

# Resolution

No. 25-4, FD1

## ADOPTING THE RULES OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that it adopts the Rules of the Council in Exhibit "A."

paf:kmat:24-244a

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee". The signature is written in black ink and is positioned above a horizontal line.

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ALICE L. LEE

Exhibit "A"

**RULES OF THE COUNCIL**

- Rule 1. Duties of the Council Chair, County Clerk, and Director of Council Services.
- Rule 2. Rules of Procedure.
- Rule 3. Committee Reports.
- Rule 4. Voting and Recording of Votes.
- Rule 5. Deadline for Agenda of Regular Meetings of the Council.
- Rule 6. Order of Business.
- Rule 7. Standing Committees of the Council.
- Rule 8. Attendance.
- Rule 9. Procedures Relating to Rules.
- Rule 10. Consent Calendar.
- Rule 11. Testimony.
- Rule 12. Posting Bills and Resolutions on Council Agenda.
- Rule 13. Distribution of Written Materials; Amendments to Bills and Resolutions; Nonsubstantive Revisions.
- Rule 14. Recesses.
- Rule 15. Referral or Other Disposal of Bills and Resolutions.
- Rule 16. Documents Transmitted by the Administration.
- Rule 17. Conduct Relating to Public Meetings.
- Rule 18. Resource Persons.
- Rule 19. Amendment at Final Reading.
- Rule 20. Public Hearings.

**Rule 1. Duties of the Council Chair, County Clerk, and Director of Council Services.**

A. Council Chair. The Chair is the presiding officer and the chief administrative officer of the Council. In the absence or disability of the Chair, the Vice-Chair will act as the presiding officer and chief administrative officer. In the absence or disability of both the Chair and Vice-Chair, the Presiding Officer Pro Tempore will act as the presiding officer and chief administrative officer.

It is 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 must be approved by the Council, and the appointment of full-time Council executive assistants and Council aides need not be approved by the Council.

3. Open all meetings and public hearings of the Council at the appointed hour by calling the Council to order and adjourning or recessing all meetings and public hearings of the Council.

4. Maintain order and proper decorum.

5. Announce the business before the Council.

6. Receive all bills and resolutions, and present them to the Council for referral to a standing committee, as appropriate, before which the subject matter is pending.

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

8. Authenticate by signature all acts of the Council.

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

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

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

12. Coordinate all legislative and intergovernmental meetings, functions, and activities on the Council's behalf; except that any contract for lobbying on the Council's behalf must be approved by the Council by resolution.

13. 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.

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

B. County Clerk. It is 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, and prepare digests and compile necessary information.

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

3. Serve as the parliamentarian for Council meetings.

4. Confirm receipt of all communications or other matters to the proper parties.

5. Deliver to the appropriate committee all petitions, resolutions, bills, or other matters, as referred to the committee.

6. Record all matters that come before the Council.

7. Make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates, including by the following means:

a. Timestamp and assign a unique identification number to each bill and resolution, including Council-initiated land use ordinances attached to resolutions for transmittal to the Lānaʻi, Maui, and Molokai planning commissions, on presentment to the County Clerk by the introducing Councilmember.

b. Maintain and regularly update on the County Clerk's website a page for bills and a page for resolutions organized by the documents' identifying number, along with all other documents submitted to the County Clerk associated with each bill and resolution.

c. Maintain and regularly update on the County Clerk's website a page for communications submitted to the Council not requiring legislative action, organized by the documents' identifying number, along with all other documents submitted to the County Clerk associated with the communications.

8. Have charge of all records, including the journal of the Council, which will consist of the minutes of the Council, communications, and other business matters transmitted to the Council.

9. Serve in all matters as Clerk of the Council and perform all clerical functions as the Council may direct, as well as other duties assigned by law or these rules.

10. 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.

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

12. Certify ordinances.

13. Assign duties and tasks permissible by law to the Deputy County Clerk.

C. Director of Council Services. It will 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, standing committees, or individual Councilmembers, 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.

6. Assign duties and tasks permissible by law to the Deputy Director of Council Services.

## **Rule 2. Rules of Procedure.**

Rosenberg's Rules of Order, Revised 2011, will govern the rules of parliamentary practice and procedure for Council and committee meetings in all cases in which they are not inconsistent with law or the Rules of the Council.

### **Rule 3. Committee Reports.**

To be placed on the Council agenda, committee reports must be submitted to the Clerk by the agenda deadline. Committee reports will be signed by the chair of the committee. The vice-chair of the committee may sign in the absence or disability of the chair.

### **Rule 4. Voting and Recording of Votes.**

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

B. Voting generally required. No voting member may refrain from voting on any matter unless abstaining under the Code of Ethics. A failure to vote by any present, non-abstaining voting member will be recorded as an affirmative vote.

C. Abstaining member's participation. An abstaining member may be permitted to participate in the discussion of the matter; except that the member must refrain from advocating for their interests on which the abstention is based during the discussion and may not attend any executive meeting on the matter.

