Resolution

No. 15-16

AMENDING THE RULES OF THE COUNCIL

WHEREAS, by Resolution 15-4, the Council adopted the Rules of the Council on January 2, 2015; and

WHEREAS, the Council now wishes to amend the Rules of the Council; now, therefore;

BE IT RESOLVED by the Council of the County of Maui that it does hereby adopt the Rules of the Council, as amended, and as set forth in Exhibit "1" attached hereto and made a part hereof; material to be repealed is bracketed, and new material is underscored.

APPROVED AS TO FORM AND LEGALITY

EDWARD S. KUSHI, JR.
Department of the Corporation Counsel
County of Maui
2014-2966

RULES OF THE COUNCIL

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Rule 1. Administration of Oath.

Prior to any other business, the oath of office shall be administered to the Council members by a person duly qualified to administer oaths.

Rule 2. Meetings and Public Hearings of the Council.

A. Organizational meeting. When the time specified by law arrives for the first convening of the newly elected Council, the Mayor shall call the Council to order and shall appoint a temporary Clerk. The Council shall then elect a Chair, Vice-Chair, and Presiding Officer Pro Tempore. The Chair shall assume the position of the presiding officer immediately upon election [(Charter Sec. 3-5.1)] (Section 3-5.1, Revised Charter of the County of Maui (1983), as amended ("Charter")).

EXHIBIT "1"

B. Regular meetings. Regular meetings of the Council shall be held in the Council Chamber at the County Building, Wailuku, Hawaii, on every first and third Friday of each month, to the extent feasible. If the regular Friday meeting date is a holiday or is in conflict with an important public event, the Chair may reschedule the regular meeting date either for the prior business day or for the second business day following such Friday. The Council by resolution or, in exceptional circumstances, the Chair may reschedule a regular meeting for a different date or place within the same month.

C. Special meetings. Special meetings may be called at any time by Council resolution or by the Chair.

D. Emergency meetings. Emergency meetings shall be governed by Subsection 4-2.6 of the **[**County**]** Charter and Section 92-8 **[**of the**]**, Hawaii Revised Statutes ("HRS"). An emergency meeting may be held by telephone conference or videoconference in the event of public calamity, if the Chair finds such means are prudent.

E. At least two Council meetings per month. Section 3-5.2 of the **[**County**]** Charter states, in part: "The council shall meet regularly at least twice in every month at such times and places as the council may prescribe by rule." For the purpose of compliance with the Charter's requirement of at least two Council meetings per month, the following shall be counted as a Council meeting: the organizational meeting convened pursuant to Subsection A of this rule, any regular meeting convened pursuant to Subsection B of this rule, any special meeting convened pursuant to Subsection C of this rule, and any emergency meeting convened pursuant to Subsection D of this rule.

F. Public hearings. The Chair shall schedule a public hearing for the Council when required by law or when deemed advisable. A public hearing is for the purpose of receiving testimony on one or more bills and resolutions. No voting shall occur unless necessary for the orderly conduct of the public hearing.

G. Start time. The Chair shall determine the start time of all Council meetings and public hearings convened pursuant to this rule.

Rule 3. Executive Meetings.

A. Votes required. The Council or a committee may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the Council members or voting members of the committee present; provided that the affirmative vote constitutes a majority of the Council or of the voting members of the committee **[**(Hawaii Revised Statutes Sec. 92-4)**]** (Section 92-4, HRS).

B. Purpose. The reason for holding such a meeting shall be publicly announced and included as part of any motion to hold an executive meeting [(Hawaii Revised Statutes Sec. 92-4 and Sec. 92-5)] (Sections 92-4 and 92-5, HRS).

C. Attendance. In addition to Council members, only staff and other personnel who the presiding officer finds necessary to assist the Council or committee shall attend an executive meeting; provided that such assistance relates to some special knowledge, expertise, or performance of a function that relates to the executive meeting. The presiding officer may find it necessary that certain staff members attend an executive meeting from time to time for training or management purposes, to ensure that Council staff is able to effectively assist the Council and its committees in future executive meetings.

