

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

January 6, 2012

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

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

Chair and Members:

Your Policy Committee, having met on December 14, 2011, makes reference to County Communication 11-35, from Council Chair Danny A. Mateo, relating to amendments to the Rules of the Council.

By correspondence dated December 6, 2011, the Chair of your Committee transmitted a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO TESTIMONY". The purpose of the proposed resolution is to amend Rule 17(B)(2) of the Rules of the Council to allow time limits for oral testimony at committee meetings to be modified, if initiated by the presiding officer, with the approval of a majority of the committee.

Your Committee notes that currently, the rule sets standard time limits for testimony at both Council and committee meetings, fostering consistency and providing the public with a more informed basis upon which to prepare their remarks. However, your Committee expressed a desire to provide committee chairs flexibility, as circumstances warrant, to modify those time limits. Your Committee noted that, under the existing Rules of the Council, a suspension of the rules would require a two-thirds vote of the Council or the voting members of the committee, which would not be feasible if a committee has bare quorum.

Your Committee further noted that the proposed amendment to Rule 17(B)(2) of the Rules of the Council would still require that any modification to the testimony time limits apply equally to all testifiers and all items, thus ensuring compliance with the Sunshine Law.

Your Committee voted 8-0 to recommend adoption of the proposed resolution. Committee Chair Hokama, Vice-Chair Carroll, and members Cochran, Couch, Mateo, Pontanilla, Victorino, and White voted "aye". Committee member Baisa was excused.


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

January 6, 2012  
Page 2

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

Your Policy Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO TESTIMONY", be ADOPTED.

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

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

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# Resolution

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

## AMENDING THE RULES OF THE COUNCIL RELATING TO TESTIMONY

WHEREAS, by Resolution 11-3, the Council adopted the Rules of the Council on January 3, 2011; 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 Rule 17 of the Rules of the Council, relating to testimony, shall be amended as follows (with new material underscored):

“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 additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. The time limits for testimony at a 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 committee; provided, that a modification would apply equally to all testifiers and all items. No

**Resolution 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 and 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."

APPROVED AS TO FORM AND LEGALITY

  
Department of the Corporation Counsel  
County of Maui