

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

July 6, 2012

**Committee**  
**Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy Committee, having met on June 13, 2012, makes reference to the following:

1. County Communication 09-229, from Michael J. Molina, Chair, Committee of the Whole, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended ("Charter").
2. County Communication 12-75, from the Chair of the Maui County Charter Commission ("Charter Commission"), transmitting a copy of the "2011-2012 Maui County Charter Commission Final Report", dated March 30, 2012, transmitting 11 proposed Charter amendments.
3. County Communication 12-104, from the Chair of the Charter Commission, transmitting the Charter Commission's response to the Council's recommendations and proposed alternatives received on April 27, 2012.
4. Miscellaneous Communication dated June 1, 2012, from the County Clerk, referring a copy of Resolution 12-44, entitled "PROPOSING AN ALTERNATIVE AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS", which was recalled by the Council at its meeting of June 1, 2012.
5. Miscellaneous Communication dated June 1, 2012, from the County Clerk, referring a copy of Resolution 12-45, entitled "PROPOSING AN ALTERNATIVE AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR", which was recalled by the Council at its meeting of June 1, 2012.

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

July 6, 2012  
Page 2

**Committee**  
**Report No.** \_\_\_\_\_

6. Correspondence dated June 7, 2012, from the Chair of your Committee, transmitting the following:
  - a. A revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS". The proposal would lengthen the terms of Council members from two to four years, with term limits of three consecutive full, or four-year, terms, beginning on January 2, 2015, with terms to be staggered. This resolution contains the identical Charter amendment language contained in Resolution 12-44.
  - b. One of two versions of a revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR". The proposal would establish an independent Office of the County Auditor, remove the Cost of Government Commission, and make other clarifications. This version of the resolution contains the identical Charter amendment language contained in Resolution 12-45.
  - c. One of two versions of a revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR". The proposal would establish an independent Office of the County Auditor, provide for the appointment and removal of the Auditor, define the Auditor's duties and powers, remove the Cost of Government Commission, and make other clarifications. This version of the resolution is similar to the Charter Commission's proposal, but eliminates the Cost of Government Commission, to focus resources and accountability on the County Auditor.

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

July 6, 2012  
Page 3

**Committee**  
**Report No.** \_\_\_\_\_

Your Committee notes that, on April 26, 2012, the Council adopted Policy Committee Report 12-51, which reported the recommendations of the Council, for transmittal to the Charter Commission. The Council also adopted Resolutions 12-44 and 12-45, offering the Council's alternative proposals relating to Council term limits and establishing an Office of the County Auditor, respectively.

By correspondence dated May 25, 2012, the Charter Commission notified the Council of its rejection of the Council's alternative proposals. Section 50-9, Hawaii Revised Statutes, provides the Council a ten-day period after receiving such notification to recall, or withdraw, any or all of the alternative proposals rejected by the Charter Commission. The Council's statutorily imposed deadline was June 4, 2012.

Your Committee received opinions dated May 22, 2012, and May 29, 2012, from the Department of the Corporation Counsel, providing procedural guidance with respect to the Council's alternative proposals. The Department advised that the Council could recall its alternatives through the adoption of a resolution or committee report. The Department also advised that the Council may modify a rejected alternative and transmit the modified proposal to the County Clerk for placement on the general-election ballot, in competition with the corresponding Charter Commission proposal, pursuant to Section 14-1(1) of the Charter. In addition, the Council may place an alternative proposal on the ballot that had not been considered by the Charter Commission, pursuant to the authority set forth in Section 14-1 of the Charter.

At the Special Council meeting of June 1, 2012, the Council adopted Resolution 12-54, recalling the Council's alternative proposal relating to Council term limits, and Resolution 12-55, recalling the Council's alternative proposal relating to the Office of the County Auditor.

By correspondence dated June 7, 2012, the Chair of your Committee transmitted three revised proposed Charter amendment resolutions for consideration, pursuant to Section 14-1 of the Charter. One proposal related to Council term limits and two proposals related to an Office of the County Auditor. Each of the revised proposed resolutions contained a ballot question reflecting the substance of the proposed Charter amendment.

Your Committee discussed the proposed amendment which would, if passed by the voters, lengthen the terms of Council members from two to four years, commencing January 2, 2015. The amendment would also reduce the number of consecutive full

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

July 6, 2012  
Page 4

**Committee**  
**Report No.** \_\_\_\_\_

terms Council members may serve from five to three, and provide for staggering of the terms of Council members so that either four or five Council members, and not the entire body, would be subject to election at one time. Finally, to accomplish the transition, the amendment would provide that the initial, two-year terms served from January 2, 2015 to January 2, 2017, would not be counted as full terms.

