

91-38

December 9, 1991

Mr. Robert Nakasone and Members of  
the Maui County Charter Commission  
County of Maui  
Wailuku, Maui, HI 96793

Dear Mr. Nakasone, and Members of the Commission,

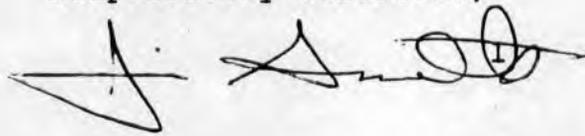
Thank you for your patience and willingness to consider by concerns regarding the survival of our democratic form of government, namely, my requests that the scope of Chapter 10 be extended to include actions taken by Boards and Commissions.

Again, I implore you to amend Article 10. The political dogma that asserts that where there is mass there is truth, has been an underlying premise of succeeding administrations of the County for more than a decade. Perhaps, the distrust and lack of faith in government's integrity can be traced to this idea.

My hope is that by amending the Article 10, the decision of a majority will in face be judged for its moral impact. It will be measured by standards articulated in this article for the purpose of preserving our democratic form of governance.

I have enclosed with this letter a copy of the Resolution I read to the Commission at it's December 5, 1991 meeting. I have revised it as you will note.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Nakasone", written over a horizontal line.

RESOLUTION

Introduced by JIM SMITH registered voter

WHERE AS, for the survival of government it is necessary that citizens justifiably have trust and confidence in the integrity of government;

WHERE AS, actions of the Board of Variance and Appeals, Maui Planning Commission, Board of Water Supply or any regulatory Board or Commission of the County of Maui may not justify trust and confidence in the integrity of government;

BE IT RESOLVED, that the Maui County Charter Commission amend Article 10, Code of Ethic, Section 10 - 1, Declaration of Policy, to read: : Elected and appointed officers and employees, the Board of Variance and Appeals; Board of Water Supply; Maui Planning Commission; Liquor Control Adjudication Board and Police Commission shall demonstrate by their actions the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government."

FURTHER, be it resolved that Section 10 -4 (2) be amended to include: "No board or commission by its action shall cause a prudent registered voter to lose trust and confidence in the integrity of government.";

FURTHER, that Section 10 - 4 (2) be amended to include: "No agent of the Office of Corporation Counsel shall permit a Board or Commission to take action upon an incomplete application, upon a misrepresentation of material fact, or the intention or content of legislative directive, nor shall proceedings be held without the presence of a representative of the Office of Corporation Counsel.";

FURTHERMORE, that section 10 - 5 be amended to read: " Any Board or Commission of the County determined to have violated provisions of this article shall publish a description of its violation and an apology in all local daily, weekly and month newspapers, address to citizens of this community, and any other administrative remedy the Board of Ethics deems appropriate."