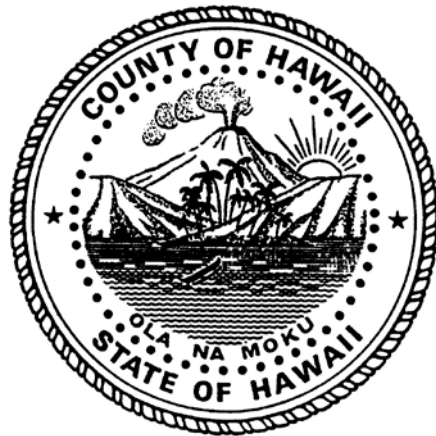


RULES OF PROCEDURE AND ORGANIZATION
OF THE
COUNCIL OF THE COUNTY OF HAWAI'I



2018-2020 COUNCIL TERM

**RULES OF PROCEDURE AND ORGANIZATION
OF THE COUNCIL OF THE COUNTY HAWAI'I**

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RULE NO. 1

INITIAL CONVENING OF THE COUNCIL

1. When the time specified by law arrives for the first convening of the newly elected Council and until such time as the Chairperson and Presiding Officer shall be elected, the Mayor shall preside at such meeting, provided that the Mayor shall not have a vote. (Section 3-6, Hawai'i County Charter)
2. The Mayor shall call the meeting to order and appoint a temporary Clerk.
3. The Mayor shall then appoint a Credentials Committee of not less than three members. The Credentials Committee shall immediately examine the credentials of the Council Members-elect. If the credentials are in order, the Credentials Committee shall so report. The Mayor, as the temporary Chairperson, shall then request a motion to elect the Chairperson of the Council.
4. Immediately after being elected, the Chairperson shall assume the position of the Presiding Officer, and the Council shall then elect the Vice Chairperson of the Council and appoint the County Clerk as provided by Section 3-6, Hawai'i County Charter. The Council shall then adopt the Council rules of procedure and appoint the Chairpersons and Vice Chairpersons of the standing committees by resolution.
5. The rules of procedure shall become effective upon adoption and shall remain in effect until amended or revised as provided herein.

RULE NO. 2
MEETINGS

1. Regular Council Meetings. The Council shall meet regularly at least twice in every month at the place and time designated by the Council. Whenever possible, the meetings will be scheduled on the first and third Wednesday of each month. The Council shall hold an equal number of meetings in East and West Hawai'i. To the extent possible public testimony shall begin at the designated time on the agenda. Absent extenuating circumstances, ceremonial and other matters customarily handled in advance of Statements from the Public shall be handled prior to the time stated in the agenda for public testimony and shall be placed on the agenda.
2. Special Meetings. Special meetings may be called by the Chairperson or a majority of the Council.
 - (a) Notice of any special meeting must be filed in the Office of the Lieutenant Governor or the Office of the County Clerk at least six calendar days before the meeting, and also meet all other requirements of HRS 92-7.
 - (b) An agenda for the special meeting shall be posted on the official bulletin board for the Council for public inspection, and, if possible, on the website.
3. Committee Meetings. Except as otherwise provided, those Standing Committees having referrals shall meet on the day preceding a regular Council meeting or at other places and/or times designated by the Council.
4. Executive Meetings.
 - (a) Allowable Purposes for an Executive Meeting. The Council may hold a meeting closed to the public:
 - (1) For one or more of the purposes set forth in HRS 92-5, which are:
 - (A) To consider and evaluate personal information relating to individuals applying for professional or vocational licenses;
 - (B) To consider the hiring, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved provided that if the individual concerned requests an open meeting, an open meeting shall be held;

- (C) To deliberate concerning the authority of persons designated by the Council or Committee members to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
 - (D) To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;
 - (E) To investigate proceedings regarding criminal misconduct;
 - (F) To consider sensitive matters related to public safety or security;
 - (G) To consider matters relating to the solicitation and acceptance of private donations; and
 - (H) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order; or
- (2) Where personal matters affecting the privacy of an individual are to be considered and the individual involved requests a closed meeting to consider such matter (Hawai'i County Charter, section 13-20(b)).
- (b) Votes Required to Enter An Executive Meeting. The Council or its standing Committees may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the Council or Committee is entitled. A meeting closed to the public shall be limited to matters exempted by HRS 92-5 and in (a) above. The reason for holding such a meeting shall be publicly announced and the vote of each member on the question of holding a meeting closed to the public shall be recorded, and entered into the minutes of the meeting.

Chart of Minimum Required Votes

| Members Present | 2/3 of Membership | Required Votes |
|-----------------|-------------------|----------------|
| 9 | 6 | 6 |
| 8 | 5.33 | 6 |
| 7 | 4.66 | 5 |
| 6 | 4 | 5 |
| 5 | 3.33 | 5 |

- (c) Any resultant official action shall be acted upon in open meeting in accordance with section 13-20(b) of the Hawai‘i County Charter.
- (d) Per Corporation Counsel (June 2011), an Executive Meeting is terminated when the purpose of the meeting has been fulfilled.
- (e) The references for this section are HRS 92-4 and 92-5.

5. Emergency Meetings.

- (a) Imminent Peril. If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in section 92-7, the Council may hold an emergency meeting provided that:
 - (1) The Council states in writing the reasons for its findings;
 - (2) Two-thirds of all members to which the Council is entitled agree that the findings are correct and an emergency exists;
 - (3) An emergency agenda and the findings are filed with the Office of the Lieutenant Governor or the Office of the County Clerk; and
 - (4) Persons requesting notification on a regular basis are contacted by mail or telephone as soon as practicable.
- (b) Unanticipated Event. If an unanticipated event requires a Council to take action on a matter over which it has supervision, control, jurisdiction, or advisory power, within less time than is provided for in section 92-7 to notice and convene a meeting of the Council, the Council may hold an emergency meeting to deliberate and decide whether and how to act in response to the unanticipated event, provided that:

- (1) The Council states in writing the reasons for its finding that an unanticipated event has occurred and that an emergency meeting is necessary and the attorney general concurs that the conditions necessary for an emergency meeting under this subsection exist;
- (2) Two-thirds of all members to which the Council is entitled agree that the conditions necessary for an emergency meeting under this subsection exist;
- (3) The finding that an unanticipated event has occurred and that an emergency meeting is necessary and the agenda for the emergency meeting under this subsection are filed with the office of the lieutenant governor or the appropriate county clerk's office, and in the Council's office;
- (4) Persons requesting notification on a regular basis are contacted by mail or telephone as soon as practicable; and
- (5) The Council limits its action to only that action which must be taken on or before the date that a meeting would have been held, had the Council noticed the meeting pursuant to section 92-7.

For purposes of this part, an "unanticipated event" means:

- (A) An event which members of the Council did not have sufficient advance knowledge of or reasonably could not have known about from information published by the media or information generally available in the community;
- (B) A deadline established by a legislative body, a court, or a federal, state, or county agency beyond the control of a Council; or
- (C) A consequence of an event for which reasonably informed and knowledgeable Council members could not have taken all necessary action.

(c) The reference for this section is HRS 92-8.

6. Videoconference Meetings.

(a) The Committees and Council may hold videoconference meetings provided that:

- (1) If a Council Member wishes to attend a meeting via videoconference, a written request shall be submitted to the Council or Committee Chairperson as well as simultaneously to all members of the Council, and approval obtained prior to the agenda deadline for that meeting. The Chairperson shall handle the request in the following manner:
 - (A) The request shall only be granted for compelling, urgent or unusual circumstances;
 - (B) The request shall be read on the record prior to public testimony and be recorded in the minutes;
 - (C) In case an emergency unexpectedly necessitates missing a Council or Committee meeting, the Council Member shall advise the Chairperson and the other Council Members as soon as possible; and
 - (D) The Chairperson of the meeting shall make an announcement prior to public testimony to explain the reason for the Council Member's absence.
- (2) The public notice required by HRS section 92-7 shall specify the name of each Council or Committee member and their physical location during the videoconference. If the Council Member elects to forego attending by videoconference and instead attends the meeting at the designated Council Chambers, that Council Member shall still be allowed to deliberate and vote during that meeting;
- (3) Any Committee or Council member participating in a duly noticed meeting via videoconference shall be considered present at that meeting for the purpose of determining compliance with the quorum and voting requirements of the Committee or Council meeting; and
- (4) The videoconference system allows both audio and visual interaction between all members of the Council or Committee participating in the meeting and the public attending the meeting. (See exception in subsection (b)(2))

- (b) Termination of a videoconference meeting.
 - (1) A meeting held by videoconference shall be terminated if, after the meeting convenes, both the audio and video communication cannot be maintained with all locations where the meeting is being held, even if a quorum of the Council or Committee members is physically present in one location, however;
 - (2) A meeting may be continued by audio communication alone, if:
 - (A) All visual aids required by, or brought to the meeting by Council or Committee members or members of the public have already been provided to all meeting participants at all videoconference locations where the meeting is held; or
 - (B) Participants are able to readily transmit visual aids by some other means (e.g., fax copies), to all other meeting participants at all other videoconference locations where the meeting is held.
If copies of visual aids are not available to all meeting participants at all videoconference locations where the meeting is held, those agenda items related to the visual aids shall be deferred until the next meeting; and
 - (C) No more than fifteen minutes shall elapse in implementing the requirements listed in paragraph (b) (2).
- (c) The reference for this section is HRS 92-3.5.