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

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

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

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

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

I. Except as provided in Subsection J, amendments at Committee meetings or on the Council floor must be in writing.

J. A bill or resolution becomes a Committee Draft (“CD”) after a substantive amendment is approved by one of the Council’s standing committees or a Floor Draft (“FD”) after a substantive amendment is approved by the Council. Amendments to bills and resolutions incorporating nonsubstantive revisions, including correcting manifest clerical or typographical errors in numbering, spelling, capitalization, punctuation, or grammar will not generate a Committee Draft or Floor Draft.

K. Recording votes. For Council meetings, the Clerk will record the vote of each member in the minutes.

**Rule 5. Deadline for Agenda of Regular Meetings of the Council.**

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

**Rule 6. Order of Business.**

The County Clerk will determine the order of business for Council meetings, unless the Chair determines a different order is appropriate.

**Rule 7. Standing Committees of the Council.**

A. Standing committees; establishment and membership. The Council by resolution will establish standing committees and a chair, vice-chair, and membership of each standing committee. The standing committees may consist of an odd number of voting members and any number of non-voting members. Non-voting members have the same rights and privileges as voting members, except that they may not vote, or make or second motions, and will not count towards 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 or Council Chair. The committee chair may also call for discussion of the committee’s priorities and procedures and may arrange for presentations or discussions on matters related to bills, resolutions, or communications within the committee’s subject-matter jurisdiction.



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

D. The Council Chair may refer a bill or resolution directly to a standing committee if there is a time limit for Council action.

**Rule 8. Attendance.**

A voting member of the Council or committee will attend each duly noticed meeting of the Council or committee, at the scheduled time and for the duration of the meeting, unless the member has been excused by the presiding officer in writing, following a written request. Unexcused absences by a voting member may result in formal censure by resolution. A voting member with five absences from a committee meeting may be removed as a voting member of the committee, at the request of the committee chair and with the Council's approval by resolution.

**Rule 9. Procedures Relating to Rules.**

A. Amendment or rescission. The amendment or rescission of existing rules will 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; except that the duration of the suspension may not be longer than necessary to further the purpose of the suspension.

C. Effective date; sunset. These rules take effect upon adoption of this Resolution by the Council and remain in effect until January 2, 2027, twelve noon, unless superseded earlier by new rules.

D. Purpose and effect. The purpose of these rules is to promote effective parliamentary procedure at Council and committee meetings consistent with the Charter and the Sunshine Law. These rules do not have legal effect. Any party's alleged or actual violation of any rule does not form the basis of any cause of action.

**Rule 10. Consent Calendar.**

The Consent Calendar is intended for routine action on bills and resolutions that will not require discussion at a Council meeting, such as

for referral to committee. Use of the Consent Calendar is voluntary. Testimony on items on the Consent Calendar is permitted.

Before the posting deadline, committee chairs will be notified of the items intended for posting on the meeting agenda. Discussion among Councilmembers is not permitted outside a properly noticed meeting. Committee chairs will inform the Office of Council Services of the items intended to be included in the Consent Calendar and the intended action of each item before twelve noon, at least eight days before the meeting. The Consent Calendar will indicate the intended action for each item.

At the meeting, Councilmembers may request to add items from the duly noticed agenda to or remove items from the Consent Calendar. The item being removed from the Consent Calendar would default to the location on the duly noticed agenda required by the Rules of the Council unless otherwise specified. If a Councilmember disagrees with the indicated action of an item on the Consent Calendar, the Councilmember must request its removal from the Consent Calendar for discussion.

Once the Consent Calendar is agreed upon, no further discussion will be permitted. The recommended actions indicated on the Consent Calendar must be taken up in one motion.

**Rule 11. Testimony.**

A. Acceptance of testimony required. Written and oral testimony must be accepted by the Council and its committees consistent with Part I, Chapter 92, Hawai'i Revised Statutes, the State's Sunshine Law.

B. Public forum not created. The conduct of Council and committee meetings or hearings, including the receipt of testimony, is intended to support the legislative process and does not constitute the creation of a public forum.

C. Duration of oral testimony. Each testifier may be allowed to speak for the amount of time allotted by the presiding officer. The time limits for testimony at a public hearing or 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 long as any modification applies equally to all testifiers and all items. No further oral testimony by the testifier on the item will be permitted. An individual's request to testify may be withdrawn if the individual does not answer when called to testify.

**Rule 12. Posting Bills and Resolutions on Council Agenda.**

Any bill or resolution introduced by a Councilmember and transmitted to the Council Chair or County Clerk for posting, referral, or consideration by the Council that has not been posted for the next regular Council meeting must be automatically posted for the following scheduled Council meeting, unless the Chair receives permission in writing from the Councilmember introducing the bill or resolution to delay posting.