D. Confidentiality; attorney-client privilege. The information provided in an executive meeting shall be confidential and may be protected by the attorney-client privilege. The attorney-client privilege may only be waived by Council resolution.

Rule 4. Public Hearings Requested by Three Members.

A. Applicability. This rule establishes procedures for implementing Section 4-2.3 of the [County] Charter, which states: "Upon the request of three members of the council, a public hearing shall be held on any proposed ordinance or resolution."

B. Requesting a public hearing. A Council member's request for a public hearing on a bill or resolution may be made at a Council meeting, in writing or verbally; provided that the bill or resolution is referenced on the meeting agenda. All written requests for a public hearing submitted prior to the deadline to be placed on the meeting agenda shall be separately listed on the agenda. A written request shall be deemed made at the meeting if it has been referenced on the agenda or is distributed at the meeting; provided that a member may verbally withdraw the member's written request for a public hearing at the meeting. If requests to conduct a public hearing are made by three members at the same Council meeting, the Chair shall schedule the public hearing.

C. Timing of public hearing. The Chair shall determine the date, time, and location of the public hearing.

D. Only one public hearing required. Section 4-2.3 of the [County] Charter is satisfied by the convening of one public hearing on a bill or resolution, even if the basis for the public hearing is different [(e.g., Charter Sec. 9-4] (e.g., Section 9-4 of the Charter or Rule 2(F)) or if the

public hearing is conducted in a different Council term. Another public hearing shall not be required after the bill or resolution is amended, unless the revisions are so fundamental as to transform the original proposal into a new proposal (Corporation Counsel Opinion 01-02).

Rule 5. Quorum and Vote; Exceptions Listed.

A. Quorum; five votes generally required for Council action. Five members of the Council shall constitute a quorum. The vote of at least five members shall be necessary to take any action, unless otherwise provided by law.

B. Six votes required for certain actions. As provided by law, an affirmative vote of at least six members shall be required for the Council to:

1. Override the Mayor's veto [(Charter Sec. 4-3.1 and Charter Sec. 4-3.2)] (Sections 4-3.1 and 4-3.2 of the Charter). The Council may not amend a vetoed bill. If the bill fails to receive the six votes necessary to override the veto, the bill is deemed lost and is void; provided that if the Council fails to override one or more line-item vetoes, the remainder of the bill shall take effect.

2. Find that an emergency exists due to a public calamity [(Charter Sec. 4-2.6)] (Section 4-2.6 of the Charter).

3. Retain or employ special counsel for any special matter presenting a real necessity for such employment [(Charter Sec. 3-6.6)] (Section 3-6.6 of the Charter).

4. Adopt revisions or amendments to the general plan, community plan, zoning ordinances, or other land use ordinances proposed by the Council when a planning commission disapproves the proposed revision or amendment or recommends a modification thereof, not accepted by the Council, or fails to make its report within the period specified by law [(Charter Sec. 8-8.6.2)] (Section 8-8.6(2) of the Charter).

5. Amend or repeal initiative ordinances after one year from the certification of election results [(Charter Sec. 11-7 and Charter Sec. 11-8)] (Sections 11-7 and 11-8 of the Charter).

6. Initiate amendments to the Charter by resolution adopted after two readings on separate days [(Charter Sec. 14-1.1)] (Section14-1.1 of the Charter).

7. Waive the requirement that personal property belonging to the County be disposed of through sale by auction or call for sealed bids [(Maui County Code Sec. 2.72.050)] (Section 2.72.050, Maui County Code ("MCC")).

8. Find that it is in the public interest to dispose of real property owned by the County without public auction [(Maui County Code Sec. 3.44.030)] (Section 3.44.030, MCC).

9. Find that it is in the public interest to sell real property by a call for sealed bids [(Maui County Code Sec. 3.44.040)] (Section 3.44.040, MCC).

10. Find that it is in the public interest to sell real property through negotiation [(Maui County Code Sec. 3.44.050)] (Section 3.44.050, MCC).

11. Find that an exchange of real property for private property is in the public interest [(Maui County Code Sec. 3.44.060)] (Section 3.44.060, MCC).