7. Sine Die. Sine Die is the last scheduled meeting of an outgoing Council and is not considered a regular meeting. The following conditions apply:

- (a) Only resolutions shall be allowed on the agenda.
- (b) No other legislative proceedings shall be allowed with the exception of addressing emergencies.
- (c) The meeting shall start at 9:00 A.M., at a location designated by the Council Chairperson.

8. Availability of Agenda to Council Members. Except as otherwise provided by law, the agenda and all referrals for a regular meeting of the Council or a Committee shall be made available to Council Members at least six (6) calendar days prior to the meeting.

9. Attendance. If a Council Member is unable to attend a meeting, prior written notice shall be given to the Council or Committee Chairperson with the reason for absence clearly explained. Repeated absences from in-person attendance by any Council Member may be cause for censure.
10. Roll call. A voice roll call will be taken to confirm each Council Member's attendance. A Council Member shall respond by answering "eō," "present," or "here."
11. Recesses. Notwithstanding the need to occasionally call for short recesses or lunch breaks, when there may be unusual circumstances for the Chairperson to call for a recess, the Chairperson shall announce the anticipated length of the recess and time of reconvening.
12. Scheduling.
 - (a) The Council Chairperson is authorized to schedule or reschedule the location, time, date and/or subject matter of Regular, Committee, Special, or Executive meetings, provided the Committee Chairperson is consulted about the scheduling or rescheduling of a Committee meeting.
 - (b) Public notice for any Regular, Committee, Special, or rescheduled meetings, or Executive meetings when anticipated in advance, shall be provided pursuant to HRS 92-7.
 - (c) Any request for referral of a presentation shall be approved in advance by the Council Chairperson. The request shall include the proposed date for the presentation, a brief description of the content of the presentation, and the person(s) or group that will be providing the presentation. Any request so approved shall be referred by the Council Chairperson to the appropriate Committee to be heard on the date as proposed in the requesting communication, unless the Council Chairperson determines the presentation will occur on a date other than that which has been proposed.

RULE NO. 3

QUORUM

1. A majority of the entire membership of the Council or a Committee shall constitute a quorum for meetings, but a smaller number may adjourn from time to time, and may compel the attendance of absent members. (Section 3-7, Hawai'i County Charter)

The term "entire membership," as it pertains to Council voting, means the entire membership of nine members even if there are vacancies. (Section 3-7, Hawai'i County Charter)

2. In the absence of a quorum, a meeting may not be convened except for the purpose of either recessing the meeting to another date, time and specific location or publicly adjourning the meeting due to a lack of quorum.

RULE NO. 4

OFFICERS AND THEIR DUTIES

1. Officers. The officers of the Council shall consist of the Chairperson and Vice Chairperson who shall perform the duties prescribed by law and these rules. Each shall be elected by a majority vote of the entire membership of the Council and serve at its pleasure. Any vacancy shall be filled in like manner.

2. Presiding Officer. The Chairperson of the Council shall be the Presiding Officer of the Council and have the right to vote as other members. In the absence or disability of the Chairperson, the Vice Chairperson shall act as the Presiding Officer. In the absence or disability of both the Chairperson and Vice Chairperson, the Council shall elect from among its members a temporary presiding officer and the Finance Committee Chairperson shall serve as the Chairperson *Pro Tempore* for purposes of presiding over the election.

It shall be the duty of the Chairperson to:

- (a) Open all meetings of the Council at the appointed hour by taking the chair and calling the Council to order.
- (b) Call for the approval of the minutes of the preceding meeting.
- (c) Maintain order and proper decorum and reasonably administer the receipt of oral and written testimony in accordance with these rules. The Chairperson shall not engage in debate or discussion of any issue unless first relinquishing the chair to the Vice Chairperson.
- (d) Announce the business before the Council in the order prescribed by these rules and the results of any Council vote.
- (e) Sign all documents and authenticate all official acts of the Council as required.
- (f) Receive all reports, communications, bills, resolutions, and other items from the public, the Mayor, various departments of the government, and individual Council Members, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chairperson(s). All communications shall be numbered and made available to the public, except as otherwise provided by law. (Section 13-20(a), Hawai'i County Charter)
- (g) Authorize (approve or deny) requests for items to be waived to the Council agenda upon written approval of the Committee Chairperson.

- (h) Provide for the coordination of all meetings, functions, and legislative and administrative activities of the Council, and assure that they are honestly, efficiently and lawfully conducted.
- (i) Make known all rules of order when so requested and decide all questions of order and procedure, subject to appeal to the Council.
- (j) Serve as the chief spokesman and representative of the Council for matters before the public, the state and the federal governments, and the County administration in accordance with the official position of the Council.
- (k) Assist the Chairpersons and members of the Committees and ad hoc committees by assuring the availability of adequate administrative and staff support.
- (l) Authorize (approve or deny) all travel requests of Council Members and staff as provided in the Section 13-17, Hawai'i County Charter, and Article 16, Section 2-94(a) and (b), Hawai'i County Code.
- (m) Recommend a calendar of events to include Council meetings, Committee meetings, agenda deadlines, recesses, special meetings, holidays, etc.

RULE NO. 5
COMMITTEES

1. Type. There shall be three (3) types of Committees:
 - (a) Standing Committees
 - (b) Ad Hoc Committees (see Rule No. 7)
 - (c) Committee of the Whole
2. Establishment of Standing Committees.
 - (a) Standing Committees dissolve at the end of the Council term.
 - (b) The members of the Council shall establish all Standing Committees and designate the Committee Chairperson and Vice Chairperson of each Standing Committees by resolution at the initial convening of the Council.
 - (c) After the selection of each Committee's Chairperson and Vice Chairperson at the initial convening of the Council, any change of Chairperson or Vice Chairperson, change of the responsibility of the Committee, or to add or remove a Committee shall require a resolution.
3. Purpose and Duty. The purpose of the Committees is to expedite the business of the Council by permitting Committees to go into details on specific matters. It shall be the duty of the Standing Committees to consider and make recommendations on matters referred to such Committees.
4. Members. The Chairperson and all Council Members shall be members of each Standing Committee with voting privileges. Membership in the other Committees shall be in accordance with these rules or by law.
5. Procedures for Referrals to Standing Committees.
 - (a) The Council Chairperson is responsible for assigning the referrals to the appropriate Standing Committee as described in Council Rule No. 4(f).
 - (b) The Committee Chairperson shall immediately determine that the referral was placed correctly in their Committee. Referrals that are accidentally referred to the wrong Committee shall be immediately brought to the attention of the Council Chairperson, and if determined to be in the wrong Committee by the Council Chairperson, shall be re-referred to the correct Committee.

- (c) All referrals forwarded to a Standing Committee's Chairperson shall, upon compliance with the mandated six-calendar-day posting notice, be placed on the agenda of the appropriate Standing Committee by the Committee Chairperson.
- (d) Any recommendation or determination by a Committee shall be dispensed with by a formal motion and vote.
- (e) A Standing Committee may expedite its business by means of referring matters to an Ad Hoc Committee.

6. Responsibilities of the Committee Chairperson.

- (a) The Chairperson of each Standing Committee shall receive all referrals to the Committee and shall place referrals on the first available agenda unless:
 - (1) Said Chairperson determines circumstances exist that warrant holding the referral to the second available Committee meeting with the concurrence of the originator;
 - (2) At the request of the administration on any of its bills (except the Operations and Capital Improvement Project budgets), resolutions, or communications, that referral may be held to a future date with the concurrence of the Committee Chairperson or Council Chairperson as appropriate;
- (b) Matters required by law for immediate Council action shall be placed on the first available Committee agenda.
- (c) The Chairperson of each Committee shall preside at all meetings unless the Chairperson voluntarily relinquishes the chair.
- (d) In the absence of the Committee Chairperson, the Vice Chairperson shall perform the duties of the Chairperson. In the absence or disability of both the Chairperson and Vice Chairperson of a Standing Committee, the Committee shall elect from among its members a temporary Chairperson (Hawai'i County Charter, Section 3-6(a)). For the process of electing a temporary Chairperson, the Finance Committee Chairperson shall act as Chairperson Pro Tempore. (Rule No. 4.2.)
- (e) The Chairperson shall maintain order and proper decorum and reasonably administer the receipt of oral and written testimony in accordance with these rules.

