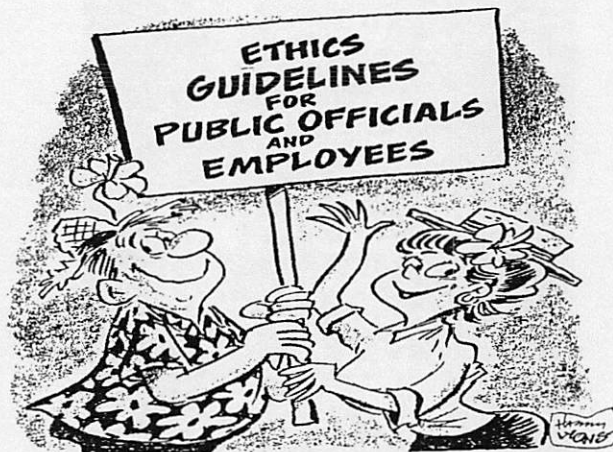
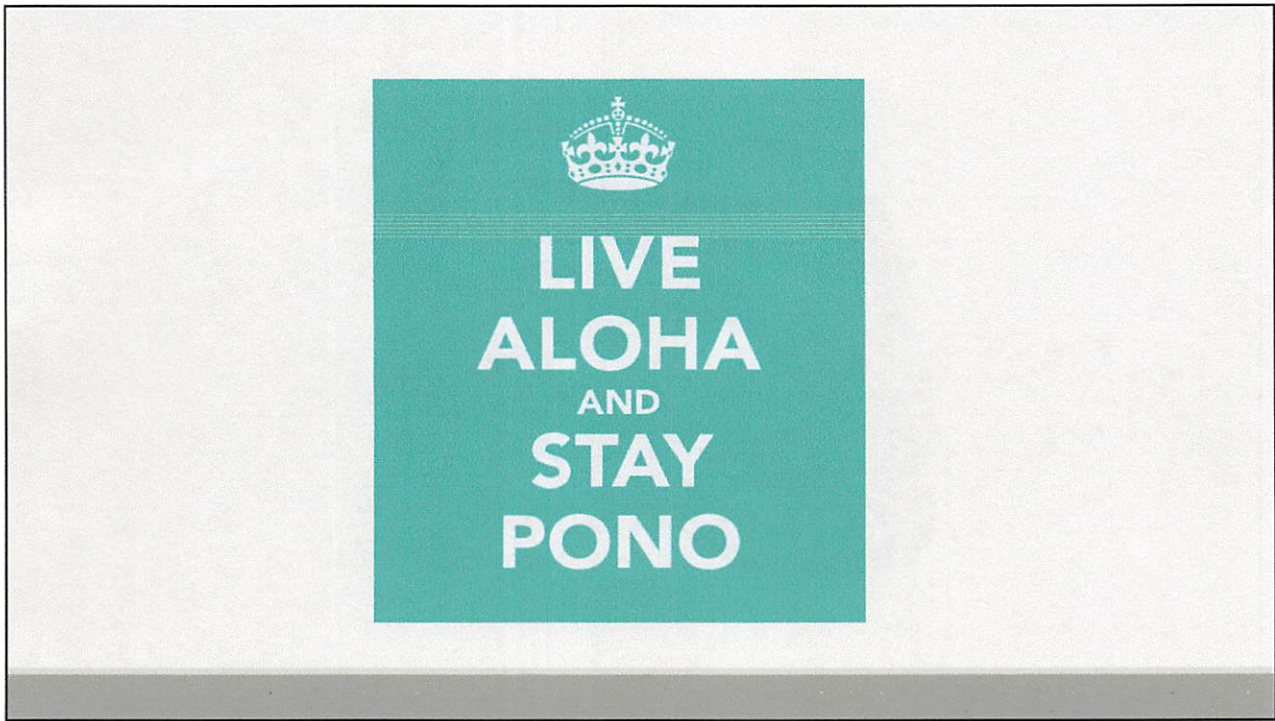
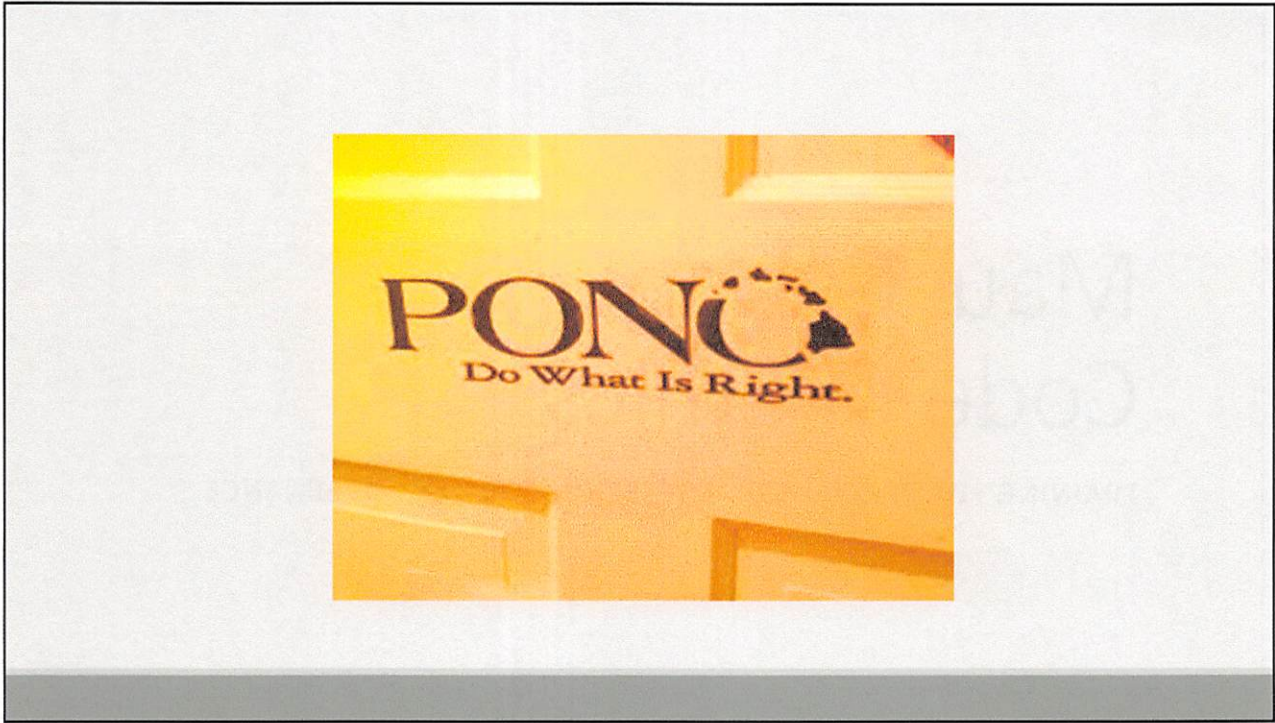


