PUBLIC NOTICE
PROPOSED AMENDMENTS TO THE HAWAIʻI COUNTY CHARTER
NOTE: THESE PROPOSED AMENDMENTS WILL BE ON THE GENERAL ELECTION BALLOT, NOVEMBER 8, 2022

The Hawaiʻi County Charter is the document which sets out the form of local government in the County of Hawaiʻi. Three amendments to the Charter have been proposed by the Hawaiʻi County Council. The amendments, Proposal 1, Proposal 2, and Proposal 3 will be placed on a ballot in the form of a question and set before the electorate in the General Election on November 8, 2022.

Pursuant to Section 15-2, Hawaiʻi County Charter, the full text for these amendments is published below in ordinance form. For Proposals 1 and 2, text to be repealed is bracketed and stricken and new text is underscored. All text in Proposal 3 would be new to the Hawaiʻi County Charter (underscoring is intentionally omitted).

In addition, the corresponding ballot questions are set out preceding the full text of the proposed amendments.

To view the Fiscal Impact Statement for each proposed Charter amendment, please go to: www.hawaiicounty.gov/fis

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BALLOT QUESTION

PROPOSAL NO. 1: Membership for the Board of Ethics

Shall the Hawaiʻi County Charter be amended to increase the membership of the Board of Ethics from five members to seven members?

If you agree with Proposal No. 1, vote yes.
If you disagree with Proposal No. 1, vote no.

FULL TEXT OF PROPOSAL NO. 1
ORDINANCE NO. 22-82

AN ORDINANCE TO INITIATE AN AMENDMENT TO ARTICLE XIV, SECTION 14-5 OF THE HAWAIʻI COUNTY CHARTER (2020 EDITION), RELATING TO THE BOARD OF ETHICS.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAIʻI:

SECTION 1. Article XIV, section 14-5, of the Hawaiʻi County Charter (2020 Edition), is amended by amending subsection (a) to read as follows:

"(a) There shall be a board of ethics appointed by the mayor with the approval of the council. It shall consist of [~~five~~] seven members who shall be residents of the county. Members shall serve staggered terms of five years. The board shall adopt its rules of procedure, having the force and effect of law, as shall be necessary to provide for the enforcement of the code of ethics."

SECTION 2. Material to be repealed is bracketed and stricken. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai'i, the reviser need not include the brackets, bracketed and stricken material, and the underscoring.

SECTION 3. If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 4. Upon adoption of this ordinance, this Council, by appropriate resolution, shall provide that this amendment be submitted to the electorate of Hawai'i County for approval in the 2022 general election.

SECTION 5. The charter amendment proposed in this ordinance shall take effect upon its approval by a majority of voters voting on this legislation in the 2022 general election, as duly certified.

BALLOT QUESTION

PROPOSAL NO. 2: Expanding the Duties of the County Auditor

Shall the Hawai'i County Charter be amended to expand the duties of the Office of the County Auditor to include investigating allegations of fraud, waste, or abuse within the operations of the County of Hawai'i?

If you agree with Proposal No. 2, vote yes.
If you disagree with Proposal No. 2, vote no.

FULL TEXT OF PROPOSAL NO. 2
ORDINANCE NO. 22-85

AN ORDINANCE TO INITIATE AN AMENDMENT TO ARTICLE III, SECTION 3-18 OF THE HAWAI'I COUNTY CHARTER (2020 EDITION), RELATING TO THE OFFICE OF THE COUNTY AUDITOR.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAIʻI:

SECTION 1. Purpose. The Charter prescribes that any work done by the County Auditor must be specified in the annual audit plan. The Office of the County Auditor recently launched a whistleblower, fraud, waste, and abuse hotline. Current language restricts the County Auditor from conducting precision engagements and investigations regarding information provided through the hotline. This Charter Amendment would grant the County Auditor the ability to complete routine, non-audit activities, and services outside of the annual audit plan.

SECTION 2. Article III, section 3-18, of the Hawaiʻi County Charter (2020 Edition), is amended to read as follows:

"**Section 3-18. Office of the County Auditor.**

(a) There is established within the legislative branch an independent office of the county auditor to be headed by a county auditor who shall be appointed by the county council and shall serve for a period of six years, and thereafter, until a successor is appointed. The council, by a two-thirds vote of its membership, may remove the county auditor from office at any time for cause.

(b) The county auditor shall possess adequate professional proficiency for the office demonstrated by relevant certification, such as certification as a certified internal auditor or certified public accountant or an advanced degree in a relevant field, and at least three years of general auditing experience which shall include a minimum of one year's experience in the field of government auditing. A certified internal auditor or certified public accountant shall be preferred. All financial audits shall be conducted by a certified public accountant.

(c) The county auditor shall submit an annual budget to the county council. The county auditor on behalf of the county council shall hire the necessary staff for which appropriations have been made by the county council.

(d) The county auditor shall conduct or cause to be conducted:

    (1) The annual financial audit of the county, as required in Article X, Financial Procedures, Section 10-13, Post-audit.

    (2) Performance and/or financial audits of the funds, programs, services, and operations of any county agency, executive agency, or program, as set forth by the county auditor in an annual audit plan that shall be transmitted to the county council and the mayor and filed with the county clerk as a public record.

    (3) Follow-up audits and monitoring of responses to audit recommendations by audited entities.

    (4) <u>Investigations of reports of fraud, waste or abuse within county operations, when the county auditor determines that the allegation of fraud, waste or abuse warrants investigation. The county auditor may provide findings and recommendations to the appropriate county official or officials after completing the investigation.</u>

(e) For purposes of this section, "county agency" or "executive agency" includes any office, department, board, commission, agency, semi-autonomous agency, or other governmental unit of the county in the executive or legislative branch that is supported, in whole or in part, by county funds.