- (f) The Chairperson may speak on a matter before his or her Committee without relinquishing the Chair, provided deliberation on the matter from all other members of the Committee has ended and the Chairperson is not the introducer of the item being considered. Any issue brought to the Committee by the Chairperson requires that the Chairperson first relinquish the position of Chairperson to the Vice Chairperson or temporary Chairperson.
 - (g) Upon a written request and with the written concurrence of the appropriate Committee Chairperson, the Council Chairperson may authorize any item to be waived from the Committee directly to the Council agenda.
 - (h) The Committee Chairperson shall determine what items appear on the Committee agenda and prepare any required reports for each meeting.
7. Other. In all other matters, Committees shall conduct their business in accordance with these rules, the Hawai‘i County Charter, and the Hawai‘i Revised Statutes.

RULE NO. 6
STANDING COMMITTEES

1. Standing committees have a continuing existence. There shall be seven (7) standing committees as follows:

- (a) Committee on Finance
- (b) Committee on Planning
- (c) Committee on Parks and Recreation
- (d) Committee on Environmental Resiliency and Management
- (e) Committee on Public Works and Mass Transit
- (f) Committee on Public Safety
- (g) Committee on Governmental Relations and Economic Development

2. The scope and responsibilities of the standing committees shall include, but not be limited to, the following:

(a) Committee on Finance:

- (1) Matters related to auditing, budget, capital improvement projects, improvement districts, lease agreements, appropriations, general obligation and revenue bonds, taxes, intergovernmental revenues, grants, licenses, data systems, procurement policies, open space acquisitions, land acquisition, district contingency relief funds, personnel transactions, and associated fees.
- (2) Matters related to the establishment of the annual County operating and capital budgets, including the setting of real property tax rates.
- (3) Matters related to health care, health insurance, increasing access to such professional services and community clinics.
- (4) Matters related to human services, social services, social service agencies, homelessness, and non-profit programs.

(b) Committee on Planning:

Matters related to public lands, general plan, community development plans, subdivisions, zoning, land use, infrastructure requirements, coastal zone management, historic sites and trails, cultural resources, street names, public access, and associated fees.

- (c) Committee on Parks and Recreation
Matters related to parks and recreation, youth activities, elderly activities, cemeteries, and associated fees.
- (d) Committee on Environmental Resiliency and Management:
 - (1) Matters related to agriculture sustainability, food processing, diversified agricultural, development of agriculture, forestry, aquaculture, mariculture, fertilizers, invasive species, fisheries and other natural resources.
 - (2) Matters related to water-use efficiency and sustainability through water-use conservation, management, protection, and restoration of ecosystems, investment in water-use infrastructure, public and private water systems and wells, drinking water for rural communities, and watershed approaches and protection.
 - (3) Matters related to solar energy, geothermal energy, wind, biomass, hydropower, wave energy production, bio-fuel and synthetic fuel production, power systems, and energy-efficient technologies for buildings not covered by the committee responsible for public works.
 - (4) Matters related to the protection, preservation, and enhancement of the environment, management of solid and hazardous waste, wastewater, recycling programs and associated fees.
- (e) Committee on Public Works and Mass Transit:
 - (1) Matters related to management of public facilities, building, fire, plumbing and related codes, dedication deeds, street and other public improvement dedications, easements, highways, scenic byways, floodways, flooding and drainage, bridges, public utilities, telecommunications, traffic control, sign regulations, road beautification and associated fees.
 - (2) Matters related to public transportation/mass transit programs and associated fees.
- (f) Committee on Public Safety:

Matters related to police and fire protection, civil defense, liquor control, humane society, animal control, prosecuting attorney, emergency preparedness, emergency management, disaster recovery, and associated fees.

(g) Committee on Governmental Relations and Economic Development:

(1) Matters related to State and Federal legislation, Hawai'i State Association of Counties, National Association of Counties, State/County overlapping functions, International relations, and Federal, State and County agency relations.

(2) Matters related to research and economic development programs, market development, tourism, shipping, job creation, education, scientific research, astronomy and space projects, foreign trade zones, enterprise zones, and industrial activities.

3. The Chairpersons and Vice Chairperson of each Committee shall be determined by resolution.

RULE NO. 7

AD HOC COMMITTEES

1. Establishment. The Chairperson of the Council or a standing committee, in accordance with these rules and the law, may establish an ad hoc committee as needed for the purpose of investigating a matter relating to the official business of the Council or standing committee, or to present, discuss, or negotiate any position which the Council or standing committee has adopted.
2. Membership. The Chairperson of the Council or standing committee shall assign at least two (2) members, but no more than would constitute a quorum of the Council or standing committee, as members of an ad hoc committee.
3. Scope. The scope of investigation and each member's authority must be defined at a meeting of the Council or standing committee when the ad hoc committee is established.
4. Findings and Recommendations. All findings and reports of the ad hoc committee shall be presented to the Council or standing committee that formed the ad hoc committee during a duly noticed meeting.
5. Deliberation and Decision-Making Prohibited. Deliberation and decision-making on a matter investigated, if any, must occur only at a duly noticed meeting of the Council or standing committee held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.
6. Other. In all other matters, the ad hoc committee shall conduct its business in accordance with these rules and the law.

RULE NO. 8

COMMITTEE OF THE WHOLE

1. Establishment. Upon a majority vote of its members, the Council may resolve itself into a Committee of the Whole on any bill, resolution or matter for discussion.
2. Chairperson. The Chairperson of the Council shall be the Chairperson of the Committee of the Whole, unless otherwise specified by a majority vote of the members of the Council.
3. Records. The County Clerk shall be the clerk of the Committee of the Whole and shall make a complete record of its proceedings which shall be kept as one of the public records of the Council.
4. Other. In all other matters, the Committee of the Whole shall conduct its business in accordance with these rules, the Hawai'i County Charter, and the Hawai'i Revised Statutes.

RULE NO. 9
COMMITTEE REPORTS

1. Standing committees shall report as necessary or as required on matters referred to them.
2. Whenever any matter is referred to a Committee, it shall be the duty of such Committee to make diligent inquiry into all of the facts and circumstances that may be connected to such matter. The Corporation Counsel, department heads, and other County employees may be consulted, witnesses may be summoned and examined, documents and records requested and researched and, as may be permitted by law, everything done to bring all facts pertaining to such matters before the Committee.
3. The report shall contain the communication number and, when applicable, its respective bill or resolution number; the date and location of the meeting; the title of the bill, resolution, or communication; a summary on the matter; and the Committee vote by individual to move this matter forward to the Council with a positive or negative recommendation. The report of a Committee on any matter shall be signed by its Chairperson.
4. The report of a Committee on a bill or resolution shall state clearly the amendments by communication number, introducer, and whether the amendment was approved or disapproved, if any amendments are proposed.
5. In the event a Committee fails to have total agreement, the Committee Chairperson shall transmit a majority report to the Council and the same shall be the report of the Committee. The Committee minority may file a separate Committee report. In the event that Committee members are evenly divided on any question or if the question does not receive a majority vote due to members in absentia, the subject matter shall be forwarded to the Council with a negative recommendation.
6. Unless waived directly to the Council, all bills, resolutions and matters requiring Council action shall be forwarded to the Council with a Committee report.

RULE NO. 10

VOTING

1. There shall be four (4) methods of voting:
 - (a) By voice
 - (b) By raising of hands
 - (c) By unanimous consent
 - (d) By roll call
2. The method of voting at Council Meetings shall be determined by the Chairperson, provided that if a vote is not unanimous, the Chairperson shall announce the names of those members voting in the minority and those who are absent. The Chairperson shall state the question prior to calling for the vote. The County Clerk shall record each vote in the minutes and report the result to the Chairperson who shall announce whether the motion passed or failed. Upon the request of any member of the Council, or at the discretion of the Chairperson, the Chairperson shall use a roll call vote.
3. The method of voting in Committees shall be determined by the Committee Chairperson, provided that if a vote is not unanimous, the Chairperson shall announce the names of those members voting in the minority and those who are absent. The Chairperson shall state the question prior to calling for the vote. The County Clerk shall record each vote in the minutes and report the result to the Chairperson who shall announce whether the motion passed or failed. Upon the request of any member of the Committee, or at the discretion of the Chairperson, the Chairperson shall use a roll call vote.
4. When a voice or roll call vote is called, each member shall answer in a clear voice “ ‘ae” or “aye” if voting in the affirmative, or “ ‘a’ole” or “no” if voting in the negative.
5. Any Council Member who has reservations, pro or con, on any motion may vote in a clear voice “kānalua.” After all the members have voted, any member who voted “kānalua” will be asked again to give a voice vote. The members shall then vote “ ‘ae” or “aye” or “ ‘a’ole” or “no”.
6. No member shall refrain from voting unless excused by the Chairperson for a stated conflict of interest or is otherwise excused as provided herein. Unless a member is excused from voting, silence shall be recorded as an affirmative vote.

7. Whenever the Chairperson calls for the vote, a Council Member shall not be permitted to explain a vote. After the announcement of the result, a Council Member shall not be permitted to change a vote.