Your Committee noted that, unlike the Charter Commission's proposal on Council term limits, the Council's competing proposal explicitly applies the term limits to full terms, and states that only four-year terms are to be counted as full terms.

Your Committee noted some concern as to whether the Council's proposal might be perceived by some to be self-serving. However, your Committee considered the removal of the existing reference to "full" terms in Section 3-2(5) of the Charter to pose a more significant problem, in light of prior issues involving a mid-term successor to a Council vacancy. Your Committee, therefore, recommended that the Council's revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS" be passed on first reading.

Your Committee also discussed both versions of the revised proposed resolution relating to establishing an Office of the County Auditor, which had been transmitted by the Chair of your Committee. Your Committee emphasized that the main priority is the establishment of an Office of the County Auditor in the Charter. Your Committee determined that it would be better to allow a single proposal to be presented to the voters. Your Committee, therefore, recommended that the Council's revised proposed resolutions entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR" be filed.

Your Committee voted 6-2 to recommend passage on first reading of the revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS". Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Mateo, and Pontanilla voted "aye". Committee members Couch and White voted "no". Committee member Victorino was excused.

Your Committee voted 7-0 to recommend filing of the revised proposed resolutions entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

July 6, 2012  
Page 5

**Committee**  
**Report No.** \_\_\_\_\_

OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR”. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Mateo, Pontanilla, and White voted “aye”. Committee members Couch and Victorino were excused.

Your Committee retained the referenced communications for further consideration, if necessary.

Your Committee notes that, pursuant to Subsection 14-1(1) of the Charter, amendments to the Charter may be initiated by Council resolution adopted after two readings on separate days and passed by a vote of six or more members of the Council.

Your Policy Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, as revised herein and attached hereto, entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That the revised proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR”, attached hereto, which would establish an independent Office of the County Auditor, remove the Cost of Government Commission, and make other clarifications, be FILED; and
3. That the revised proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH AN OFFICE OF THE COUNTY AUDITOR”, attached hereto, which would establish an independent Office of the County Auditor, provide for the appointment and removal of the Auditor, define the Auditor’s duties and powers, remove the Cost of Government Commission, and make other clarifications, be FILED.

COUNCIL OF THE COUNTY OF MAUI  
**POLICY COMMITTEE**

July 6, 2012  
Page 6

**Committee**  
**Report No.** \_\_\_\_\_

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
G. RIKI HOKAMA, Chair

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# Resolution

No. \_\_\_\_\_

PROPOSING AN AMENDMENT TO THE REVISED  
CHARTER OF THE COUNTY OF MAUI (1983), AS  
AMENDED, RELATING TO  
COUNTY COUNCIL TERM LIMITS

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1) of the Revised Charter of the County of Maui (1983), as amended (“Charter”), it hereby proposes that Section 3-2(5) of the Charter, pertaining to County Council term limits, be amended to read as follows:

“**Section 3-2(5).** The term of office of council members shall be for [two (2) years,] four (4) years, beginning at twelve o'clock meridian on the second day of January following their election. [No] Effective January 2, 2015, no member of the county council, from any residency area, shall serve more than [five consecutive full terms] three (3) consecutive full terms of office.”

2. That it does hereby propose that Article 15 of the Charter, relating to Transitional Provisions, be amended to add a new section to be appropriately designated and to read as follows:

“**Section 15-4. Transitional Provisions Relating to Staggering of Council Members’ Terms.** The terms of council members shall be staggered commencing on January 2, 2015, and shall be implemented in accordance with this section as follows: in the 2014 election, the five (5) council members who receive the highest number of votes shall be elected to serve four (4) year terms; the remaining four (4) council members shall be elected to serve a two (2) year term commencing on January 2, 2015, provided that in the 2016 election, these council positions serving such two (2) year terms shall be elected to serve four (4) year terms commencing on January 2, 2017. For purposes of this transition, each of the two (2) year terms served from January 2, 2015 to January 2, 2017 shall not be counted as a full term.”

3. That material to be repealed is bracketed and new material is underscored;  
and

**Resolution No. \_\_\_\_\_**

4. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

5. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

6. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

"Shall the Charter be amended to lengthen the terms of Council members from two to four years, with term limits of three consecutive full, or four-year, terms, beginning on January 2, 2015, with terms to be staggered?"