12. Overrule a protest of the owners of land in a proposed improvement district against a proposed improvement involving sanitary sewerage or storm drainage facilities [(Maui County Code Sec. 14.46.040)] (Section 14.46.040, MCC).

13. Make changes or modifications in proceedings, acts, or reports relating to a proposed improvement district [(Maui County Code Sec. 14.46.140)] (Section 14.46.140, MCC).

14. Apply the proceeds from the issuance of County bonds for purposes other than those for which such bonds were initially issued [(Hawaii Revised Statutes Sec. 47-5)] (Section 47-5, HRS).

15. Approve a district boundary amendment if lands are identified as important agricultural lands [(Maui County Code Sec. 19.68.040)] (Section 19.68.040, MCC).

16. Approve a change in zoning [for which protests are filed with the planning commission prior to or on the commission's public hearing date by owners or lessees of record of forty percent or more of the parcels located within a five-hundred-foot distance from the boundaries of the parcel for which the zoning is to be changed (Maui County Code Sec. 19.510.040)] pursuant to Section 19.510.040(B), MCC.

C. Seven votes required for certain actions. As provided by law, an affirmative vote of at least seven members shall be required for the Council to:

1. Make emergency appropriations, upon written request by the Mayor [(Charter Sec. 9-9.2; Maui County Code Sec. 3.96.030)] (Section 9-9.2 of the Charter and Section 3.96.030, MCC).

2. Change by ordinance the purposes for which the capital improvement reserve fund may be expended [(Charter Sec. 9-14)] (Section 9-14 of the Charter).

D. Lack of quorum. The presiding officer may convene or reconvene a meeting in the absence of a quorum for one of the following limited purposes:

1. Canceling the meeting;

2. Adjourning the meeting; or

3. Receiving testimony on agenda items and questioning testifiers, provided that the requirements of Section 92-2.5(d) [of the Hawaii Revised Statutes], HRS, are met.

E. Votes to discharge. A majority of the Council may discharge a committee from further consideration of any matter.

Rule 6. Officers and Their Duties.

A. Council Chair. The Chair shall be the presiding officer and the chief administrative officer of the Council. In the absence or disability of the Chair, the Vice-Chair shall act as the presiding officer and chief administrative officer. The Council shall appoint a Presiding Officer Pro Tempore from its own members in the event of the absence or disability of both the Chair and Vice-Chair.

It shall be the duty of the Chair, in addition to those duties prescribed by law, to:

1. Assign duties not otherwise assigned by law or in these rules to the County Clerk and the Director of Council Services.

2. Appoint all employees of the Council, except that full-time appointments shall be approved by the Council; provided,

however, that the appointment of full-time Council executive assistants and Council aides need not be approved by the Council.

3. Open all meetings of the Council at the appointed hour by calling the Council to order.

4. Call for the approval of the minutes of a prior meeting.

5. Maintain order and proper decorum.

6. Announce the business before the Council in the order prescribed by these rules.

7. Receive all communications and present them to the Council or a committee before which the subject matter is pending.

8. Dispose of matters properly brought before the Council, subject to appeal to the Council.

9. Authenticate by signature all acts of the Council.

10. Make known all rules of procedure when so requested, and decide all questions of procedure subject to appeal to the Council.

11. Announce the result of any matter voted on by the Council.

12. Reasonably administer the receipt of oral and written testimony on Council agenda items.

13. Coordinate all legislative and intergovernmental meetings, functions, and activities on behalf of the Council; provided that, any contract for lobbying on the Council's behalf shall be approved by the Council by resolution.

14. Hold a Chair's meeting, as needed, to informally discuss matters that are within the decision-making authority of the Chair or a committee chair, and that do not require Council approval.

15. Perform administrative tasks on the Council's behalf.

B. County Clerk. It shall be the duty of the County Clerk, in addition to those duties prescribed by law, to:

1. Review communications, reports, and other material received by the Council or its Chair, <u>and</u> prepare digests and

compile necessary information[, and recommend disposition for Council action].

2. Read bills, resolutions, and other matters to the Council, as directed by the Chair.

3. Transmit upon receipt all communications or other matters to the proper parties.

4. Deliver to the appropriate committee all petitions, resolutions, bills, or other matters, as may be duly referred to such committee.