# Maui County Code of Ethics

TRAINING FOR SPECIAL COMMITTEE ON COUNTY GOVERNANCE





## Policy underlying the Code

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“Elected & appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.”

County Charter, section 10-1.

## Code of Ethics (County Charter, Article 10, pp. 45-48)

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Applies to all County Employees, Elected, Appointed Officials, including Board & Commission members.

The Board of Ethics hears allegations of violations of the Code of Ethics and issues advisory opinions whether or not certain conduct is permitted under the Code of Ethics.

Any person may file a complaint and any County officer or employee may request an advisory opinion. Forms are on the County's webpage.



## 8 major prohibitions

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1. The solicitation or acceptance of gifts;
2. The disclosure or use of confidential information;
3. Outside business activities and financial interests;
4. Representing others to the County;

## 8 major prohibitions (cont'd)

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5. The use of county property and personnel;
6. Financial interest disclosure requirements and voting restrictions with respect to matters before county agencies;
7. County contracts; and
8. Post-employment service.



## SOLICITATION AND ACCEPTANCE OF GIFTS

(No. 1)

No officer or employee of the county shall solicit, accept or receive any gift; directly or indirectly, 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's or employee's official duties or is intended as a reward for any official action on the officer's or employee's part.

Charter § 10-4.1.a.