8. In the event of a tie vote, the following procedures apply:

(a) In the case of a tie vote on the final vote on the main motion considered by a Committee, the matter shall be forwarded to the Council with a negative recommendation. For any other motions, such as motions to amend, the motion shall fail.

(b) In the case of a tie vote on any motion considered by the Council, the motion fails.

9. Official Action. No official action shall be taken except at a meeting open to the public in accordance with Section 13-20(b), Hawai‘i County Charter. Business conducted by the Council during a meeting, which does not conform to the provisions of Section 13-20, shall be null and void in accordance with Section 13-20(d), Hawai‘i County Charter.

Except as otherwise provided by law or these rules, “Official Action” means a collective decision or an actual vote by a majority of the members of the Council, when sitting as a body or an entity, upon any matter before the Council. (Section 13-20, Hawai‘i County Charter)

10. Unless otherwise provided, the vote of a majority of the entire membership of the Council or Committees shall be necessary for a motion to pass.

11. An affirmative vote of at least two-thirds of the entire membership of the Council shall be required to:

(a) Apply the proceeds from the issuance of County bonds for purposes other than those for which such bonds were initially issued (Section 47-5, Hawai‘i Revised Statutes);

(b) Override the mayor’s veto (Section 3-12, Hawai‘i County Charter);

(c) Authorize the employment of special counsel (Section 6-5.5, Hawai‘i County Charter);

(d) Make an emergency appropriation by ordinance (Sections 3-11 and 10-8, Hawai‘i County Charter);

(e) Amend the capital budget (Section 10-6(d), Hawai‘i County Charter);

- (f) Cut off debate by a motion to the previous question;
 - (g) Revise or suspend these rules; or
 - (h) Initiate amendments or revisions to the Hawai‘i County Charter.
12. The Council may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present, provided the affirmative vote constitutes a majority of the members to which the Council or Committee is entitled. (Section 92-4, Hawai‘i Revised Statutes)
13. Upon a one-third vote of the entire membership, the Council shall be required to:
- (a) Hold full readings and public hearings on bills or resolutions (Section 3-9, 3-10(a), Hawai‘i County Charter), or
 - (b) Lay over an amended bill for at least one week before final reading (Section 3-10(d), Hawai‘i County Charter).
14. Bills and resolutions covering similar subject matters and requiring three readings for approval may be considered and voted upon as a group on first reading with the unanimous consent of the entire membership.
15. Members of boards and commissions duly appointed by the Mayor, as prescribed in Section 13-4(b), Hawai‘i County Charter, shall be voted on individually and not as a group or as a slate of members or nominees.

RULE NO. 11

DISCLOSURE OF INTEREST

1. Any member who has a substantial financial and/or personal interest, direct or indirect, in any action proposed or pending before the Council or a Committee, shall make full disclosure in writing to the Chairperson of such interest prior to the taking of any vote thereon as provided by Section 14-3(a), Hawai'i County Charter.

2. Any member who has a substantial financial and/or personal interest directly affected in any action proposed or pending before the Council or a Committee shall refrain from deliberating on said action and shall be excused from voting on the matter thereon.

(a) "Substantial" means an interest which is sufficient in magnitude to influence one's official action.

(b) "Financial interest" means an interest held by a Council Member, his or her spouse, domestic partner, children, siblings, parents, grandparents, or grandchildren, which is

(1) an ownership interest in a business,

(2) a creditor interest in an insolvent business,

(3) an employment, or prospective employment, for which negotiations have begun,

(4) an ownership interest in real or personal property,

(5) a loan or other debtor interest, or

(6) a directorship or officership in a business.

3. Such written disclosure of financial or personal interest in any proposal pending before the Council and its Committees, shall be recorded in the minutes of the meetings of the Council and its Committees, and shall be made a matter of public record prior to the taking of any vote on such proposal as provided in Section 14-3(b), Hawai'i County Charter. Such written disclosure shall be applicable to all subsequent actions relating to the same subject matter.

4. Prior to any vote in the Council or a Committee on a proposal for which the Council Member has made a written disclosure of a financial or personal interest, the Council Member shall also orally disclose the interest to the Council or Committee after each motion and second on the proposal, but before the commencement of debate on the motion or, if there is no debate, before the calling of the question on the motion.

RULE NO. 12

PETITIONS

1. Any person may petition the Council. Petitions shall be in writing, signed by the petitioners.
2. All petitions and other papers addressed to the Council shall be presented by the Chairperson or by a Council Member, and shall be endorsed by the person presenting it. The petition or other papers shall be made part of the official records kept by the Clerk, provided that all documents so received shall be referred to Committee as appropriate.
3. A brief statement of the contents of any petition or other papers shall be made verbally by the one presenting the same.
4. Petitions relating to Initiative and Referendum shall follow procedures pursuant to Article XI, Hawai'i County Charter.

RULE NO. 13

PUBLIC STATEMENTS AND TESTIMONY

1. Written Testimony. Written testimonies shall be received for the record on any agenda item. If possible, fourteen (14) written copies of the testimony should be submitted for presentation to the Council or Committee by 12 noon the previous business day of the meeting(s). Testimonies received after 12 noon shall still be received for the record and will be presented to the Council or Committee members as soon as practicable.

2. Video Testimony. Prerecorded video testimonies shall be received for the record on any agenda item and should be submitted for presentation to the Council or Committee by 12 noon the previous business day of the meeting(s). Testimonies received after 12 noon shall still be received for the record and will be presented to the Council or Committee members as soon as practicable.

3. Oral Testimony. Oral statements from any member of the public shall abide by the following:

- (a) Pursuant to Chapter 92, Hawai'i Revised Statutes, any person wishing to present oral testimony on any agenda item may do so consistent with this rule.
- (b) Persons wishing to present oral testimony relating to any agenda item shall register with the Clerk prior to the closing of statements from the public at the call of the Chairperson, indicating the item on which they wish to speak and their position, if any. Persons may provide their name, address, and organization they represent, if any.
- (c) Persons sharing the same or similar points of view may testify as a group with one spokesperson who shall list the names of all persons in the group in attendance and may state their home community or district, and that listing of names shall not be considered as part of the time allotted for public testimony.
- (d) During public testimony, Council members may ask the testifier a specific question, as opposed to making any comment of approval or disapproval or otherwise, and may request submission of specified additional information.

- (e) Each person may speak for three minutes subject to the discretion of the Chairperson.
 - (f) Each person must speak at the time of calling, unless the Chairperson determines otherwise.
 - (g) No person will be allowed to speak twice on the same subject.
 - (h) Any person wishing to speak on more than one subject shall register separately for each agenda item.
 - (i) Those speaking shall direct their remarks to the Chairperson and not to any individual Council Member or person in the audience.
 - (j) All members of the public shall extend proper courtesy and respect to one another and to all Council Members, and all persons shall be addressed by their surnames. No profanity or abusive remarks will be allowed at any time in any meeting.
 - (k) Any person, not a member of Council, who is disrespectful to the Council or any Committee by any disorderly or contemptuous behavior in its presence or who disrupts the exercise of any legislator's function, may be removed from the meeting at the discretion of the Chairperson.
 - (l) Any person who does not abide by these rules may be ruled out of order by the Chairperson.
4. Nothing in this rule shall diminish the responsibility or the authority of the Chairperson to maintain order and decorum.
5. Council Members shall refrain from making comments or asking questions of testifiers during statements from the public. All deliberation and discussion on an agenda item must take place after the item has been read into the record and a motion is pending on the floor. A Council Member may, however, request that a person presenting public testimony on an agenda item be available for questions during subsequent discussion.

RULE NO. 14

MOTIONS

1. A Council Member must be recognized by the Chairperson before making a motion. A Council Member need not be recognized by the Chairperson before that Council Member seconds a motion; the Council Member making the second just needs to state for the record: "Second." For the benefit of the County Clerk and the public, the Chairperson may repeat the names of the persons making the motion and the second, and may also restate the motion. No motion may be received and considered by the Council or a Committee until the same has been seconded. (RR § 4)

2. After a motion is stated or read, it is deemed to be in the possession of the Council or Committee, and it shall be disposed of by vote of that body. However, any motion may be withdrawn by the member making the motion without consent of the corresponding second at any time before a decision or amendment. (RR § 33)

3. Whenever any question is under discussion, the precedence of commonly used motions thereto shall be to:

(a) Lay on the table.

This motion is to interrupt the pending business temporarily when something else of immediate urgency has arisen and is out of order if the evident intent is to kill or avoid dealing with a measure. So long as the question remains on the table, the decision when or if it will be taken up is left open until resumed for discussion by a majority vote at the current meeting or until close of the next regular meeting. A question laid on the table can remain live only until the end of the next regular meeting, and, unless taken from the table earlier, the matter dies with the adjournment of that meeting. This motion is not debatable. (Example: I move to lay Resolution "X" on the table.) (RR § 17)

(b) Call for the question.