5. Record all matters that come before the Council.

6. Make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates.

7. Have charge of all records of the Council, including the journal and be responsible for the same; the journal of the Council shall consist of the minutes of the Council, communications, and other business matters transmitted to the Council.

8. Serve in all matters as Clerk of the Council and perform all clerical functions pertaining to such position as the Council shall from time to time direct, as well as other duties as shall by law or these rules, or rules thereafter adopted, be assigned.

9. Advertise digests of all bills passed on first reading and all resolutions requiring two readings that are passed on first reading, in accordance with law.

10. Enter the objections of the Mayor in the journal of the Council upon receipt of bills returned disapproved and place such objections and related bills on the agenda of the Council as directed by the Chair.

11. Certify ordinances.

C. Director of Council Services. It shall be the duty of the Director of Council Services, in addition to duties that may be prescribed by law, to:

1. Manage the staff and activities of the Office of Council Services.

2. Develop organizational plans, staffing plans, and budgets pertaining to the Office of Council Services.

3. Plan, assign, and supervise studies and research, compile data, and prepare reports on projects requested by the Council, committees, subcommittees, or individual Council members[.], and recommend disposition of items for Council action.

4. Plan and coordinate special meetings and conferences.

5. Assist the Council Chair in coordinating all legislative and intergovernmental meetings, functions, and activities.

Rule 7. Committees of the Council.

A. Standing committees; establishment and membership. The Council by resolution shall establish standing committees and a chair and vice-chair of each standing committee. The standing committees may consist of voting and non-voting members. Unless excused, voting members shall attend each committee meeting. Non-voting members shall have the same rights and privileges as voting members, except that they shall not have the right to vote, or make or second motions, and shall not count toward quorum.

B. Standing committees; purpose. The purpose of the standing committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other legislative matters referred to the standing committees by the Council. The chair may also call for discussion of the committee's priorities and procedures and may arrange for presentations or discussions on matters within the committee's subject-matter jurisdiction. Pursuant to Section 92-2.5(e) [of the Hawaii Revised Statutes], HRS, the chair shall allow for the receipt of reports from members who have attended informational meetings or presentations permitted by that section.

C. Standing committees; chair. The chair of a standing committee shall call meetings and preside over the same. The chair shall maintain order and proper decorum, and reasonably administer the receipt of oral and written testimony. In the absence of the chair, the vice-chair shall preside. In the absence of both, a majority of the voting members present shall select a temporary chair. The chair and vice-chair, and any temporary chair of a standing committee, shall be voting members of the committee.

D. Subcommittees. A subcommittee within any standing committee may be created for the purpose of providing well-considered

recommendations to the standing committee, particularly on matters that require in-depth research or technical expertise. The standing committee shall appoint the chair, vice-chair, and members of the subcommittee, shall specify the objectives of the subcommittee, and shall set a date on which the subcommittee shall be deemed dissolved. Subcommittees shall comply with the procedural requirements applicable to standing committees, to the extent practicable. All Council members who are not voting members of a subcommittee shall serve as non-voting members of the subcommittee and may participate in the proceedings, but shall not be counted toward quorum for the subcommittee.

E. Referral to committees; waiver of requirement. In the case of bills or resolutions having the force and effect of law, except for resolutions relating to the election, establishment, or appointment of the Council's officers, committees, or staff, changing the date of a Council meeting, or relating to amendments of these rules, the Council shall refer the matter to a standing committee and shall receive the committee's report prior to first reading or adoption; provided that the Council may waive this requirement by the affirmative vote of two-thirds of the entire membership of the Council.

F. Notwithstanding Subsection E of this rule, the Council Chair may refer matters to committee if there is a time limit for Council action; provided, however, that the Chair shall concurrently place on the Council agenda a communication to enable the Council to take such further action as it deems necessary.

G. Minutes. The chair of a committee shall approve minutes of committee meetings in the current Council term. In the absence of the chair, the vice-chair shall approve minutes. The Council Chair shall approve minutes of Council committee meetings that occurred prior to the current Council term.

