

# Resolution

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

## AMENDING THE RULES OF THE COUNCIL RELATING TO ORAL TESTIMONY

WHEREAS, by Resolution 19-4, Draft 1, the Council adopted the Rules of the Council on January 2, 2019; 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(B) of the Rules of the Council, relating to oral testimony, shall be amended as follows:

“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. If the presiding officer accepts testimony on all items at the meeting, each testifier shall be allowed to speak on no more than three items at one time, at the call of the presiding officer. After all registrants and other members of the public have been afforded an opportunity to testify, testifiers who wish to speak on the remaining items on the meeting agenda will be afforded an opportunity to do so. 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, and the presiding officer verbally invites and affords any other members of the public an opportunity to do so.

2. Duration of oral testimony. Each testifier shall be allowed to speak for up to three minutes on each item. If approved

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From Councilmember Sugimura

by the presiding officer and announced prior to any oral testimony being taken, the testifier may 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 may 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 Council or committee and not to any individual Council member or member of the public. 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.

4. Disclosure of lobbyist status. Each testifier who is a paid lobbyist as defined by Section 2.56.040, MCC, shall disclose that status in the testimony.

5. To the extent capable, the Council shall provide interactive communications access. Said access shall include, but not be limited to, the ability of the public to testify, of Council members to ask questions, and of the public to respond to questions."

APPROVED AS TO FORM AND LEGALITY

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EDWARD S. KUSHI, JR.  
First Deputy Corporation Counsel  
County of Maui