7. That pursuant to Section 14-2(2) of the Charter, the County Clerk publish this proposed amendment in a newspaper of general circulation; and

8. That, upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

9. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel  
County of Maui

pol:misc:010(12)breso\_Council\_term\_limits:cmn

# Resolution

No. \_\_\_\_\_

PROPOSING AN AMENDMENT TO THE REVISED  
CHARTER OF THE COUNTY OF MAUI (1983), AS  
AMENDED, TO ESTABLISH AN OFFICE OF THE  
COUNTY AUDITOR

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1) of the Revised Charter of the County of Maui (1983), as amended (“Charter”), it hereby proposes that Article 3 of the Charter, pertaining to the County Council, be amended to add a new section to read as follows:

“Section 3-9. County Auditor. The council, by a majority vote of its members, shall appoint a county auditor who shall serve for a period of six years and thereafter until a successor has been appointed. The council, by a two-thirds vote of its members, may remove the county auditor from office at any time for cause. It shall be the duty of the county auditor to conduct post-audits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the county; to certify to the accuracy of all financial statements issued by the respective accounting officers; and to report the county auditor’s findings and recommendations to the mayor and to the council at such times as shall be provided by law. The county auditor shall also make such additional reports and conduct such other investigations as may be directed by the council. The county auditor shall be exempt from the civil service and may appoint the necessary staff, who shall also be exempt from the civil service and shall serve at the pleasure of the county auditor.”; and

2. That it does hereby propose that Article 9, Section 9-13 of the Charter, relating to Audit of Accounts, be amended to read as follows:

“Section 9-13. Audit of Accounts. Within six (6) months after the beginning of each fiscal year, [the county council shall provide for] the county auditor shall conduct or cause to be conducted an independent financial audit of the funds, accounts, and other evidences of financial transactions of the county and of all operations for which the county is responsible[.] for the audited fiscal year. The audit shall be [made] conducted 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 any of its operations.

**Resolution No. \_\_\_\_\_**

The audit shall include both financial accountability and adequacy of the financial and accounting system. If the State makes such an audit, the [council] county auditor 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] recommended by the county auditor and signed by the council chair[,] as the contracting officer for the legislative branch, 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 previous fiscal year. A copy of the audit reports shall be filed with the county clerk and shall be a public record[.], unless otherwise provided by law.

In case of the death, resignation, or removal of the director of finance, the council shall cause an independent audit to be made of the finance director's accounts.”; and

3. That it does hereby propose that Article 15 of the Charter, relating to Transitional Provisions, be amended to add a new section to be appropriately designated and to read as follows:

**“Section 15-5. Transfer of Audit Functions to the Office of the County Auditor.** 1. All lawful obligations and liabilities owed by or to the office of council services relating to financial and performance audits on June 30, 2013 shall remain in effect on July 1, 2013. The obligations and liabilities shall be assumed by the office of the county auditor.

All contracts held by the office of council services relating to financial and performance audits which are to remain effective after June 30, 2013 shall be assumed by the office of the county auditor. The contracts shall continue in effect until fulfilled or lawfully terminated. All financial and performance audit activities administered by the office of council services on June 30, 2013 shall be assumed by the office of the county auditor on July 1, 2013.

2. On July 1, 2013, all records, data, and information held by the office of council services relating to financial and performance audits which have not been completed as of June 30, 2013 shall be transferred to the office of the county auditor.”; and

4. That it does hereby propose that Article 8, Chapter 16 of the Charter, relating to the Cost of Government Commission, be deleted in its entirety as follows:

**“[Section 8-16.1. Declaration of Policy.** It is declared to be the policy of the county to promote economy, efficiency and improved service

**Resolution No. \_\_\_\_\_**

in the transaction of the public business in the legislative and executive branches of county by:

1. Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.
2. Eliminating duplication and overlapping of services, activities, and functions.
3. Consolidating services, activities, and functions of a similar nature.
4. Abolishing services, activities, and functions not necessary to the efficient conduct of government.

**Section 8-16.2. Cost of Government Commission.** For the purpose of carrying out the policy set forth herein the mayor with the approval of the council shall biennially appoint a cost of government commission consisting of nine members. Each such commission shall:

1. Prepare and submit to the mayor a request for an appropriation for the operation of the commission.
2. Study and investigate the organizations and methods of operations of all departments, commissions, boards, offices and other instrumentality of all branches of the county government and determine what changes, if any, may be desirable to accomplish the policy set forth herein.
3. Be authorized to secure directly from any department, commission, board, office, or any other instrumentalities of all branches of the county government or from any individual officer or employee of the county, information, suggestions, estimates, and statistics necessary to carry out its duties.
4. Submit a report of its findings and recommendations to the mayor and council not later than eleven months after its appointment.