H. Site inspection. The chair of a committee may convene a site inspection on a matter referred to that committee. A site inspection is a meeting and is subject to Part 1, Chapter 92, HRS, relating to the Sunshine Law.

Rule 8. Committee Reports.

A. Submission. To be placed on the Council agenda, committee reports must be submitted to the Clerk by the agenda deadline. Committee reports shall be signed by the chair of the committee.

B. Chair's absence; disability. The vice-chair of the committee may sign in the absence or disability of the chair.

Rule 9. Voting and Recording of Votes.

A. Applicability. Unless otherwise indicated, this rule shall apply to Council and committee meetings.

B. Voting generally required. No voting member shall refrain from voting on any matter unless abstaining pursuant to Subsection C or D of this rule. A failure to vote by any non-abstaining voting member who is present shall be deemed an affirmative vote and shall be so recorded.

C. Disclosure of interest; abstention from voting.

1. Service as a board member of corporation. A voting member who serves on the board of directors or executive committee of a for-profit or nonprofit corporation shall take the following actions when a Council or committee is considering a matter that directly affects the corporation: (a) prior to discussion on the matter, disclose the service; and (b) announce that the member will abstain from voting on the matter (Board of Ethics Advisory Opinion 97A-3). Examples of matters directly affecting a corporation include an approval requested by the corporation and an individual line-item appropriation to the corporation. General legislation, such as, but not limited to, the overall County budget or the General Plan, does not constitute a matter directly affecting a corporation.

2. Other interests. Unless abstaining from voting pursuant to Subsection C(1) of this rule, a voting member shall disclose, prior to discussion on the matter: (a) a financial interest in any matter which may be affected by an action of the Council or committee; or (b) any other matter in which the member believes the member's voting would be in violation of the Code of Ethics [(Charter Art. 10)] (Article 10 of the Charter). The member shall then announce that the member will abstain from voting on the matter.

D. Abstaining member's participation. An abstaining member shall be permitted to participate in the discussion of the matter; provided that the member shall refrain from advocating the member's interests on which the abstention is based during the discussion; and further provided that the member shall not attend any executive meeting on the matter.

E. Non-voting member's participation. A non-voting member shall not be permitted to make or second a motion. A non-voting member may, however, speak on a motion.

F. Speaking on motion. During a Council meeting, no member shall speak more than twice on any pending motion, except upon the majority consent of the other members present; the movant shall not be permitted to speak in reply to arguments of other members until every member choosing to speak shall have spoken. At any meeting, the movant shall not be permitted to speak in opposition to the motion, although the movant may vote against the motion.

G. Calling for vote. Once the presiding officer calls for a vote, no member shall be permitted to explain the member's vote.

H. Simple majority for recommendations. A committee recommendation on any matter shall be made by a simple-majority vote of all of the voting members of the committee, even if Council action on the matter ultimately requires a super-majority vote.

I. No change after vote announced. After the presiding officer announces the result of a vote, no member shall be allowed to change the member's vote.

J. Recording votes. For Council meetings, the Clerk shall record the vote of each member upon the minutes.

Rule 10. Roll Call.

A. For Council meetings, the Clerk shall call the roll of members as required by the Chair.

B. For Council meetings, the Clerk shall announce the result of roll call votes.

Rule 11. Deadline for Agenda of Regular Meetings of the Council.

In order to be placed on the agenda of a regular meeting of the Council, all petitions, resolutions, reports, and other communications shall be submitted to the Clerk before 12:00 noon, at least seven calendar days prior to the meeting.

Rule 12. Order of Business.

The following shall be the order of business for Council meetings, unless altered by majority vote of the Council:

A. Roll Call

B. Opening Remarks

C. Pledge of Allegiance

D. Testimony on Ceremonial Resolutions

E. Ceremonial Resolutions

F. Presentation of Written or Oral Testimony

G. Minutes

H. Committee Reports

I. Communications

1. County

2. General

J. Resolutions

K. Ordinances

L. Unfinished Business

Rule 13. Attendance.

A member of the Council or a voting member of a committee may not be absent from a meeting unless the member has been excused by the presiding officer. A member of the Council or voting member of a committee who is absent but not excused from properly noticed meetings shall be subject to formal censure by the Council.