(f) For purposes of carrying out [~~any audit,~~] the duties prescribed in subsection (d), the county 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 county auditor, shall have the power to compel obedience to any process of the county auditor and to punish, as a contempt of the court, any refusal to comply therewith without good cause. The county auditor may retain special counsel, in the manner authorized by the council, to represent the county auditor in implementing these powers.

(g) The county auditor shall conduct or cause to be conducted all audits in accordance with government auditing standards, and shall set forth final audit findings and recommendations in written reports, copies of which shall be transmitted to the county council and the mayor and filed with the county clerk as public records."

SECTION 3. Charter material to be repealed is bracketed and stricken. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai'i, the reviser need not include the brackets, bracketed and stricken material, and underscoring.

SECTION 4. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. Upon adoption of this ordinance, the Council, by appropriate resolution, shall provide that this amendment be submitted to the electorate of Hawai'i County for approval in the 2022 general election.

SECTION 6. The charter amendment proposed in this ordinance shall take effect upon its approval by a majority of voters voting on this legislation in the 2022 general election, as duly certified.

BALLOT QUESTION

PROPOSAL NO. 3: Establishing a Youth Commission

Shall the Hawai‘i County Charter be amended to establish a Youth Commission, which would consist of at least nine but no more than 15 members between the ages of 14 and 24-years old, whose duties would include advising the Mayor, County Council, and official agencies of the County on legislative and budgetary matters, assess existing programs and advance new programs that support youth development, and encourage and coordinate youth participation in County initiatives and other forms of civic engagement?

If you agree with Proposal No. 3, vote yes.
If you disagree with Proposal No. 3, vote no.

FULL TEXT OF PROPOSAL NO. 3
ORDINANCE NO. 22-86

AN ORDINANCE TO INITIATE AN AMENDMENT TO ARTICLE V OF THE HAWAI‘I COUNTY CHARTER (2020 EDITION), RELATING TO ESTABLISHING A YOUTH COMMISSION WITHIN THE EXECUTIVE BRANCH.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:

SECTION 1. Article V of the Hawai‘i County Charter (2020 Edition), is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER ___
YOUTH COMMISSION

Section 5- . Declaration of Policy.

It is declared to be the policy of the county to promote the development of future leaders through increasing civic engagement and volunteer service of youth, and ensuring young people are provided with opportunities for their ideas and perspectives to be integrated into local government on a regular basis.

Section 5- . Youth Commission.

For the purpose of carrying out the policy set forth herein, a youth commission is established to express the policy priorities of the youth of the county. The mayor shall designate a secretary for the commission, who shall provide the primary administrative and clerical support to its members. The office

of management shall provide adequate training and resources to fulfill the purpose, duties, and responsibilities of the commission.

Section 5- . Duties and Functions of the Youth Commission.

The youth commission shall:

(a) Identify the aspirations, needs, and concerns of the youth of the county.

(b) Examine and devise strategies that support or improve existing social, economic, educational, health, and recreational programs for youth, or develop new programs and submit such recommendations thereon to the council and mayor for consideration and action.

(c) Advise the council and mayor on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the county.

(d) Respond to requests for comment and recommendation on matters referred to the commission by the council, mayor, officers, agencies, and executive and legislative branch advisory committees of the county.

(e) Initiate educational campaigns.

(f) Encourage other young people to increase civic engagement.

(g) Coordinate activities that increase youth participation in County-led initiatives, such as development of community plans and emergency preparedness.

(h) Create community resources for youth that are available to residents of all ages.

Section 5- . Membership, Appointment and Term of Commission.

(a) The youth commission shall consist of no less than nine and no more than fifteen members between the ages of fourteen to twenty-four years at the time of appointment and serve for staggered terms of two years. Commission members who have attained the age of majority at the time of appointment shall be duly registered voters of the county. Each council member shall appoint a member who resides in the district that council member represents and the mayor may appoint up to six members who are residents of the county. The residence address of a parent or legal guardian may be considered when determining membership eligibility. The initial appointments shall commence no later than ninety days after the effective date of this section and shall be as follows:

(1) One year term: maximum eight members with up to three appointed by the mayor and one each appointed by the council members representing districts 1, 3, 5, 7, and 9.

(2) Two year term: maximum seven members with up to three appointed by the mayor and one each appointed by the council members representing districts 2, 4, 6, and 8.

Each succeeding appointment shall be for a term ending two years from the date of expiration of each term for which the predecessor had been appointed.

(b) The commission shall select three adult residents of the county to serve as its advisors.

(c) The council chair may assign one member of the council to serve as an ex-officio member on the commission.
(d) Commission members shall not be subject to Section 13-4.
(e) Commission members under the age of eighteen shall not be subject to Section 14-3 and are exempt from filing financial disclosures, unless otherwise provided by ordinance or commission bylaws."

SECTION 2. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3. Upon adoption of this ordinance, the Council, by appropriate resolution, shall provide that this amendment be submitted to the electorate of Hawai'i County for approval in the 2022 general election.

SECTION 4. The charter amendment proposed in this ordinance shall take effect upon its approval by a majority of voters voting on this legislation in the 2022 general election, as duly certified.

Copies of the full text and the respective ballot questions are on file in the Office of the County Clerk in Hilo and the Office of the County Council in Kailua-Kona.

Jon Henricks
County Clerk

Hawai'i County is an Equal Opportunity Provider and Employer

Hawai'i Tribune-Herald: September 20, 2022 (Tuesday)
West Hawai'i Today: September 20, 2022 (Tuesday)