The object of this motion is to cut off debate. However, when this motion is carried by two-thirds (2/3) majority, the introducer of the main subject under discussion shall be permitted to close the debate, after which the main question shall be put; provided, however, that the introducer may delegate to another such right to close.

The motion is voted on separately from the matter to which it is applied and is not debatable. (Some versions are: “I move to call for the question,” “I call for the question,” “I call for the previous question,” or “I move that we vote now.”) (RR § 16)

(c) Postpone to a certain time.

This is a motion that delays action on a pending question to a definite day, meeting, time, or until after a certain event. This motion requires a second, is debatable, must not debate the merits of the main question any more than necessary to decide if the main question should be postponed and to what time. The motion is amendable and requires a majority vote. (Example: “I move to postpone this matter until ‘date or time’.”) (RR § 14)

(d) Commit (or refer).

This motion is generally used to send a pending question to a small group of select persons – a committee, for careful investigation and study. This motion must be seconded, is debatable and amendable, and requires a majority vote for passage. (Example: “I move to refer this matter to the ‘X’ committee.”) (RR § 13)

(e) Amend.

This motion is used to modify the wording of a bill or resolution before it is acted upon. No floor amendment to a bill or resolution shall be considered unless a written copy of the amended version has been presented to the County Clerk for preparation and distribution to each Council Member present. However, a floor amendment may be verbal if limited to correction of manifest clerical or typographical errors or errors in numbering, spelling, capitalization, punctuation, grammar, and gender terms, provided that the correction will not alter the meaning or effect of the underlying bill or resolution. It must be seconded, is debatable and generally amendable, requires a majority vote for passage, and can be reconsidered. (Example: “I move to amend Bill or Resolution ‘X’ with the contents of Communication ‘Y’.”) (RR § 12)

- (f) Postpone indefinitely.

When a question is postponed indefinitely, the same shall not be acted upon again or revived at any subsequent meeting of the Council which so disposed of such questions unless by consent of the majority of the Council. This motion indicates that the committee or council declines to take a position on the main question and the adoption of the amendment effectively kills the main motion. It avoids a direct vote on the question and is useful for disposing of a badly written main motion that cannot be adopted or expressly rejected without possible undesirable consequences. The motion must be seconded, is debatable, is not amendable, and requires a majority vote. (Some versions are: "I move to postpone this matter indefinitely," or "I move to postpone (Resolution or Communication 'X' indefinitely.)" (RR § 11)

- (g) Close file on subject matter.

A motion to "close file" terminates discussion on a matter and records the report or presentation in the permanent history of the Council or Committee.

Communications are finalized by a vote to "close file," requires a second and a majority vote. (Example: "I move to close file on communication 'X'.")

- 4. Point of Order. A member can raise a question of whether or not something is inappropriate or wrong when the member feels that the rules of the council or committee are being violated, thereby calling upon the chairperson for a ruling and an enforcement of the rules. It does not require a second, is not amendable, cannot be reconsidered and is not debatable. (RR § 23)

- (a) If a "point of order" is raised:

- (1) It takes precedence over any pending question out of which it may arise;
- (2) It must be raised promptly at the time the breach occurs;
- (3) The chairperson may consent to permitting a member to explain, or a knowledgeable or interested member can be heard by way of explanation; and
- (4) It is ruled on by the chairperson without a vote, unless the chairperson is in doubt or the chairperson's ruling is appealed.

- (b) A motion to appeal the chairperson's ruling on a point of order:
 - (1) Is not applicable to an opinion by the chairperson;
 - (2) Requires a second to be heard, at which time the question is taken from the chairperson and vested in the entire council or committee for a final decision; and
 - (3) Takes precedence over any question pending at the time.

5. When a motion in one of the categories described in paragraph 3, or another incidental motion fails or is decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all fail or are decided in the negative, the only remaining question shall be as to the passage or adoption of the bill, resolution, or other main question.

6. Notwithstanding paragraph 3, Council-initiated bills to amend the Subdivision Control and Zoning Codes of the Hawai'i County Code shall be disposed of at the appropriate committee in the following manner:

- (a) The introducer shall make a motion to refer the bill to the Planning Director and designated planning commission, or both commissions, as provided by the Charter, for their review and respective recommendations.
- (b) Prior to the vote on the motion for referral, the committee may amend the bill, if it so desires.
- (c) After review by the Planning Director and designated planning commission, or both commissions, as provided by the Charter, the bill shall be returned to the committee for further action.
- (d) A failed motion to refer as provided in subparagraph (a) shall mean that the bill has failed and thus shall not be acted on further by the Council or its Committees.

7. Adjournment. Meetings may be adjourned at any time by motion and vote. Unless otherwise specified in the motion, every meeting shall be considered adjourned to the usual hour of meeting on the next regular meeting date. A motion to adjourn is always in order and shall be decided without debate.

RULE NO. 15
RECONSIDERATION

1. A reconsideration motion is made when a Council or Committee member wishes to re-discuss and revote on a prior action not yet enacted into law. The effect of granting reconsideration is to bring the entire matter back to the Council/Committee in the form it appeared prior to the last vote on the matter. It reopens the motion for amendment.
2. When a motion has been made and carried in the affirmative or negative, any Council Member voting with the prevailing side may move for a reconsideration of the vote on the motion at the same meeting or at the next meeting. However, any Council Member who wishes to ask for a motion to reconsider at the next meeting must notify the Council or Committee Chairperson and County Clerk in writing of their intention to make such a motion within five (5) working days after the disposition of the motion to be reconsidered. A motion to reconsider the vote made at the time any bill or resolution fails to pass final reading shall not be voted upon until twenty-four (24) hours have elapsed. (Charter §3-10(e)).
3. Bills and resolutions that have passed final reading shall remain in the possession of the Council and the Clerk shall not transmit, file, or otherwise dispose of them until the time has expired for Council Members to notify the Council Chairperson and County Clerk in writing of their intention to make a motion to reconsider at the next meeting, unless it is deemed filed pursuant to ordinance or the time for its passage has expired by operation of law. If the motion to reconsider fails, the vote previously taken on the bill or resolution shall become final, and the Clerk shall so note in the journal.
4. A motion for which notice of reconsideration was timely made shall be placed on the agenda for the next meeting under “Other Business” unless the reconsideration is taken at the same meeting as the original action.
5. A motion can be reconsidered only once.
6. Any bill or resolution that has failed cannot be reintroduced in substantially the same form during a Council term.
7. For purposes of this rule, “next meeting” means the first meeting when the motion to reconsider can be placed on the agenda for decision-making consistent with the public notice requirements of the Sunshine Law.

RULE NO. 16
ORDER OF BUSINESS

1. Subject to the discretion of the Chairperson and prior to the Call to Order, an invocation may be delivered in accordance with Rule 29.
2. The following shall be the Order of Business for the Council:
 - (a) Call to Order
 - (b) Roll Call
 - (c) Pledge of Allegiance
 - (d) Petitions, Memorials, Certificates of Merit and Expressions of Condolence
 - (e) Statements from the Public
 - (f) Approval of Minutes
 - (g) Communications
 - (h) Order of Resolutions
 - (i) Bills for Ordinances (First Reading)
 - (j) Order of the Day (Second or Final Reading)
 - (k) Reports
 - (l) Referrals for Executive Session
 - (m) Other Business
 - (n) Announcements
 - (o) Adjournment

RULE NO. 17

AMENDMENTS, REVISIONS, AND FORMAT OF THE RULES OF PROCEDURE

1. Amendments. These rules may be amended at a regular Council meeting by a resolution approved by an affirmative majority vote of the entire membership of the Council; provided that such amendment(s) are placed on the agenda of a duly noticed meeting.
2. Revisions. Whenever changes of the rules are so extensive and general that they are scattered throughout the rules such that an entirely new set of rules called a revision is necessary, then such revision shall require the adoption of a resolution by a two-thirds affirmative vote of the entire membership of the Council. The notice requirements shall be the same as those for amendments.
3. Each page of these rules shall have its page number on it at the bottom right of the page. Pages shall be numbered starting with the rule number, a hyphen, and the page number starting with "1". (Example: 17-1, 17-2, etc.)
4. If a rule is amended, the Resolution number providing that amendment, including date of adoption, shall be placed at the bottom left corner of the affected page(s). (Example: Amended - Resolution No. 1-10, 4-1-11.)
5. These rules and any amendments thereto shall be printed in Times New Roman font and type size 12.
6. The format numbering sequence for these rules shall start with "1." set at the zero indent space, then "(a)" set at the .5 space, then "(1)" set at the 1.0 space, then "(A)" set at the 1.5 space, and then "(i)" set at the 2.0 space.
7. These rules shall be placed in a binder for each Council Member for ease of replacing those pages made obsolete due to amendment.