Rule 14. Procedures Relating to Rules.

A. Amendment, rescission, and adoption. The amendment or rescission of existing rules shall become effective upon the adoption of a resolution approved by two-thirds of the Council.

B. Suspension. These rules may be suspended by the vote of two-thirds of the Council or the voting members of a committee; provided that the duration of the suspension shall not be longer than necessary to further the purpose of the suspension.

C. Effective date; sunset. These rules shall become effective upon adoption of this resolution by the Council and shall remain in effect until January 2, 2017, twelve o'clock meridian, unless superseded earlier by new rules.

Rule 15. Ordinances and Resolutions.

A. Council action by ordinance or resolution. Unless otherwise provided in the [County] Charter, every legislative act of the Council shall be by ordinance [(Charter Sec. 4-1)] (Section 4-1 of the Charter). Other acts of the Council may be by resolution, including approval or disapproval of nominated County officers, matters relating to the County's or Hawaii State Association of Counties' legislative package, and the Council's rescheduling of regular meetings or the Council's scheduling of special meetings.

B. Format of bills. The enacting clause of every bill for an ordinance shall be "BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI".

C. Format of resolutions. The enacting clause of every resolution shall be "BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF MAUI".

Rule 16. Rules of Procedure.

The rules of parliamentary practice set forth in Robert's Rules of Order Newly Revised, 11th Edition, shall govern the procedure for Council and committee meetings in all cases in which they are not inconsistent with law or the Rules of the Council.

Rule 17. Testimony.

A. Acceptance of testimony required. At a Council meeting, public hearing, or committee meeting, written and oral testimony pertaining to items on the meeting agenda or hearing notice shall be accepted.

B. Oral testimony. For each item on the meeting agenda or hearing notice, oral testimony shall be accepted during the testimony portion of the meeting or hearing. The following procedure shall apply to oral testimony:

1. Testimony registration; close of testimony period. Any individual shall be permitted to register for oral testimony on an item during the testimony period for the item. The presiding officer shall accept testimony on all items at the beginning of the meeting, or may determine and announce at the beginning of the meeting that testimony on each item shall be accepted before consideration of the item. The presiding officer shall close the testimony period for an item or all items on the meeting agenda or hearing notice only after all registrants to that point have been afforded an opportunity to testify on the item(s), and the presiding officer

verbally invites and affords any other members of the audience an opportunity to do so.

2. Duration of oral testimony. Each testifier shall be allowed to speak for three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier shall be allowed one minute to conclude the testimony on the item. The time limits for testimony at a public hearing, Council or committee meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the voting members of the Council or committee, as the case may be; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

3. Conduct. Testimony shall pertain to items on the meeting agenda. Testifiers shall direct their remarks to the presiding officer and not to any individual Council member or person in the audience. The presiding officer may allow members to ask testifiers to repeat or rephrase statements made during their testimony, but members shall not ask questions that give a testifier a greater opportunity to testify than others. Members shall not comment on testimony or testifiers during the testimony period.

C. Distribution of written testimony. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services for committee testimony and the Office of the County Clerk for Council testimony at least 24 hours prior to the meeting; provided that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If a Council member receives a written communication that reasonably appears to have been intended as written testimony, the Council member shall promptly forward the written communication to the Office of Council Services for committee testimony or the Office of the County Clerk for Council testimony.

D. Reconvened meetings. When a meeting or hearing has reconvened after being in recess, whether on the same day or later, no one may testify on an item if the testimony period has closed for that item.

E. Presiding officer's authority. Nothing in this section shall diminish the responsibility or the authority of the presiding officer to maintain order and decorum.

F. Public forum not created. The conduct of meetings or hearings, including the receipt of testimony, is intended to support the legislative process, and does not constitute the creation of an unrestricted public forum.

Rule 18. Resource Persons.

A. Participation as resource person. The presiding officer may allow government officials and employees, legal advisors, and individuals who have special expertise in the subject matter being considered to participate in meetings as resource persons for the purpose of providing information or advice to facilitate the deliberative process. When practicable, the identity of resource persons anticipated to participate in a meeting shall be listed on the meeting agenda. At the meeting, the presiding officer shall state the resource person's special expertise in the subject matter being considered. Participation in the meeting by a resource person pursuant to this subsection shall not constitute testimony.

