possible.

2. *If applicable, list the Charter provision(s) proposed to be deleted or amended:*

Article XX Code of Ethics, Section 20.05 Board of Ethics, Paragraph D (2)

3. *Attach the text of the proposed Charter Amendment in Ramseyer format.*

To render advisory opinions or interpretations with respect to application of the code on request. All requests for advisory opinions shall be answered within thirty (30) days of its [filing] receipt by the Board and failure to submit an advisory opinion within said thirty (30) days shall be deemed a finding of no breach of the code.