RULE NO. 18
SUSPENSION OF RULES

1. When the Council or Committee proposes to do something that it cannot do without violating one or more of these rules, it can adopt a motion to Suspend The Rules interfering with the proposed action; provided, however, that neither the proposal nor the suspension shall result in a conflict with any constitutional provision, local, state, or national law or the fundamental principles of parliamentary law.
2. A motion to Suspend The Rules is:
 - (a) An incidental motion, and no subsidiary motion can be applied to it.
 - (b) Out of order when another has the floor.
 - (c) Not debatable or amendable.
3. Such a motion requires a two-thirds vote of the entire membership, unless otherwise provided, and cannot be reconsidered.

RULE NO. 19

ORDER AND DECORUM IN COUNCIL AND COMMITTEE MEETINGS

1. All hearings and meetings will begin promptly at the scheduled announced time.
2. A Council Member must be recognized by the Chairperson before speaking, with the exception of seconding the motion of another Council Member (See Rule No. 14(1)). The member shall address the Chairperson when recognized and shall confine discussion to the question under debate and avoid personalities.
3. Any Council Member who arrives late at a hearing or meeting shall refrain from taking the Council's or Committee's time with questions and inquiries on matters already discussed.
4. All Council Members shall extend proper courtesy, fairness, and impartiality to one another and to all persons speaking before the Council (See Hawai'i County Charter, section 14-4). All persons shall be addressed by their surnames.
5. Profanity, obscenity, name calling, abusive remarks, obscene or impolite gestures, threats or threatening gestures, or throwing items shall not be allowed at any time in any meeting by any member of the public, the administration, or the Council Members.
6. The Chairperson shall maintain order and proper decorum (See Rule No. 4(2)(c)). If any Council Member behaves in a disorderly or contemptuous manner during any session of the Council or Committee, the following actions should take place:
 - (a) The Chairperson shall order the Council Member to cease and shall preserve the peace.
 - (b) If the Council Member persists in violating this rule, the Chairperson shall order the County Clerk or a designated person to remove the Council Member from the meeting, and that Council Member shall not be permitted to be seated during the remainder of the session, except upon approval of the Chairperson or by majority vote of the Council.
7. The County Clerk shall maintain order among those members of the public and the administration present at Council and Committee meetings, and when required or in the County Clerk's judgment, remove any person who violates these rules. (See Rule No. 28(2)(f)).

8. Nothing in this rule shall diminish the responsibility or authority of the Chairperson to maintain order and decorum.
9. No Council Member may speak longer than five (5) minutes, nor may any member speak more than twice on the same question without leave of the Chairperson, subject to an appeal to the Council, unless the Council Member is the maker of the motion or sponsor of the matter pending, in which case the Council Member may speak in reply, but only after every other Council Member choosing to speak has spoken.
10. In the case of a Committee, a Council Member may speak more than twice on a matter before that body, but only after every Council Member choosing to speak has spoken.

RULE NO. 20
APPOINTMENTS

1. Qualifications. No Council Member shall appoint any person to any office or position which is exempt from the civil service laws until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of that office or position. (Section 13-3, Hawai‘i County Charter)

2. Prohibitions.

(a) No person who seeks appointment or promotion with respect to any County position shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with their test, appointment, proposed appointment, promotion or proposed promotion. (Section 13-10, Hawai‘i County Charter)

(b) No Council or staff member who has the power of appointment by the Hawai‘i County Charter or ordinance shall appoint, employ, promote or advance an individual who is a relative of the Council or staff member to any office or position under their supervision.

The word “relative” shall mean an individual who is related to the Council or staff member as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, step-father, step-mother, step-son, step-brother, step-daughter, step-sister, half-brother or half-sister. (Section 13-10, Hawai‘i County Charter)

(c) No Council or staff member shall use their official position to secure special privileges, consideration, treatment or exemption to themselves or any person beyond that which is available to every other person. (Section 14-2(b), Hawai‘i County Charter)

(d) No person in a supervisory capacity shall engage in personal or business relationships with subordinates which might intimidate said subordinate, in the discharge of their official duties. (Section 14-4(b), Hawai‘i County Charter)

RULE NO. 21
NEWS MEDIA

1. Members of the news media covering the business of the Council or its Committees may be assigned to selected areas by the Chairperson.
2. Except as provided by law, members of the news media shall be permitted to televise and sound-record the proceedings of the Council and its Committees under such rules and/or conditions as the Chairperson may prescribe.

RULE NO. 22

MANDATORY PROGRAM REVIEW

1. In order to comply with Section 3-16, Hawai‘i County Charter, relating to Mandatory Program Review:

- (a) The Council shall conduct a critical review of every program of all departments or agencies supported wholly or partially by County funds during the Council’s annual operating and capital budget and program approval process.
- (b) The Council, through its Committee on Finance, shall review the operating and capital budget and program information submitted by the Mayor pursuant to Article X, Hawai‘i County Charter. In addition to information set forth in Sections 10-3 and 10-6, Hawai‘i County Charter, the Committee may request the departments or agencies for other information that would assist in its review of the programs. Such information may include, but shall not be limited to, the statutory authority for the program, program goals and objectives, outcome results and a department or agency assessment of the program’s performance.
- (c) The Committee shall report its review and findings to the Council for consideration and funding.
- (d) The Council may approve a program’s continued funding at existing or modified levels, or the Council may terminate a program and its funding.
- (e) If warranted, the Council may conduct further research into a program in accordance with these rules.

2. Further research into a program or issue may be conducted by:

- (a) A standing committee.
- (b) The Office of the Legislative Auditor pursuant to adoption of a Council resolution.
- (c) An independent contractor pursuant to adoption of a Council resolution.

RULE NO. 23

CERTIFICATE OF MERIT, MEMORIALS, AND EXPRESSIONS OF CONDOLENCE

1. Certificates of merit, memorials, and expressions of condolence are non-legislative in nature and require no formal Council action.
2. Memorials and expressions of condolence are intended to convey the County's condolences on the death of any exceptional public personality in or out of government who has contributed in some way to Hawai'i County or the State of Hawai'i.
3. The sponsoring Council Member shall be responsible for the securing of firm commitments to sign the certificates from other Council Members. Any conflicts regarding sponsorship or duplicated requests shall be referred to the Council Chairperson.
4. The sponsoring Council Member shall inform the County Clerk as to the necessary particulars. A certificate of merit shall include the name of the honoree and a brief description of the act or achievement to be cited.
5. Certificates shall be issued to the honoree only. True copies of any certificate shall not be issued to spouses, officers, sponsors or the like, who are not directly involved unless in the case of an expression of condolence.
6. All certificates which do not have a major impact on established policies and procedures or which do not affect a significant number of people and are received less than six (6) days before the regular meeting date of the Council, may be considered at such meeting.

RULE NO. 24
BILLS AND RESOLUTIONS

1. General Procedures.

- (a) A bill or resolution may be introduced by any Council Member(s). The original copy of any bill or resolution shall be in typewritten form, dated and signed by the introducer(s) prior to consideration.
- (b) In order to be considered for placement on the Council or Committee agenda, all new bills, resolutions, petitions, and other communications shall be filed with the Clerk by 12 noon of:
 - (1) The twelfth business day preceding the day of the Committee meeting; or
 - (2) The thirteenth business day preceding the day of the Council meeting.New bills, resolutions, petitions, and communications received later than said times shall be placed on the agenda of the next respective Committee or Council meeting, as the case may be.
- (c) Upon compliance with the mandated six (6) calendar day posting notice, bills, resolutions and matters requiring Council action shall be placed on the Council agenda within the next two Council meetings. Bills, resolutions and matters requiring Council action shall be introduced on the Council floor by the Committee Chairperson or the member introducing the legislation.
- (d) Readings of bills or resolutions may be by title only, except that a full reading may be required by one-third vote of the entire membership. (Sections 3-9 and 3-10(a), Hawai‘i County Charter)
- (e) A bill or resolution up for final reading that is amended on the floor shall not be acted upon at the time of the floor amendment. Final action on such an amended bill or resolution shall not be taken until the next regular meeting. This provision shall not apply to:
 - (1) The annual budget bill, pursuant to Article 10 of the Hawai‘i County Charter 2000, as amended,
 - (2) The correction of manifest clerical or typographical errors in numbering, spelling, capitalization, punctuation, grammar and gender terms, provided that the correction does not alter the meaning or effect of the underlying bill or resolution.

- (f) A bill or resolution that is amended shall be signed and transmitted by the introducer of the bill or resolution. If the amended bill or resolution was introduced by a Council Member who is no longer on the Council, the Council Chairperson shall sign and transmit the amended bill or resolution.

