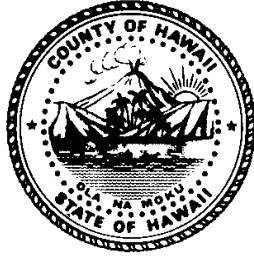


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**2009-2010
HAWAI'I COUNTY
CHARTER COMMISSION**

To: Chair Edmund K. Haitzuka and
Members of the Hawai'i County Charter Commission

From: Levi K. Hookano, Attorney

Date: January 13, 2010

RE: Relating to CA-14: Independent Counsel for the Legislative Auditor

Dear Chair Haitzuka and Members of the Hawai'i County Charter Commission,

This memo outlines some concerns with CA-14 as it relates to the hiring of independent legal counsel for the legislative auditor. There appears to be some conflicts of charter provisions in the event this amendment is approved by the commission in its current form.

Currently, the charter provides that the legislative auditor may retain special counsel in the manner provided by Section 6-6.5. This would require approval by two-thirds of the county council in a manner presenting a real necessity for such employment.¹ Additionally, the corporation counsel is the chief legal advisor for all county agencies, the council, and all officers and employees in matters related to their official powers and duties.² This includes the legislative auditor. The letter from corporation counsel Lincoln Ashida, dated January 7, 2010, adequately outlines the same concerns that I had relating to CA-14. If this amendment is to move forward, Section 6-5.3 will need to be amended as well to reflect the relationship between the independent counsel hired by the legislative auditor and the corporation counsel. This would prevent any questions about conflicts of interest as provided by the Rules of Professional Conduct for the practice of law.

If you have any questions regarding this matter, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Levi Hookano', written in a cursive style.

Levi Hookano
Commission Attorney

¹ Hawai'i County Charter, Article VI, Chapter 5, Section 6-5.5 (2008).

² Hawai'i County Charter, Article VI, Chapter 5, Section 6-5.3 (2008).