

2009-2010 HAWAI'I COUNTY CHARTER COMMISSION
CHARTER AMENDMENT PROPOSAL FORM

1. GENERAL INFORMATION

Name of Commission Member: _____

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

3. Provide a brief description of the purpose of the proposed charter amendment; include a description of the issue the proposal would address:

4. If the proposal is based on a provision(s) in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

5. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

See reverse side

6. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Ramseyer Format, if proposing:

Amendments to Existing Charter Provisions

Any language being proposed to be added to the Charter shall be underscored.

Any language being proposed to be deleted from the Charter shall be [bracketed].

Replacing Existing Charter Provisions in their Entirety

Clearly indicate the article(s), chapter(s), and/or section(s) of the Charter to be proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

New Charter Provisions

Provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.

CHARTER AMENDMENT NO.

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article III, section 3-18, Hawai‘i County Charter, is hereby amended by amending subsection (f) to read as follows, with added language underscored and deleted language bracketed and stricken through:

- “(f) For purposes of carrying out any audit, the legislative auditor shall have:
- (1) Full, free, and unrestricted access to any county officer or employee.
 - (2) Full, free, and unrestricted access to and authority to examine and inspect any record of any county agency, executive agency, or program except for any record protected from disclosure by law, rule or privilege.
 - (3) Full, free, and unrestricted access to and authority to examine and inspect any property, facility, or equipment of any county agency, executive agency, or program pertinent to the audit or to a contract.
 - (4) Full, free, and unrestricted access to and authority to administer oaths and subpoena witnesses and compel the production of records pertinent thereto. If any person subpoenaed as a witness or compelled to produce records shall fail or refuse to respond thereto, the proper court, upon request of the auditor, shall have the power to compel obedience to any process of the auditor and to punish, as a contempt of court, any refusal to comply therewith without good cause. [~~The auditor may retain special counsel, in the manner authorized by the council, to represent the auditor in implementing these powers.~~]
 - (5) The authority to retain independent legal counsel.”

Section 2. Article X, section 10-13, Hawai‘i County Charter, is hereby amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

“Section 10-13. [~~Post-audit~~] Audit of Accounts and Financial Transactions.

The county council shall provide at least once every year for an independent audit of the accounts and other evidences of financial transactions of the county and of every county agency and executive agency. The audit shall be made by a certified public accountant or firm of certified public accountants, designated by the council, who have no personal interest, direct or indirect, in the fiscal affairs of the county or of any of its agencies or executive agencies. The audit shall include both financial accountability and adequacy of the financial and accounting system in accordance with recognized

government auditing standards. If the State makes such an audit, the council may accept it as satisfying the requirements of this section. The scope of the audit shall be in accordance with the terms of a written contract to be signed by the presiding officer of the council, which contract shall encourage recommendations for better financial controls and procedures and shall provide for the completion of the audit within a reasonable time after the close of the audited fiscal year. A copy of the audit report shall be transmitted to the mayor and to the council, shall be filed with the county clerk, and shall be a public record.

Either the council or the mayor may at any time order an examination or audit of the accounts or program of any county agency or executive agency. Upon the death, resignation, removal or expiration of the term of any county administrative officer, the director of finance [~~shall~~] may cause an audit and investigation of the accounts maintained by the officer and the officer's agency or executive agency to be made and shall report the results thereof to the mayor and the council. In the case of the death, resignation or removal of the director of finance, the council may cause an audit to be made of the accounts of all agencies and executive agencies. If, as a result of any such audit, an officer be found indebted to the county, the mayor shall proceed forthwith to collect the indebtedness.”

Section 3. Article XIII, section 13-13, Hawai'i County Charter, is hereby amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

“Section 13-13. Contracts.

The county may enter into contracts with private parties, other counties, the State or the United States for the performance of any function or activity which the county is authorized to perform. All written contracts to which the county is a party shall:

- (a) Be approved by the corporation counsel as to form and legality.
- (b) Be authorized by the council by resolution if legislative action is necessary to implement the contract.
- (c) Except as otherwise provided, be signed by the mayor.
- (d) Be approved by the director of finance as to the availability of funds in the amounts and for the purposes set forth therein if they involve financial obligations of the county. Such contracts shall not extend beyond the term for which an appropriation to finance such obligations has been made, except as otherwise provided by this charter. This provision shall not apply to obligations for the procurement of utility services.
- (e) Contain a “right to audit” clause to provide the Legislative Auditor, or a certified public accountant or firm of certified public accountants hired by the Legislative Auditor, access and authority to examine and inspect any

records, property, facility, and/or equipment pertinent to a contract with any private party.”

Section 4. This amendment shall take effect upon approval by the electorate.