2. Bills (Section 3-10, Hawai‘i County Charter).

- (a) Ordinances shall be initiated as bills which shall be passed only after two readings on separate days except as otherwise provided by law. Reading of bills may be by title only.
- (b) Every ordinance of the council shall embrace but one subject, which subject shall be expressed in its title. If an ordinance embraces a subject not expressed in its title, only that subject shall be void.
- (c) Bills embracing:
 - (1) The fixing of special assessments for the cost of improvements,
 - (2) The appropriation of public funds or authorization of the issuance of general obligation bonds or
 - (3) The imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in at least two daily newspapers of general circulation in the County, with ayes and noes, at least three days before final reading by the Council. Not less than three copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least three days prior to the final reading thereof.
- (d) A bill shall not be amended to change its original purpose. An amended bill shall, upon a one-third vote of the entire membership, be laid over for at least one week before final reading.
- (e) A motion to reconsider made at the time any bill fails to pass final reading shall not be voted upon until after twenty-four hours.
- (f) Ordinances shall become effective upon approval by the Mayor or at such later date as may be specified therein.
- (g) A bill may incorporate therein any standard technical code or portions thereof by reference. The code, or portions, need not be published in the manner required

for ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the Office of the County Clerk, and notice of the availability of said copies shall be published by the Clerk.

- (h) After enactment, ordinances shall be published once in at least two daily newspapers of general circulation in the County. Such publication shall be by title only and shall specify the ayes and noes.

3. Emergency Ordinances (Section 3-11, Hawai‘i County Charter). The County Council may adopt emergency ordinances to meet public emergencies affecting life, health or property. Such ordinances may not be used to levy taxes, authorize the borrowing of money or to grant, renew or extend franchises. Emergency appropriations may be made pursuant to Section 10-8, Hawai‘i County Charter.

Emergency ordinances shall be plainly designated as such and shall contain a declaration describing the emergency in clear and specific terms. Any emergency ordinance may be considered and adopted after one reading, with or without amendment, or be rejected at the meeting at which the same is introduced. The affirmative vote of all Council Members present or by two-thirds of the entire membership shall be necessary for adoption of such ordinances. Emergency ordinances shall be published in the same manner prescribed for other adopted ordinances and shall become effective upon approval by the Mayor or at such later time, preceding automatic repeal, as the same may specify.

Amendments to any emergency ordinance shall be adopted in the same manner prescribed for adoption of emergency ordinances.

Every emergency ordinance, including any amendments made after adoption, shall automatically stand repealed as of the sixty-first day following the date of adoption of the original ordinance.

4. Submission of Bills to the Mayor (Section 3-12, Hawai‘i County Charter). Every bill adopted by the Council shall be duly authenticated by the Clerk and the Chairperson and thereupon presented to the Mayor for approval. Such bill shall become effective as an ordinance upon its approval or such later date as specified therein. If the Mayor disapproves a bill, the Mayor shall return the bill together with any objections in writing to the Clerk within ten days (excluding Saturdays, Sundays, and legal holidays) after receipt. If the Mayor does not act within such ten-day period, the bill shall become effective as an ordinance as if the Mayor had

approved it. The objections of the Mayor shall be entered in the journal of the Council and the Council may, after five and within thirty days after the bill has been so returned, reconsider the vote upon the bill. If the bill, upon such reconsideration, is again passed by the affirmative vote of two-thirds of the entire membership, the Chairperson shall verify that fact on the face of the bill and such bill shall become effective as an ordinance with like effect as if approved by the Mayor. A bill failing to pass upon such reconsideration shall be deemed lost.

If any appropriation bill is presented to the Mayor, the Mayor may veto any item or portion thereof by striking out or reducing the same. The Mayor shall append any objections and the reasons therefore to the bill at the time of signing, and the item or portion thereof so vetoed shall not take effect unless the Council shall reconsider the vote on the bill and, upon such reconsideration, the bill is again passed by the affirmative vote of two-thirds of the entire membership.

In the case of the annual operating budget, the Mayor shall return the bill to the Clerk within ten (10) calendar days of receipt of the bill. (Section 10-5, Hawai'i County Charter)

5. Resolutions. Resolutions are non-legislative acts of the Council and, except as otherwise provided by law, no resolution shall have the force and effect of law. There shall be two basic types of resolutions which may be processed:

(a) Formal Resolutions. This type of resolution represents an official Council expression and, therefore, generally has considerable weight. There are three categories of formal resolutions:

(1) Official Decision.

- (A) Resolution organizing the Council and staff;
- (B) Resolution delineating the Council's rules of procedure;
- (C) Resolution calling for moratoriums on parking meter usage, traffic control, etc.;
- (D) Resolution tendering assurance of participation for certification requirements mandated by Federal or State agencies, e.g., HUD, block grants;
- (E) Resolution approving multi-year leases, purchases, contracts, etc.;
- (F) Resolution amending the salary ordinance; and
- (G) Resolution transferring funds.

- (2) Legislative-Like.
 - (A) Resolution establishing real property tax rates;
 - (B) Resolution authorizing eminent domain proceedings;
 - (C) Resolution revising County fuel tax rates;
 - (D) Resolution relating to the abandonment or disposition of County lands;
 - (E) Resolution approving a development agreement;
 - (F) Resolution on initiative and referendum proceedings; and
 - (G) Resolution calling for the inclusion of charter amendment proposals at the next general election.
- (3) Official Request or Opinion.
 - (A) Resolution requesting information or a study to be conducted;
 - (B) Resolution calling for State or Federal action; and
 - (C) Resolution to a department head requesting information or review of a specific issue or item.
- (b) Informal Resolutions. Generally address subjects having less impact than formal resolutions and are categorized as follows:
 - (1) Automatic.
 - (A) Resolution honoring retiring County elected officials; and
 - (B) Condolence resolution on the death of any incumbent County-elected official.
 - (2) Optional. A Council Member may introduce the following kinds of optional resolutions.
 - (A) Condolence resolution on the death of former elected or top level appointed office holders in the County, State or Federal government, but not spouse of or relative thereof; and
 - (B) Condolence resolution on the death of any exceptional public personality in or out of government who has contributed significantly in some way to Hawai‘i County or the State of Hawai‘i.

RULE NO. 25

PARLIAMENTARY AUTHORITY

When these rules are silent, the rules of parliamentary procedure contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Council and its Committees in all cases to which they are applicable and in which they are not inconsistent with any constitutional provision, any law, the Hawai'i County Charter or these rules.

RULE NO. 26
INVOCATION

1. For the purposes of this rule, the following definitions apply:
 - (a) “Church” shall mean body, group or organization of religious believers.
 - (b) “Invocation” shall mean a prayer or entreaty to a higher authority.
 - (c) “Minister” shall mean one who officiates over or leads a church worship service.
 - (d) “Non-denominational” shall mean without regard to the tenets of a particular church.
2. Subject to the discretion of the Chairperson, an invocation may be delivered by a minister of a church prior to the call to order for any Council meeting. The Chairperson shall approve the selection of the minister.
3. The County Clerk’s Office shall maintain a list of ministers of all faiths who have been asked to, or who have expressed an interest in, delivering the invocation. The participants on the list will be called rotationally so that no one individual is asked to say the invocation more than a few times per year. If a participant on the list is asked, and declines more than three different Council meeting dates, he or she will be passed over for the remainder of that calendar year.

A minister who is on the list as of the adoption date of this rule will be maintained on the list until the minister asks to have his/her name removed. A minister who would like to become part of the list maintained by the County Clerk’s Office subsequent to the adoption of this rule will be asked to submit, on church letterhead, the minister’s name, church address, home address, church phone number and home phone number to the Clerk.
4. This program of invocation shall be non-denominational.

RULE NO. 27

COUNCIL MEMBERS, STAFF AND ALLOWANCES

1. Each Council Member shall have direct responsibility over the respective district staff.
 - (a) It shall be the duty of the Council Member to supervise his/her district staff, including hiring, termination, promotion, and salary increase in accordance with the applicable provisions of the State and County laws, Council Rules, other personnel policies of the Council and the County, and the limitations of the legislative budget ordinance. District staff are “at will” employees whose employment shall be co-terminus with the appointing Council Member unless personnel action to the contrary is initiated. The County Clerk may also initiate termination with the concurrence of the Chairperson to assure proper management of the entire Council Office using agreed upon guidelines and procedures. The Chairperson of the Council shall continue to sign all documents necessary to implement the decisions of the individual Council Members.
 - (b) Each Council Member is assigned two fulltime staff:
 - (1) Council Aide.
 - (2) Council Legislative Assistant.
 - (c) The Chairperson is assigned four additional fulltime staff:
 - (1) Executive Assistant to the Chairperson (EA).
 - (2) Deputy Executive Assistant to the Council Chairperson (EA-2).
 - (3) Special Assistant.
 - (4) Council Aide to the Chairperson, in addition to subsection 1(b).
 - (d) Only one person per position shall be permitted.
 - (e) Staff responsibilities include, but are not limited to, the following:
 - (1) Office tasks;
 - (2) All work related to the individual Council Member, including drafting bills, resolutions, and proposed amendments, and conducting research on topics and issues required by the Council Member;

- (3) Performing special assignments, responding to letters, complaints and telephone inquiries, gathering data or appropriate information in order that the Council Member may respond to requests from constituents, preparing messages, articles and news releases, and facilitating meetings with the community;
- (4) Providing Committee support if the Council Member is the Chairperson of a Committee. Committee support means attending the Committee meeting, writing the Committee report for the Chairperson's approval, drafting legislative amendments, and conducting necessary research to assist the Committee in its deliberations. Committee Chairpersons and Vice Chairpersons shall be responsible for the duties of the Committee;
- (5) Assisting other Council Members if approved by the appointing Council Member;
- (6) Assisting other divisions of the office if approved by the appointing Council Member with the concurrence of the County Clerk.