**Section 8-16.3. Term of Commission.** Members of the Cost of Government Commission shall serve for staggered terms of two years, with an initial appointment of four members to serve two year terms and five members to serve one year terms. A member may be reappointed, but shall not serve on the Commission for more than a total of four years.]”;  
and

5. That material to be repealed is bracketed and new material is underscored;  
and

6. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

**Resolution No. \_\_\_\_\_**

7. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

8. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

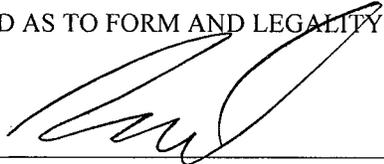
“Shall the Charter be amended to establish an independent Office of the County Auditor, remove the Cost of Government Commission, and make other clarifying, conforming, transitional, and related amendments?”; and

9. That pursuant to Section 14-2(2) of the Charter, the County Clerk publish this proposed amendment in a newspaper of general circulation; and

10. That, upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

11. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel  
County of Maui

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# Resolution

No. \_\_\_\_\_

PROPOSING AN AMENDMENT TO THE REVISED  
CHARTER OF THE COUNTY OF MAUI (1983), AS  
AMENDED, TO ESTABLISH AN OFFICE OF THE  
COUNTY AUDITOR

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1) of the Revised Charter of the County of Maui (1983), as amended (“Charter”), it hereby proposes that Article 3 of the Charter, pertaining to the County Council, be amended to add new sections to read as follows:

“Section 3-9.1. Declaration of Policy. It is declared to be the policy of the county to promote economy, efficiency, and improved service in the transaction of the public business in the legislative and executive branches of the county by:

1. Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;
2. Eliminating duplication and overlapping of services, activities, and functions;
3. Consolidating services, activities, and functions of a similar nature; and
4. Abolishing services, activities, and functions not necessary to the efficient conduct of government.

**Section 3-9.2. Office of County Auditor and County Auditor.**

1. There is established an office of the county auditor, to be headed by a county auditor who shall be appointed by the county council, by a majority vote of its membership, and shall serve for a term of six years. The county auditor may be re-appointed, or a successor appointed, by the council for subsequent terms of six years. The county auditor may hold over until a successor is appointed. The salary of the county auditor shall be determined by the salary commission. The council, by a two-thirds vote of its membership, may remove the county auditor from office at any time for cause. The county auditor shall be exempt from the civil service.

2. The county auditor shall possess adequate professional proficiency for the office, demonstrated by relevant certification as a certified internal auditor or certified public accountant, and have at least five years of experience in the field of auditing, evaluation, or analysis.

## Resolution No. \_\_\_\_\_

The county auditor shall have a bachelor's degree in accounting, business administration, or public administration or related field.

3. Except for exercising the right to vote, neither the county auditor nor any staff member of the office of the county auditor shall support, advocate, or aid in the election or defeat of any candidate for county public office.

4. The county auditor may appoint the necessary staff. Persons appointed to such positions shall be exempt from the civil service and shall serve at the pleasure of the county auditor.

**Section 3-9.3. Powers, Duties and Functions.** 1. The county auditor shall have the duty and power to conduct or cause to be conducted:

a. The independent annual financial audit of the county, as authorized by Section 9-13 of this charter;

b. Other program, financial, or performance audits or evaluations regarding county organizations, operations, and regulations;

c. Performance or financial audits of the funds, programs, or activities of any agency or function of the county, as the county auditor deems warranted; provided that, before each fiscal year, the auditor shall transmit a plan of the audits proposed to be conducted during the fiscal year to the mayor and the council, for review and comment, but not approval; and

d. Such other functions as may be prescribed by the council or law.

2. Audit findings and recommendations shall be set forth in written reports of the county auditor, a copy of which shall be transmitted to the mayor and to the council, which shall be public records, except as provided by law.

3. For the purposes of carrying out any audit, the county auditor shall have full, free, and unrestricted access to any county officer or employee and shall be authorized to examine and inspect any record of any agency or operation of the county, 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 to represent the county auditor in implementing these powers.

4. The county auditor shall submit its budget to the county council subject to Article 9, Section 9-2(1).

## Resolution No. \_\_\_\_\_

**Section 3-9.4. Definitions.** For the purpose of Section 3-9 of this charter, the following definitions shall apply:

“Agency or operation of the county” includes any executive agency, semi-autonomous agency, council office, and other establishment of county government supported, in whole or in part, by county or public funds.

“Council office” includes the council itself, the office of a council member and the council member’s immediate staff, the office of the county clerk, and the office of council services. This definition shall not be construed as excluding the office of the county auditor from the legislative branch.

