

HAWAI'I COUNTY COST OF GOVERNMENT COMMISSION
DRAFT RULES OF PRACTICE AND PROCEDURE

I. MEETINGS AND QUORUM

- a. Regular Meetings: The Commission shall meet at least monthly at a properly noticed meeting pursuant to § 92-7, Hawai'i Revised Statutes ("HRS").
 - i. The Commission shall give written public notice of any regular or special meeting which shall include an agenda listing all items to be considered at the meeting, and the date, time, and place of the meeting.
 - ii. The notice shall be posted to the County Calendar at least six calendar days before the meeting and shall also be posted at the site of the meeting whenever feasible. Should the written notice be untimely filed, the meeting shall be canceled, a notice canceling the meeting shall be posted at the place of the meeting, and no meeting shall be held.
- b. Special Meetings: Special meetings may be called by the Chairperson or by a majority of the Commission.
- c. Executive Meetings: The Commission may hold a meeting closed to the public for one or more of the purposes set forth in HRS § 92-5, or 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; however, any resultant official action shall be acted upon in an open meeting in accordance with Hawai'i County Charter. § 13-20(b). An affirmative vote of two-thirds of the members present is required to enter executive session provided that the majority vote constitutes a majority of the members to which the board is entitled. The reason for holding a meeting closed to the public shall be recorded, and entered into the minutes of the meeting.
- d. Quorum: Five members shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those members present shall be necessary to take any action.

II. ATTENDANCE

All Commission members shall attend all meetings unless excused by the Chairperson.

III. OFFICERS AND THEIR DUTIES

- a. Officers: The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson.
- b. Nomination and election of the Chairperson: A Chairperson of the Commission shall be elected at the first meeting of the Commission after all commissioners have been appointed. Any member of the Commission may be nominated as Chairperson and voted into position by a majority of all members to which the Commission is entitled.
- c. Duties and Powers of the Chairperson: The Chairperson of the Commission shall be the presiding officer of the Commission and shall have the right to vote, debate, and make motions as other members. It shall be the duty of the chairperson to:
 - i. Preside at each meeting;
 - ii. Preside at public hearings;
 - iii. Maintain order and decorum and reasonably administer the receipt of oral and written testimony in accordance with these rules;
 - iv. Set the meeting agenda. Items requested in writing by Commission members to be placed on an agenda within two regularly scheduled meetings;
 - v. Announce the business before the Commission in the order prescribed by these rules and announce the results of any Commission vote;
 - vi. When necessary or required, to sign and certify all official acts of the Commission and all vouchers, purchase orders, etc., if any, for payment of expenditures of the Commission;
 - vii. To appoint committees, and consultants when authorized by the Commission, in accordance with applicable laws; and
 - viii. Serve as the chief spokesperson and representative for the Commission before the public and the County Government. All official information shall be released through the Chairperson.
- d. Duties and Powers of the Vice-Chairperson: It shall be the duty of the Vice-Chairperson to:
 - i. Exercise all duties and powers of the Chairperson in the Chairperson's absence;
 - ii. Assist the Chairperson as needed; and
 - iii. Perform other such duties as are prescribed by law or assigned by the Commission.

IV. AGENDA

- a. Agenda Items Submitted by Commission Members: Commission members may request, in writing to the Chairperson, that a particular issue be placed on an upcoming agenda. All requests must be made at least 10 days in advance of the meeting date. Unless otherwise requested and appropriate, agenda items under this section shall be placed under the agenda heading "Communications."

- b. The Commission shall not add items to the agenda, once filed, without six affirmative votes; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the Commission will affect a significant number of persons.

V. VOTING

- a. Method of Voting: By roll call.
- b. Voting Procedure: Pursuant to HRS § 92-3.5, when a meeting is held via videoconference, at the Chairperson's request, the Secretary shall conduct a vote via roll call and present to the Chairperson the final tally of votes. The Chairperson shall announce the final vote for the record.
- c. Abstentions: No member shall refrain from voting unless excused by the Chairperson or is otherwise excused by law.
- d. Rule of the Majority: Procedural matters, requests for information, and internal Commission matters shall require the approval of majority vote of those present at any meeting.
- e. Reconsideration: A vote of the Commission may be reconsidered in accordance with Robert's Rules of Order, 12th edition and applicable notice requirements.

VI. ORDER AND DECORUM

- a. A Commissioner must be recognized by the Chairperson before speaking. The member shall address the Chairperson when recognized and shall confine discussion to the question under debate and avoid personalities.
- b. Any Commissioner who arrives late at a hearing or meeting shall refrain from taking the Commission's time with questions and inquiries on matters already discussed.
- c. If any Commissioner behaves in a disorderly or contemptuous manner during any session of the Commission or its Committees, the Chairperson shall order such member to cease and shall preserve the peace. If the Commissioner persists, the Chairperson shall order the offending Commissioner removed from the meeting, and that Commissioner 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 Commission.
- d. All Commissioners shall extend proper courtesy and respect to one another and to all persons speaking before the Commission. No profanity or abusive remarks shall be

allowed at any time in any meeting.

- e. All persons shall be addressed by their surnames.

VII. PARLIAMENTARY AUTHORITY

All meetings and other actions of the Commission shall be governed by Chapters 91 and 92 of Hawai'i Revised Statutes, the Hawai'i County Charter, and all other applicable state and county laws. The rules of parliamentary authority, where not inconsistent with these rules, shall be Robert's Rules of Order Newly Revised, 12th Edition.