## Gifts of Aloha exception

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The Board of Ethics has ruled that no violation would be found if,

- A. The gift was given freely, in the traditional spirit of aloha;
- B. There was no solicitation on the part of the county officer/employee receiving the gift;
- C. The gift is of nominal value; and,
- D. There are no other circumstances indicating an apparent intent by the donor to reward the recipient for past services or to influence the officer or employee to give the donor special treatment in the future.

## HOSPITALITY (gift)

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County officers and employees may accept moderate hospitality if it is offered generally to the entire group.



## DISCLOSURE OR USE OF CONFIDENTIAL INFORMATION

(No. 2)

The Code of Ethics prohibits officers and employees from disclosing confidential information that is acquired in the course of their official duties. The Code also prohibits the use of such confidential information for personal gain or the benefit of others. Charter § 10-4.1.b.

- Under this section of the Code of Ethics, officers and employees should never disclose:
  - Information received during an executive session; and
  - Information which, as a matter of practice is not available to the public.



## RESTRICTIONS ON OUTSIDE BUSINESS ACTIVITIES AND FINANCIAL INTEREST (No. 3)

No officer or employee of the County shall:

“Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer’s or employee’s official duties or which may tend to impair the officer’s or employee’s independence of judgment in the performance of the officer’s or employee’s official duties.”

Charter § 10-4.1.c.

The Code sections dealing with outside business activities and financial interests are reviewed together, since in practice, they are often jointly considered by the Board of Ethics when rendering an opinion.

Charter §§ 10-4.1.c. and 10-4.1.f.

## DISCLOSURE REQUIREMENTS AND VOTING RESTRICTIONS (No. 3, cont’d)

No officer or employee of the County shall:

Fail to disclose a financial interest in any matter which may be affected by an action of a county agency or vote on any matter affected by such interest.

Charter § 10-4.1.e.



## REPRESENTING OTHERS

(No. 4)

No officer or employee of the County shall:

Represent or appear on behalf of private interests in any action or proceeding against the interests of the County or appear on behalf of private interests before any County agency, provided that no officers or employee shall be denied the right to appear before any agency to petition for redress or grievances caused by any official county action affecting such person's personal rights ...

Charter § 10-4.4.

This provision is to avoid the use of official position (1) to obtain an unwarranted advantage for others or (2) for personal gain.

## Use of County property or people

(No. 5)

- Don't use County computers for personal business (County Computer Usage Policy)
- Don't transact personal business on County property or time
- Don't allow County personnel to do personal business on County time

## FINANCIAL DISCLOSURE STATEMENTS

(No. 6)

All elected county officers, all candidates for elective county office and such appointed officers are required to file financial disclosure statements with the Board of Ethics and County Clerk.

All members of boards and commissions which exercise significant discretionary or fiscal powers are required to file financial disclosure statements with the Board of Ethics only.

Public (open to public inspection) vs. Confidential (not open to public inspection). Charter §§ 10-3 and 10-4-1.e.

## Contracts with the County (No. 7)

No award of a contract in excess of \$500 to an officer or employee or with a firm in which an officer or employee has a substantial interest involving services or property unless the contract is made after competitive bidding.  
Charter § 10-4.3.

An officer or employee or a firm in which an officer or employee has a substantial interest may properly accept an award of a contract issued pursuant to the procurement procedures. This procedure usually requires public advertisement and sealed tenders.

There are situations in which it has been deemed not to be in the public interest to use an open competitive process in awarding a contract. These are situations where unique and specialized goods or services are to be contracted for and should be considered as outside the Code.



## REPRESENTING OTHERS

(No. 8)

### Restrictions after termination of service:

No officer or employee of the County shall: Receive compensation for any service rendered in behalf of any private interest after termination of service to or employment with the county in relation to any case, proceeding or application with respect to which the officer or employee was directly concerned, or which was under his or her active consideration, or with respect to which knowledge or information not generally available to the public was made available to him or her during the period of service to employment with the county. Charter § 10-4.1.f.

No former non-elected salaried employee or officer of the county shall appear for compensation before any department or other agency of the county by which such employee or officer was last employed within a period of one (1) year after termination of service to or employment with the county. Charter § 10-4.2.b.



Any Questions?

THANK YOU  
&  
Live Pono