

- (f) Any adjustment that increases or decreases any salary by more than ten percent shall require an affirmative vote of two-thirds of the entire membership of the salary commission.

(1974, Ord. No. 56, sec. 2; 1979, Prop 13; 1990, Prop. 5, sec. 1; 2000, Prop. 10, sec. 1; 2006, Ord. No. 06-60, sec. 4; 2018, Ord. No. 18-30, sec. 1.)

**Section 13-29. Conservation of Natural and Cultural Resources.**

For the benefit of present and future generations, the county shall conserve and protect Hawai‘i’s natural beauty and all natural and cultural resources, including but not limited to land, water, air, minerals, energy sources, wahi pana, surf spots, historic sites, and historic structures, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the county. All public natural and cultural resources are held in trust by the county for the benefit of the people.

(2010, Prop. 6, sec. 1.)

**ARTICLE XIV  
CODE OF ETHICS**

**Section 14-1. Enactment and Policy.**

- (a) The council shall adopt by ordinance a code of ethics which shall provide as a minimum standard the provisions of this article. More stringent provisions may be enacted.
- (b) Elected and appointed officers and employees shall demonstrate the highest standard of ethical conduct so that the public may have trust and confidence in the integrity of the government.

(2000, Prop. 15, sec. 1.)

**Section 14-2. Standards.**

It shall constitute a conflict of interest for employees or officers of the county to:

- (a) Solicit or accept gifts, loans, gratuities, favors, promises or services with the understanding that the same may influence the employees or officers in the proper discharge of their official duties.
- (b) Use their official position to secure special privileges, consideration, treatment or exemption to themselves or any person beyond that which is available to every other person.
- (c) Engage in any business, transaction or activity or have a financial interest, direct or indirect, which might reasonably tend to be incompatible with the proper discharge of their official duties or to impair their independence of judgment in the performance of their official duties.
- (d) Receive any compensation for their services as an officer or employee of the county from any other source other than the county, except as otherwise provided by this charter or by law.
- (e) Appear in behalf of private interests for compensation before any agency of the county other than a court of law, nor represent private interests in any action or proceeding against the interest of the county in any litigation to which the county is a party. An officer serving the county without compensation, however, may appear for compensation in behalf of private interests before county agencies

other than the one on which the officer serves and other than those agencies that have the power to review the actions of the agency on which the officer serves, or to act on the same subject matter as the agency on which the officer serves.

- (f) Accept a retainer, compensation or election campaign contribution that is contingent upon action by a county agency.

(1979, Prop. 13; 1990, Prop. 14, sec. 1.)

#### **Section 14-3. Disclosure of Interest.**

It shall be incumbent upon all employees or officers of the county to:

- (a) Make full disclosure in writing to the appointing authority or to the council in the case of an elective officer, the possession or acquisition of any interests, financial or otherwise as might reasonably tend to create a conflict with the public interest. Any member of the council who knows of a personal interest, direct or indirect, in any action proposed or pending before the council shall disclose such interest prior to the taking of any vote thereon.
- (b) File a copy of such disclosure with the county clerk which shall become a matter of public record.

(1990, Prop. 14, sec. 1.)

#### **Section 14-4. Conduct of Employees.**

Officers and employees of the county while discharging their duties and dealing with the public shall adhere to the following precepts:

- (a) All public property and equipment are to be treated as a public trust and are not to be used in a proprietary manner or for personal purposes without proper consent.
- (b) No person in a supervisory capacity shall engage in personal or business relationships with subordinates which might intimidate said subordinates in the discharge of their official duties.
- (c) All persons shall be treated in a courteous, fair and impartial manner.

(2010, Prop. 7, sec. 63.)

#### **Section 14-5. Board of Ethics.**

There shall be a board of ethics appointed by the mayor with the approval of the council. It shall consist of five members who shall be residents of the county. Each shall serve for a term of five years. Upon the initial appointment of members pursuant to this charter, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. The board shall establish its rules of procedure. Without limitation of its functions, the board shall:

- (a) Interpret the code of ethics for both county officials and the public and on its own may initiate and render opinions with respect thereto.
- (b) Render advisory opinions to county officers and employees with respect to the code of ethics pursuant to written requests by officers and employees.
- (c) Receive and initiate complaints of violations of the code of ethics and transmit such complaints to the council or the appropriate appointing authority, along with any pertinent advisory opinions thereto.
- (d) Hold hearings or conduct investigations concerning application of the code of ethics and make public such violations of the code that come to its attention.

(e) Publish advisory opinions with such deletions as may be necessary to prevent disclosure of identity of persons involved where such opinions are rendered pursuant to subsection (b) above.

(f) Propose revisions to the code of ethics where not inconsistent with this charter.

(2010, Prop. 7, sec. 64.)

**Section 14-6. Penalties.**

The failure to comply with the provisions of Sections 14-2 to 14-4, inclusive, shall constitute a cause for suspension, removal from office or employment, or such other penalty as the council may prescribe by ordinance. Nothing herein shall preclude any other remedy available against the officer or employee of the county as provided by law.

(2010, Prop. 7, sec. 65.)

**ARTICLE XV  
CHARTER AMENDMENT OR REVISION**

**Section 15-1. Initiation of Amendments or Revisions.**

Amendments or revisions of this charter may be initiated only in the following manner:

(a) By ordinance of the council adopted after three readings on separate days and passed by the affirmative vote of two-thirds of the entire membership.

(b) By petition presented to the council, signed by qualified electors equal in number to at least twenty percent of the total ballots cast in the last preceding general election, setting forth the proposed amendments or revisions. Such petition shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments or revisions which may be made by the corporation counsel.

Each elector signing such petition shall print their name, which shall be reasonably similar to their name as it appears on the general county register for the County of Hawai'i, residence address, and add their signature, month and day of their birth date, and the last four digits of their social security number on said petition. Signatures may be on separate sheets but each sheet shall have appended to it the affidavit of some person that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the county, that they signed with knowledge of the contents of the petition and that their residences are correctly given.

Upon filing of such petition with the council, the county clerk shall examine the same to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature appearing on the petition or affidavit. If the clerk finds that any such signature on the petition or affidavit is not genuine, the clerk shall disregard such signature. The clerk shall eliminate any sheet of the petition which is not accompanied by a valid affidavit. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remain after eliminating such invalid sheet. The clerk shall complete the examination of the petition within thirty working days.

(1979, Prop. 13; 1990, Prop. 14, sec. 1; 2006, Ord. No. 06-96, sec. 5; 2010, Prop. 3, sec. 1.)