

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.

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. If the State makes such an audit, the council may accept it as satisfying the requirements of this section.

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