VIII. ORDER OF BUSINESS

- a. The order of business shall be as follows:

- i. Roll Call;
- ii. Introduction of Guests;
- iii. Statements from the Public;
- iv. Approval of Minutes;
- v. Communications;
- vi. Order of the Day;
- vii. Unfinished Business;
- viii. Reports;
- ix. Adjournment

- b. Alterations to Order of Business: The order of business may be altered by the Chairperson or by majority vote of the Commission.

IX. PUBLIC STATEMENTS AND TESTIMONY

Public participation shall be encouraged. The Commission shall afford all interested persons an opportunity to submit data, views, or written testimony on any agenda item.

- a. Written Testimony: Written testimonies shall be received for the record on any agenda item. If possible, copies of the testimony should be compiled for presentation to the Commission by 12:00 noon the previous business day of the meeting. Testimony received after 12:00 noon shall still be received for the record and will be presented to the Commission members as soon as practicable.
- b. Oral Testimony: Members of the public who wish to provide oral testimony shall abide by the following:
 - i. Persons wishing to present oral testimony on any agenda item shall register with the Secretary 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;

- ii. The Chairperson shall direct the Secretary to call the name of the person wishing to speak, and be informed that their statements will be recorded;
 - iii. Each person may speak for (3) minutes for each agenda item that they wish to speak on. At the discretion of the Chairperson, any statements not relevant to an agenda item shall not be heard nor considered;
 - iv. No person will be allowed to speak more than once on the same agenda item;
 - v. Any person wishing to speak on more than one agenda item shall register separately for each agenda item;
 - vi. All statements are to be made to the Commission in general, and not to any specific member;
 - vii. With the exception of public hearings, Commission members shall refrain from making comments or asking questions of testifiers during statements from the public;
 - viii. All members of the public shall extend proper courtesy and respect to one another and to all Commission members and staff. All persons shall be addressed by their surnames and no profanity or abusive remarks will be allowed at any time. Any person who is disrespectful to the Commission, staff or other members of the public through disorderly or contemptuous behavior, or who disrupts the exercise of any Commissioner's duty, may be removed from the meeting at the discretion of the Chairperson; and
 - ix. Any person who does not abide by these rules may be ruled out of order by the Chairperson.
- c. No Diminished Responsibility. Nothing in this rule shall diminish the responsibility or the authority of the Chairperson to maintain order and decorum.

X. MINUTES

- a. Generally: The Commission shall keep written minutes of all meeting. Neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed and the views of the participants. The minutes shall include, but need not be limited to:
- i. The date, time, and place of the meeting;
 - ii. The members of the Commission recorded as either present or absent;
 - iii. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of any votes taken; and
 - iv. Any other information that any member of the Commission requests to be included or reflected in the minutes.

- XI. Availability: The minutes shall be public records and posted online within forty (40) days after the meeting except where such disclosure would be inconsistent with HRS § 92-5, or

Hawai'i County Charter Section 13-20. Minutes of executive meetings may be withheld only as long as their publication would defeat the lawful purpose of the executive meeting.

PUBLIC INFORMATION AND ACCESS

- a. The Commission shall make every effort to put as much information about its activities, including its rules, minutes, agenda, correspondence, and reports on the county website at hawaiicounty.gov.
- b. Copies of all official minutes, documents, agenda, procedures, statements, or decisions shall be available from the Secretary at such costs as may be authorized by law.
- c. Any person may obtain information, or make submittals or requests for information, by writing to the Managing Director, 25 Aupuni Street, Hilo, HI 96720.

XII. EXPENSES

Authorization: No member of the Commission shall incur any expense in which the member intends to seek reimbursement from the Commission except with the consent of the Chairperson.

XIII. ATTORNEY AND SECRETARY TO THE COMMISSION

- a. Attorney: The attorney for the Commission shall be appointed by the Office of the Corporation Counsel. All requests for legal opinions shall be made through the Chairperson after discussion of the matter at a properly noticed meeting. All legal opinions will be distributed to the entire Commission and are subject to the attorney - client privilege. The duties of the attorney are as follows:
 - i. Attend all meetings of the Commission;
 - ii. Ensure compliance with all applicable open meeting laws, rules, and procedural requirements;
 - iii. Provide legal research and opinions to the Commission; and
 - iv. Other duties as required.
- b. Secretary: The secretary to the Commission shall be designated by the Mayor's Office of the County of Hawai'i. All assignments for the secretary shall be made through the Chairperson. The duties of the secretary are as follows:
 - i. Take and transcribe all notes and minutes of the Commission and Committee meetings;
 - ii. Prepare and post the meeting agenda;
 - iii. Securing and preparing the meeting location, whether it be at a physical location or via an interactive video teleconference;
 - iv. Receive and distribute public testimony; and

v. Other duties as assigned.

XIV. AMENDMENTS AND REVISIONS TO THE RULES OF PROCEDURE

a. Amendments and Revisions shall be made in accordance with HRS § 91-3.

XV. SEVERABILITY

In the event any rule contained herein conflicts with the provisions of the U.S. Constitution, Hawai'i 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 that can otherwise be given effect without the invalid rule, and to this end these rules are severable.

These Rules of Procedure of the Hawai'i County Cost of Government Commission were adopted by the 2022 County Redistricting Commission on _____, 2022.

COST OF GOVERNMENT COMMISSION

By: Michael J. Konowicz, Chairperson

ADOPTED ON:

APPROVED:

MITCH ROTH, Mayor

Date: _____

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

Date: _____

I hereby certify that the foregoing rules and regulations was received and filed in my office on this _____ day of _____, 2022.

JON HENRICKS, County Clerk