“Record” includes any account, book, paper, and document, and any financial affair, notwithstanding whether any of the preceding is stored on paper or electronically.”; and

2. That it does hereby propose that Article 9, Section 9-13 of the Charter, relating to Audit of Accounts, be amended to read as follows:

**“Section 9-13. Audit of Accounts.** Within six (6) months after the beginning of each fiscal year, [the county council shall provide for] the county auditor shall conduct or cause to be conducted an independent financial audit of the funds, accounts, and other evidences of financial transactions of the county and of all operations for which the county is responsible[.] for the audited fiscal year. The audit shall be [made] conducted 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 any of its operations. The audit shall include both financial accountability and adequacy of the financial and accounting system. If the State makes such an audit, the [council] county auditor 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] recommended by the county auditor and signed by the council chair[,] as the contracting officer for the legislative branch, 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 previous fiscal year. A copy of the audit reports shall be filed with the county clerk and shall be a public record[.], unless otherwise provided by law.

In case of the death, resignation, or removal of the director of finance, the council shall cause an independent audit to be made of the finance director’s accounts.”; and

**Resolution No. \_\_\_\_\_**

3. That it does hereby propose that Article 15 of the Charter, relating to Transitional Provisions, be amended to add a new section to be appropriately designated and to read as follows:

**“Section 15-5. Transfer of Audit Functions to the Office of the County Auditor.** 1. All lawful obligations and liabilities owed by or to the office of council services relating to financial and performance audits on June 30, 2013 shall remain in effect on July 1, 2013. The obligations and liabilities shall be assumed by the office of the county auditor.

All contracts held by the office of council services relating to financial and performance audits which are to remain effective after June 30, 2013 shall be assumed by the office of the county auditor. The contracts shall continue in effect until fulfilled or lawfully terminated. All financial and performance audit activities administered by the office of council services on June 30, 2013 shall be assumed by the office of the county auditor on July 1, 2013.

2. On July 1, 2013, all records, data, and information held by the office of council services relating to financial and performance audits which have not been completed as of June 30, 2013 shall be transferred to the office of the county auditor.”; and

4. That it does hereby propose that Article 8, Chapter 16 of the Charter, relating to the Cost of Government Commission, be deleted in its entirety as follows:

**“[Section 8-16.1. Declaration of Policy.** It is declared to be the policy of the county to promote economy, efficiency and improved service in the transaction of the public business in the legislative and executive branches of county by:

1. Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.

2. Eliminating duplication and overlapping of services, activities, and functions.

3. Consolidating services, activities, and functions of a similar nature.

4. Abolishing services, activities, and functions not necessary to the efficient conduct of government.

**Section 8-16.2. Cost of Government Commission.** For the purpose of carrying out the policy set forth herein the mayor with the approval of the council shall biennially appoint a cost of government commission consisting of nine members. Each such commission shall:

**Resolution No. \_\_\_\_\_**

1. Prepare and submit to the mayor a request for an appropriation for the operation of the commission.

2. Study and investigate the organizations and methods of operations of all departments, commissions, boards, offices and other instrumentality of all branches of the county government and determine what changes, if any, may be desirable to accomplish the policy set forth herein.

3. Be authorized to secure directly from any department, commission, board, office, or any other instrumentalities of all branches of the county government or from any individual officer or employee of the county, information, suggestions, estimates, and statistics necessary to carry out its duties.

4. Submit a report of its findings and recommendations to the mayor and council not later than eleven months after its appointment.

**Section 8-16.3. Term of Commission.** Members of the Cost of Government Commission shall serve for staggered terms of two years, with an initial appointment of four members to serve two year terms and five members to serve one year terms. A member may be reappointed, but shall not serve on the Commission for more than a total of four years.]; and

5. That material to be repealed is bracketed and new material is underscored; and

6. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

7. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

8. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

“Shall the Charter be amended to establish an independent Office of the County Auditor, provide for the appointment and removal of an independent County Auditor by the County Council, define the County Auditor’s duties and powers in order to increase accountability and efficiency of County operations, remove the Cost of Government Commission, and make other clarifying, conforming, transitional, and related amendments?”; and

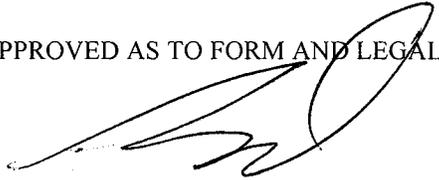
**Resolution No. \_\_\_\_\_**

9. That pursuant to Section 14-2(2) of the Charter, the County Clerk publish this proposed amendment in a newspaper of general circulation; and

10. That, upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

11. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the text 'APPROVED AS TO FORM AND LEGALITY'.

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Department of the Corporation Counsel  
County of Maui