B. Participation as testifier. In addition to providing information at a meeting as a resource, a resource person may also submit written or oral testimony pursuant to these rules.

Rule 19. Distribution of Written Materials; Amendments to Bills and Resolutions; Nonsubstantive Revisions.

A. Distributed only at meeting. Correspondence from any source that advocates a position on a pending bill or resolution or on an amendment to a pending bill or resolution shall not be distributed by a Council member to other Council members except during a meeting on the bill or resolution.

B. May be distributed outside of meeting.

1. A Council member may propose a written amendment of a pending bill or resolution at any time to members of the Council or the relevant committee; provided that the proposal shall only contain: (a) the text of the amendment; (b) a description of the amendment's direct effect on the bill or resolution; and (c) factual information to ensure that the proposal is appropriately processed.

2. A Council member may transmit proposed legislation to a committee with a pending item relating to the proposal's subject, provided that the transmittal shall only contain factual information to ensure that the proposal is appropriately processed.

C. Amendment at final reading. A bill or resolution being considered for final reading that is amended at a Council meeting shall not be acted upon at the same meeting as the amendment. Final action on such an amended bill or resolution shall not be taken until the next feasible meeting. This requirement of a delay shall not apply to: (1) any bill or resolution that requires final action at the meeting to ensure compliance with a deadline established pursuant to Federal law, State law, or the [County] Charter; (2) the correction of manifest clerical or typographical errors in numbering, spelling, capitalization, punctuation, or grammar, or the correction of other nonsubstantive errors, which may be made at the meeting, or by the County Clerk after consultation with the Department of the Corporation Counsel, provided that the correction does not alter the meaning or effect of the bill or resolution; (3) amendments that have been posted on the meeting agenda; and (4) resolutions relating to the election, establishment, or appointment of the Council's officers, committees, or staff, or relating to amendments of these rules.

D. Nonsubstantive revisions. The Council Chair may work with the County Clerk and Director of Council Services to correct manifest clerical or typographical errors in numbering, spelling, capitalization, punctuation, or grammar, or any other nonsubstantive errors in committee reports and all other documents. The Council Chair shall notify the appropriate committee chair of any corrections made to committee documents.

Rule 20. Recesses.

A Council meeting, public hearing, or committee meeting may be recessed to a reasonable date, time, and place, but not for more than 14 consecutive calendar days and not to a date more than 60 consecutive calendar days from the date of the originally noticed meeting. The date, time, and place for the reconvened meeting or hearing shall be publicly announced by the presiding officer prior to the recess.

Rule 21. Postponement of Pending Council Business Beyond Next Regular Council Meeting.

The Council may postpone a pending matter beyond the next regular Council meeting, provided that the postponement is: (A) to a date and time certain; (B) contingent upon a certain event; or (C) to an

unspecified date and time to be determined by the Council Chair. At the Council Chair's discretion, a matter postponed pursuant to this rule may be placed on the agenda of a Council meeting before the date and time specified or before the contingent event occurs. This rule shall not prevent the postponement of a pending matter to the next regular Council meeting. Rule 23 shall apply notwithstanding any postponement under this rule.

Rule 22. Council Travel.

A. Prior approval required. All expenditures from the County Council (including the Office of Council Services and Office of the County Clerk) travel accounts shall be subject to prior approval by the Council Chair or a representative designated for such purpose.

B. Reporting requirements. The Council Chair shall require a report, as the Chair deems appropriate, from any officer or employee who expends public funds on off-island travel. Unless specifically required by the Chair, this requirement shall not apply to travel required to attend a meeting of the Council or a committee of the Council, or to travel required between a Council member's residence and the County Building, Wailuku, Hawaii.

Rule 23. Filing or Referral of Communications.

