

Resolution

No. 23-5

ADOPTING THE RULES OF THE COUNCIL

BE IT RESOLVED by the Council of the County of Maui that it does hereby adopt the Rules of the Council as set forth in Exhibit "A," attached hereto and made a part hereof.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

chr:misc:221215e

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", written in black ink.

ALICE L. LEE

Exhibit "A"

RULES OF THE COUNCIL

- Rule 1. Duties of Council Chair, County Clerk, and Director of Council Services.
- Rule 2. Voting and Recording of Votes.
- Rule 3. Deadline for Agenda of Regular Meetings of the Council.
- Rule 4. Order of Business.
- Rule 5. Procedures Relating to Rules.
- Rule 6. Rules of Procedure.
- Rule 7. Testimony.
- Rule 8. Resource Persons.
- Rule 9. Distribution of Written Materials; Nonsubstantive Revisions.
- Rule 10. Referral or Other Disposal of Bills and Resolutions.
- Rule 11. Conduct Relating to Public Meetings.

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

A. Council Chair.

The Council 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 the 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 adjourn or recess all meetings and public hearings of the Council by 5:00 p.m.
- 4. Maintain order and proper decorum.

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

6. Receive all bills and resolutions and present them to the Council for referral to a standing committee 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 behalf of the Council; 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 parliamentarian for the Council's meetings.

4. Transmit the 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 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. Time stamp and assign a unique identification number to each bill and resolution 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 document's identifying number, along with all other documents submitted to the County Clerk and associated with the bill or 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 document's identifying number, along with all other documents submitted to the County Clerk and 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 are returned as 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 is 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, 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. 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 non-abstaining voting member who is present will be recorded as an affirmative vote.

C. 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.

Rule 3. 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 prior to the meeting.

Rule 4. Order of Business.

The following will be the order of business for Council meetings, with no more than 25 individual items, unless the Chair determines a different order or more items are necessary:

- A. Roll Call
- B. Opening Remarks
- C. Pledge of Allegiance
- D. Testimony on Ceremonial Resolutions
- E. Ceremonial Resolutions
- F. Testimony, Except for Testifiers Who Request to Provide Testimony Immediately Before Any Remaining Section
- G. Consent Calendar
- H. Resolutions, Including Related Committee Reports and Proposed Amendments
- I. Second and Final Reading of Resolutions, Including Related Committee Reports and Proposed Amendments
- J. Bills, Including Related Committee Reports and Proposed Amendments
- K. Second and Final Reading of Bills, Including Related Committee Reports and Proposed Amendments
- L. Unfinished Business

The Consent Calendar is intended for items transmitted by the Administration that will not require discussion at a Council meeting. Use of the Consent Calendar is voluntary. Testimony on items on the Consent Calendar is permitted.

Prior to the posting deadline, committee chairs will be notified of the items intended for posting on the meeting agenda. Discussion between 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, eight days prior to the meeting. Items that can be added to the Consent Calendar include County or General Communications intended for filing or referral. 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; this includes requests for committee referrals.

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 5. Procedures Relating to Rules.

A. Amendment, rescission, and adoption. 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 are effective upon adoption by the Council by resolution and remain in effect until January 2, 2025, twelve noon, unless superseded earlier by new rules.

Rule 6. Rules of Procedure.

A. Robert's Rules of Order Newly Revised, 11th Edition, governs 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.

B. Except as provided in Subsection (C), amendments on the Council floor must be in writing and require six affirmative votes.

C. Friendly amendments may be recognized. A friendly amendment is a practical parliamentary tool that is simple, informal, saves time, and avoids bogging a meeting down with numerous formal motions. For example, in the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some Councilmembers. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Rule 7. Testimony.

A. Acceptance of testimony required. Written and oral testimony must be accepted by the Council and its committees consistent with the Sunshine Law. Councilmembers may ask a testifier up to two clarifying questions of up to 30 seconds for each item of testimony.

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 an unrestricted public forum.

Rule 8. Resource Persons.

A. Participation as a 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 and state whether the resource person is a paid lobbyist as defined by Section 2.56.040, Maui County Code. 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 9. Distribution of Written Materials; 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 Councilmember to other Councilmembers 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 10. Referral or Other Disposal of Bills and Resolutions.

A. New bills or resolutions. The Council Chair may either refer new bills or resolutions to the standing committee with jurisdiction or post them on a Council meeting agenda for referral or other action.

B. End-of-term filing or referral of bills or resolutions pending before committees. At the expiration of a Council term, all bills or 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.

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 A may be referred to the Council Chair for the ensuing term by the recommendation of the chair of the committee and with the approval of the committee and 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 may 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 communication to the Council in a subsequent term, for consideration as a new communication.

Rule 11. Conduct Relating to Public Meetings.

For all public meetings, Councilmembers must 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 or in a video conference and encourage a safe and respectful environment for all attendees.