

COMMITTEE C
CHARTER COMMISSION
MEETING MINUTES
DECEMBER 5, 1991
COUNCIL COMMITTEE ROOM

COMMISSIONERS PRESENT:

James Cockett
Dolores Fabrao
Robert Nakasone (Commission Chair)
Allan Sparks
Anne Takabuki (Committee Chair)
Lloyd Yonenaka
Sue Nakano-Ruidas (Staff Secretary)

OTHER ATTENDEES:

Maile Luuwai, Deputy
Corporation Counsel
for the Board of Ethics
Reverend Paul Kaneshiro,
Chair, Board of Ethics
Georgina Kawamura, Budget
Director
James Smith

I. CALL TO ORDER

Committee Chair Takabuki called the meeting to order at 2:07 p.m.

II. PUBLIC TESTIMONY

James Smith (individual) provided testimony regarding Article 10 - Code of Ethics. Mr. Smith suggested that the language and scope of the Code of Ethics be expanded to clearly provide that the actions taken by Boards and Commissions are subject to the Code.

Mr. Smith related an incident involving a County Board in which he felt that the particular Board had acted improperly. He stated that such incidents should be evaluated by the Board of Ethics. He requested that the Charter Commission consider elevating the status of the Board of Ethics such that it has the authority to oversee all board and commission actions.

Mr. Smith submitted a resolution recommending changes to the language of Article 10, Sections 10-1 and 10-5. (see Communication 91-37)

When questioned by commissioners as to whether his concerns could be better addressed by amending other sections of the Charter, or by pursuing other avenues with the Administration, Smith replied that he felt that Article 10 must provide the overall framework and standards by which all must abide by, and that "no one is above the ethical standards set for the whole."

III. OVERVIEW/DISCUSSION OF ARTICLE 10 - CODE OF ETHICS

- A. Maile Luuwai, Deputy Corporation Counsel for the Board of Ethics commented on Mr. Smith's testimony by noting that the Board of Ethics is limited to the application of the provisions of Section 10-4 of the Code of Ethics. She stressed that the Board has been very careful not to overstep its bounds of authority. She further stated that, "just dealing with individuals is enough".

Luuwai will request input and recommendations from the Board of Ethics regarding any changes to Article 10 of the Charter at its next meeting. She did not see any major problems with the Code of Ethics as currently written.

- B. Reverend Paul Kaneshiro, Chairman of the Board of Ethics, also addressed Mr. Smith's testimony, noting that it would require fulltime staff and a tremendous time commitment on the part of Board of Ethics' members if the Board were required to become a "Superboard" with authority to oversee all actions of boards and commissions. He indicated that the responsibility may be overwhelming for the Board of Ethics to handle.

In response to Reverend Kaneshiro's comments, commissioners discussed the possibility of establishing a separate commission to review actions of and complaints against County government boards and agencies (e.g., Commission on Responsible Government)

Reverend Kaneshiro noted that "it is hard for people to understand that the Board of Ethics is limited in scope and we don't step out of bounds." He stated that changes to the Code of Ethics should "look at the end result, not only the initial appeal."

- C. On the issue of a suggestion that the County Council police its own members on ethical conduct, much like the U. S. Congress does, Luuwai noted that such an arrangement is a fairly common practice among legislative branches. Reverend Kaneshiro indicated no position on the matter, adding that this issue would be discussed with the Board of Ethics.

IV. OVERVIEW/DISCUSSION OF ARTICLE 9 - BUDGET/FINANCIAL PROCEDURES

Budget Director Georgina Kawamura explained the budget process and schedule for submittal and review. In response to a question as to why the budget year is not based on a calendar year, she replied that all the counties follow the state schedule.

When asked about bi-annual budgeting, Kawamura felt "the Administration would not support it because it is more difficult to gauge two years at a time." She felt there was more accountability for monies with an annual budget.

A Commissioner expressed his belief that a two-year budget would allow the County to get away from focusing on small items, and require the administrative departments to do more long-range planning and forecasting. It was also suggested that more attention could be devoted to programs as opposed to single-item budgeting.

Kawamura expressed interest in learning the Council's position on a bi-annual budget.

Overall, Kawamura felt the Charter financial procedures were adequate, but with Council approval, some streamlining of budget procedures could be done.

V. NEXT MEETING DATE

The next meeting of this committee will be held next year, following the Board of Ethics' meeting and receipt of its suggestions/recommendations.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:09 p.m.

APPROVED:



ANNE M. TAKABUKI, COMMITTEE CHAIR