**Rule 13. 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 must 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. A Councilmember may propose a written amendment of a pending bill or resolution at any time to members of the Council or the relevant committee if the proposal only contains: (i) the text of the amendment; (ii) a description of the amendment's direct effect on the bill or resolution; and (iii) factual information to ensure that the proposal is appropriately processed.

C. 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 documents on Council meeting agendas. The Council Chair must notify the appropriate committee chair of any corrections made to committee documents.

**Rule 14. 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 must be publicly announced by the presiding officer before the recess.

**Rule 15. Referral or Other Disposal of Bills and Resolutions.**

A. New bills or resolutions. The Council Chair may either refer new bills or resolutions to a standing committee under Rule 7(D) or post them on a Council meeting agenda for referral or other action. If a bill or resolution is not scheduled within 90 days of referral to a standing

committee, it will automatically be referred to the committee chaired by the introducing councilmember.

B. End-of-term filing or referral of bills and resolutions pending before committees. At the expiration of a Council term, all bills and resolutions pending before committees will be filed and disposed of; except that, at its discretion, the Council may refer pending bills or resolutions to the Council Chair for the ensuing term, for consideration by the Council. Bills or resolutions that have been presented to the Council in a committee report are not considered pending before the committee, irrespective of whether the Council acts on the committee report.

C. Procedure for committees to refer bills or resolutions. A bill or resolution that would otherwise be filed at the end of the term under Subsection B may be referred to the Council Chair for the ensuing term by the recommendation of the committee and with the approval of the Council.

D. 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 must be referred to the Council Chair for the ensuing term, for consideration by the Council on second and final reading.

E. Resubmittal not prohibited. This rule does not prevent the resubmittal of any bill or resolution to the Council in a subsequent term, for consideration as a new bill or resolution.

**Rule 16. Documents Transmitted by the Administration.**

A. Corporation Counsel approval. A bill or resolution transmitted to the Council from the Administration must be signed by the Corporation Counsel or a Deputy Corporation Counsel before the bill or resolution may be posted on a Council meeting agenda.

B. Administration proposals. Legislative proposals to the Council or a committee from the Administration will include a cover letter and an attached bill or resolution. Any request for expedited consideration will be stated in the cover letter.

**Rule 17. Conduct Relating to Public Meetings.**

For all public meetings, Councilmembers will strive to do the following:

A. Respect the opinions of fellow Councilmembers and other meeting participants, be well informed on issues, and participate in deliberations in a productive manner.

B. Accept responsibility to attend all Council meetings and all committee meetings of which they are a voting member.

C. Be courteous to and respect the opinions of members of the public and all meeting participants.

D. Do their best to communicate in clear, concise, and audible language and written communications.

E. Discuss issues, not personalities.

F. Speak in a manner that does not undermine the integrity or motives of the Council, any Councilmember, or any meeting participant.

G. Refrain from browsing the Internet on non-County business while a meeting is in session so that the Council's or committee's full attention can be given to the topic at hand. Refrain from texting with Administration or other resource persons during meetings in which they are participating, as such communication could be perceived as contravening open-government principles.

H. Prohibit unruly or disrespectful behavior in the Council Chamber and encourage a safe and respectful environment for all attendees.

#### **Rule 18. Resource Persons.**

A. Participation as resource person. The presiding officer at a Council or committee meeting 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 will be listed on the meeting agenda. At the meeting, the presiding officer may state the resource person's special expertise in the subject matter being considered. Participation in the meeting by a resource person under this subsection will 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.

### **Rule 19. Amendment at Final Reading.**

A bill or resolution being considered for final reading that is amended at a Council meeting may not be acted upon at the same meeting as the amendment. Final action on an amended bill or resolution may not be taken until the next feasible meeting. This requirement of a delay will not apply to: (1) any bill or resolution that requires final action at the meeting to ensure compliance with a deadline established in accordance with Federal law, State law, or the 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.

### **Rule 20. Public Hearings.**

A. The Chair will determine the date, time, and location of any Council public hearing, except that a Council public hearing required by law must be held:

1. At 4:30 p.m. or later.

2. In the community plan area most affected by the bill or resolution.

B. Councilmembers may participate in public hearings by interactive conference technology, when practicable.

C. Rule 20(A)'s requirements may only be avoided if justification is provided in a Council or committee meeting on the bill or resolution and approved by a majority vote of Councilmembers.

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 25-4, FD1 was adopted by the Council of the County of Maui, State of Hawaii, on the 2nd day of January, 2025, by the following vote:**

<b>MEMBERS</b>	<b>Alice L. LEE Chair</b>	<b>Yuki Lei K. SUGIMURA Vice-Chair</b>	<b>Tom COOK</b>	<b>Gabriel JOHNSON</b>	<b>Natalie A. KAMA</b>	<b>Tamara A. M. PALTIN</b>	<b>Keani N. W. RAWLINS-FERNANDEZ</b>	<b>Shane M. SINENCI</b>	<b>Nohelani U'U-HODGINS</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
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COUNTY CLERK