A. End-of-term filing or referral of communications pending before committees. At the expiration of a Council term, all communications pending before committees shall be deemed filed and disposed of; provided that communications relating to the following shall be deemed referred to the Council Chair for the ensuing term, for consideration by the Council:

1. A bill or resolution amending the current fiscal year's budget, submitted by the Mayor, Director of Finance, or Budget Director, including bond authorizations, capital improvement projects, and the operating budget;

2. A valid nomination of a County officer;

3. A resolution authorizing settlement pursuant to Section 3.16.020 [of the County Code], MCC; indemnification of a County officer or employee, as requested by the Corporation Counsel; employment of special counsel pursuant to Section 3-6.6 of the [County] Charter; proceedings in eminent domain pursuant to Section 4-2.7 of the [County] Charter; or acceptance of a gift or donation pursuant to Chapter 3.56 [of the County Code], MCC;

4. A bill for a land use ordinance for which recommendations of the appropriate planning commission or planning commissions have been received pursuant to Sections 8-8.4 or 8-8.6 of the [County] Charter;

5. A resolution approving or disapproving a Board of Variances and Appeals action pursuant to Section [19.02.050(D) of the County Code;] 19.02A.040(D), MCC;

6. Department of Water Supply capital improvement plans or water use and development plans for which recommendations of the Board of Water Supply have been received pursuant to Section 8-11.6 of the [County] Charter;

7. A bill for a traffic safety measure for which recommendations of the Public Works Commission have been received pursuant to Section 2.98.030(A) [of the County Code], MCC;

8. A bill or resolution for which recommendations of the Maui County Cultural Resources Commission or the Public Works Commission have been received pursuant to Sections 2.88.060 or 2.98.030(B) [of the County Code], MCC;

9. A bill to revise or update the General Plan or a community plan for which recommendations of the appropriate planning commission or planning commissions have been received pursuant to Chapter 2.80B [of the County Code], MCC;

10. A bill or resolution for which recommendations of the Maui County Arborist Committee have been received pursuant to Section 12.24A.030 [of the County Code], MCC;

11. Resolutions approving, disapproving, or approving with modification a project pursuant to Chapter 201H [of the Hawaii Revised Statutes], HRS; and

12. A bill or resolution that has passed one of two required readings and was subsequently referred to committee.

For purposes of this rule, "communication" means a County Communication; a General Communication; a Miscellaneous Communication; a recommitted committee report, bill, or resolution; or correspondence transmitted directly to a committee.

B. Procedure for committees to refer communications. A communication that would otherwise be filed at the end of the term

pursuant to Subsection A of this rule may be referred to the Council Chair for the ensuing term upon the recommendation of the chair of the committee and with the approval of the committee and then the Council.

C. Bills or resolutions that pass one of two required readings without subsequent referral to committee or other disposition. Any bill or resolution that has passed one of two required readings and was not subsequently referred to a committee or otherwise disposed of shall be referred to the Council Chair for the ensuing term, for consideration by the Council on second and final reading.

D. Resubmittal not prohibited. This rule shall not prevent the resubmittal of any communication to the Council in a subsequent term, for consideration as a new communication.

Rule 24. Documents Transmitted by the Administration.

A. Corporation Counsel approval. A bill or resolution transmitted to the Council from the Administration shall be signed by the Corporation Counsel or a Deputy Corporation Counsel, when practicable, prior to the communication transmitting the bill or resolution being posted on a Council meeting agenda.

B. Transmission of voluminous reports; supporting documents. In lieu of paper copies, the Administration may submit to the Council by compact disk or similar electronic media the following: (1) voluminous reports for which no Council action is required; and (2) nonessential supporting documents for land use entitlements. Nonessential supporting documents may include meeting minutes, interagency correspondence, other agency communications, and other tangential materials.

C. Administration proposals. Legislative proposals to the Council or a committee from the Administration shall include a cover letter and an attached bill or resolution. Each transmittal under this subsection shall be accompanied by the requisite number of copies.

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 15-16 was adopted by the Council of the County of Maui, State of Hawaii, on the 6th day of February, 2015, by the following vote:

MEMBERS	Michael B. WHITE Chair	Donald S. GUZMAN Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	S. Stacy CRIVELLO	G. Riki HOKAMA	Michael P. VICTORINO
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused

Dennis A. Mateo

COUNTY CLERK