2. Each Council Member shall have direct responsibility over the District Allowance Expense (DAE) account.

- (a) Each Council Member shall be appropriated monies as specified in the budget for DAE to cover incidental expenses in carrying out his/her duties as an elected official. Incidental duties and activities include expenditures incurred in connection with carrying out the public's expectation of a Council Member's role and responsibility to the community and constituents. In an election year (July-December), the Council Member shall be allotted 50% of the appropriation. The remaining 50% (December-June) shall be allotted in December; however, if the incumbent Council Member is reelected in either the Primary Election or the General Election, then the remaining 50% shall be allotted immediately.
- (b) Allowable DAE include, but are not limited to:
 - (1) Community meeting expenses such as facility rental fees, charges for maintenance or security services, light refreshments, special mailings or handouts, leis for speakers, and the rental of special equipment.

- (2) Leis for recipients of honorary certificates and frames for honorary certificates.
 - (3) The purchase of research or reference materials, publication subscriptions, or other materials related to legislative issues or procedures.
 - (4) NACo, WIR, HSAC, conference or seminar registration fees, including travel and accommodation costs associated with the conference or seminar attended. All travel expenses shall have the concurrence of the Chairperson.
 - (5) Miscellaneous office supplies, equipment or materials. All purchases must follow the procurement law and be domiciled in the Council Members' office. Equipment and supplies are the property of the County.
 - (6) The expenses of his/her staff.
 - (7) Monthly cell phone reimbursement not to exceed \$75.00 per month.
 - (8) Joint district expenditures for allowable expenses are permitted.
- (c) Each Council Member shall be personally responsible to pay any expenses incurred in support of the conduct of official duties and activities that exceed the allowance and those expenses that are deemed prohibited.
- (d) Prohibited expenses include, but are not limited to:
- (1) Personal, political or campaign related expenses, and those spent outside of the scope of a Council Member's official duties and activities. Please review the ethics code and the campaign spending laws.
 - (2) Donations to community organizations or transfers to County agencies.
 - (3) Transfers between the DAE and Contingency Relief accounts are prohibited.
 - (4) Transfers from a district account to other district accounts are prohibited.
- (e) The expenses of the HSAC executive committee member or the official NACo or WIR board member shall be drawn from the general accounts.

- (f) The expenses for the attendance of a Council Member at Committee and Council meetings and public hearings shall be drawn from the general accounts. Similarly, the reasonable expenses for the attendance of the district staff to support the Committee Chairperson shall be drawn from the general accounts with the concurrence of the County Clerk.

3. Each Council Member shall have direct responsibility over the District Contingency Relief account.

- (a) Each Council Member is allotted monies as specified in the budget for annual Contingency Relief, when appropriated in the General Fund, to provide for County-related projects, and which may be awarded as a grant to a nonprofit organization pursuant to Section 2-139 of the Hawai‘i County Code.
- (b) In an election year (July-December), the Council Member shall be allotted 50% of the appropriation. The remaining 50% (December–June) shall be allotted in December; however, if the incumbent Council Member is reelected in either the Primary Election or General Election, then the remaining 50% shall be allotted immediately.
- (c) Expenditures shall be transferred to County agencies using the appropriate legislative mechanisms for the benefit of the agencies to provide for the public, which may include awarding of grants to eligible nonprofit organizations.
- (d) All purchases of equipment by the County must follow the procurement law and be domiciled in the County Departments. Equipment, supplies and products are the property of the County.
- (e) All purchases of equipment by a nonprofit organization shall be domiciled with that nonprofit organization, which shall assume any and all liability for such equipment.
- (f) Transfers between the DAE and Contingency Relief accounts are prohibited.
- (g) Transfers from a district account to other district accounts are prohibited.

RULE NO. 28
COUNTY CLERK

1. County Clerk. The County Clerk shall be appointed by and serve at the pleasure of the Council under the direct supervision of the Chairperson.
2. Duties. It shall be the duty of the County Clerk, in addition to those duties prescribed by law, including Section 3-6(b), Hawai'i County Charter, to:
 - (a) Be responsible for the administration of the Office of the County Clerk.
 - (b) Have charge of all the records of the Council, keep an accurate journal of proceedings, and make accessible to the general public, in a timely manner, all written materials of public record and be responsible for same.
 - (c) Forward at once to the Chairperson and Council Members all official reports, communications and other matters related to the Council's business.
 - (d) Serve in all matters as Clerk of the Council and perform all clerical and office duties pertaining to such position as the Council shall from time to time direct, as well as other duties assigned by law or these rules.
 - (e) Absent extenuating circumstances, attend all Council meetings and read bills, resolutions, and other matters to the Council, as required.
 - (f) Maintain order among those members of the public present at Council meetings and, when required by the Chairperson, remove any person who violates these rules.
 - (g) Exercise direct supervision over agencies and the staff of the legislative branch of the County.
 - (h) Be the authorized representative for the Committee on the Destruction of Records.

RULE NO. 29

DEPUTY COUNTY CLERK

1. Deputy County Clerk. The Deputy County Clerk shall be appointed by the County Clerk with the approval of the Council. Such position shall be exempt from civil service laws and classifications.
2. Duties. It shall be the duty of the Deputy County Clerk to:
 - (a) Assume the duties of the County Clerk in the Clerk's absence.
 - (b) Absent extenuating circumstances, attend all Committee meetings and read all proposed bills, resolutions, and other matters to the Committee, as requested.
 - (c) Perform other duties as may be assigned by the Clerk.

RULE NO. 30

LEGISLATIVE RESEARCH BRANCH

1. Legislative Research Branch. The Legislative Research Branch (LRB) shall promote the effective operation of the legislative process by performing complex ongoing tasks that are the responsibility of the Council and the County Clerk's office.
2. Duties. On an ongoing basis, the LRB, as directed by the County Clerk, shall be responsible for the following tasks:
 - (a) Annual Fiscal Legislation. Assist the Council in its annual budget and real property tax reviews, prepare amendments to the salary and budget ordinances, and prepare the real property tax resolution.
 - (b) Hawai'i County Code. Update and publish the Code and its supplements, oversee dissemination of the Code, maintain an online version of the Code, and assist in the maintenance of past versions of the Code.
 - (c) Hawai'i County Charter. Assist in drafting legislation, ballot questions, and other documents required for proposed amendments to the Charter, update the Charter to incorporate changes, and assist in the maintenance of Charter records.
 - (d) County Legislation. Review bills and resolutions proposed by Council Members and all bills that propose amendments to the County Code.
 - (e) State Legislation. Monitor the annual State legislative session and prepare a list of bills of significant County interest.
 - (f) Council Annual Report. Prepare and update.
 - (g) County Clerk's Archive. Assist the Clerk in the management of the Clerk's Office's archive of legislative materials.
 - (h) Legislative Resources. Maintain a library of research materials for staff use.
 - (i) Training. Conduct training regarding legislative drafting, the budget process, or other areas within the LRB's area of expertise.
 - (j) Perform other duties as may be assigned by the Clerk.
3. Personnel assigned to the LRB shall report to the County Clerk and comply with internal guidelines established by the Deputy County Clerk and the Clerk.

RULE NO. 31
SEVERABILITY

If any rule contained herein is in conflict with the provisions of the U.S. Constitution, State Constitution, Hawai'i Revised Statutes, Hawai'i County Charter, or the Hawai'i County Code, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein which, otherwise, can be given effect without the invalid rule, and to this end these rules are severable.

RULE NO. 32
PUBLIC HEARINGS

1. Any request for a public hearing requires an affirmative vote of at least three standing committee or council members.
2. All public hearings shall be held within thirty days of the affirmative vote for a public hearing.
3. The time, date, and place of any public hearing will be determined by the Committee or Council Chairperson or by a majority vote of the Committee or Council if there is a motion to have the Committee or Council determine the specific criteria.
4. The public hearing should be held in the area or district most affected. If the matter affects the entire island, then it may be heard in any area or district on the island. If it impacts multiple districts, then it may be heard in any one of the impacted districts as determined by the committee or council chairperson.
5. Video-conferencing may be used if it is available.
6. A call for a public hearing regarding any budget amendment to the proposed operations or capital improvement project budgets shall be completed no later than May 31 of the current fiscal year.