

COUNTY COUNCIL
COUNTY OF KAUAI

Resolution No. 2024-15, Draft 1

**RESOLUTION REPEALING RESOLUTION NO. 2023-02 AND AMENDING
RESOLUTION NO. 2023-26 RELATING TO ADOPTING THE RULES OF THE
KAUAI COUNTY COUNCIL FOR THE ORGANIZATION OF COMMITTEES AND
THE TRANSACTION OF BUSINESS**

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Resolution No. 2023-02 is hereby repealed and Resolution No. 2023-26, Rule No. 13 is amended, and the attached Rules of the Kauai County Council are hereby adopted.

SECTION 2. In interpreting the rules, the intent of the Council shall be deemed to have been to: (a) carry out the majority view of the Council, yet provide the minority fair opportunity to express its view, and (b) provide a written guide for an efficient and defined parliamentary procedure for Council deliberations so that its actions may be based on an informed and reasoned discussion of issues.

SECTION 3. All meetings and deliberations of the Council shall be governed by the rules.

SECTION 4. The approved rules may be amended as provided for therein.

SECTION 5. This Resolution shall take effect upon its approval.

Introduced by: /s/ MEL RAPOZO


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	Aye	May	Excused	Recused
Bulosan	X			
Carbalho	X			
Cowden		X		
DeCosta	X			
Kagawa	X			
Kuali'i	X			
Rapoza	X			
Total	6	1	0	0

Certificate Of Adoption

We hereby certify that Resolution No. 2024-15, Draft 1 was adopted by the Council of the County of Kauai, State of Hawaii, Lihu'e, Kauai, Hawaii, on March 27, 2024.


County Clerk


Chairman & Presiding Officer

Dated March 28, 2024

RULES OF THE KAUAI COUNTY COUNCIL

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**RULE NO. 1
MEETINGS**

(a) **Recommended Procedure for Initial Convening of the Council.**

(1) When the time specified by law arrives for the first convening of the newly-elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary Clerk.

(2) The Mayor, as the temporary Chair, shall appoint a Credentials Committee of not less than three (3) Councilmembers-elect. The Credentials Committee shall immediately examine the credentials of the Councilmembers-elect. If the credentials are in order, the Credentials Committee shall so report and the oath of office shall be administered to the Councilmembers-elect by someone duly qualified to administer oaths.

(3) The oaths having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the Charter of the County of Kaua'i.

(4) The Chair shall assume the chair of the Presiding Officer immediately after being elected and the Council shall then, by resolution: appoint the County Clerk; adopt the Rules of the Kaua'i County Council; and appoint the Chair, Vice Chair, and members of the several Standing Committees.

(b) **Regular Council Meetings; Relocation.** Regular meetings of the Council shall be held in the Historic County Building or Līhu'e Civic Center in Līhu'e, County of Kaua'i, State of Hawai'i, or other location designated by the Council, at 8:30 a.m., or other time designated by the Council, at least twice a month on a Wednesday, or other day designated by the Council. The Council by majority concurrence of its members may designate other locations, times, or days for its meetings.

(c) **Standing Committee Meetings.** When Standing Committees meet, they shall meet on Wednesday in the week after the regular Council meeting date, or on another day if such Wednesday is untimely. The Public Works & Veterans Services Committee shall convene first, followed by the Parks & Recreation / Transportation Committee, the Planning Committee, the Housing & Intergovernmental Relations Committee, the Public Safety & Human Services Committee, the Finance & Economic Development Committee, and the Committee of the Whole.

(d) **Special Meetings.** Pursuant to the Charter and Hawai'i Revised Statutes Chapter 92, special meetings may be called at any time by the Mayor, the Chair, or by five (5) or more members of the Council. Written public notice shall be given as required by Hawai'i Revised Statutes Chapter 92.

(e) **Executive Sessions.** All Council and Committee meetings shall be open to the public, except as provided by the Charter or Hawai'i Revised Statutes Chapter 92. The Council or Committee may hold an executive session closed to the public pursuant to Hawai'i Revised Statutes Section 92-4, upon an affirmative vote, taken at an open meeting, of two-thirds of the members present (provided the affirmative vote constitutes a majority of the Council) to:

(1) Consider the hire, evaluation, dismissal, or discipline of an officer or employee, or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

(2) Deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of these negotiations;

(3) Consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and/or liabilities;

(4) Investigate proceedings regarding criminal misconduct;

(5) Consider sensitive matters relating to public safety or security;

(6) Consider matters relating to the solicitation and acceptance of private donations; and

(7) Deliberate or decide a matter requiring the consideration of information that shall be kept confidential pursuant to a state or federal law, or a court order.

(f) **Emergency Meetings.** If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Hawai'i Revised Statutes Chapter 92, the Council may hold an emergency meeting, provided that:

(1) The Council states in writing the reasons for its findings;

(2) Two-thirds of all members agree that the findings are correct and an emergency exists;

(3) An emergency agenda and the findings are filed with the Office of the County Clerk; and

(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

(g) **Workshops.** Committee Chairs, with the approval of the Council Chair, may schedule workshops to encourage increased dialogue among County representatives, technical experts, and the general public regarding a bill or resolution that is pending on the Council's or the Committee's agenda. The Committee Chair shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Hawai'i Revised Statutes Chapter 92. The workshop agenda may include participants, presentations, and discussion of critical issues relating to a bill or resolution before the Council or Committee.

(h) **Meetings by Interactive Conference Technology.** Any meeting may be held by interactive conference technology. The technology shall allow for the interaction among all Councilmembers and the public attending the meeting. Notice shall be as required by law.

(i) **Adjournment.** The Council or Committee Chair may adjourn the meeting at any time unless the majority of the members present at the Council or Committee meeting object. Every adjournment shall be deemed to be to the next regular meeting of the body.

RULE NO. 2 QUORUM AND VOTE: EXCEPTIONS LISTED

(a) **Council.** A physical majority of the entire membership of the Council (4) shall constitute a quorum and the affirmative vote of the majority of the entire membership (4) shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds of the Council (5) shall be required to:

(1) Authorize the issuance of general obligation bonds;

(2) Override the Mayor's veto;

(3) Suspend without pay for not more than one (1) month any member for disorderly or contemptuous behavior or for personal vilification in its presence;

(4) Authorize, after consultation with the County Attorney, the public release of legal opinions that have been requested by the Council and rendered by the Office of the County Attorney;

(5) Hold an emergency meeting; and

(6) Authorize the employment of special counsel.

(b) **Absence of Council Quorum.** In the absence of a quorum during any official meeting of the Council, the Council shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) **Committee.** A physical majority of the membership of a Committee shall constitute a quorum, and the affirmative vote of a majority of the membership entitled to vote shall be necessary to take any action.

(d) **Absence of a Committee Quorum.** In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

RULE NO. 3 OFFICERS AND THEIR DUTIES

(a) **Council Chair.** The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the absence or disability of both the Chair and Vice Chair, the Chair of the Finance & Economic Development Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Planning Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer to:

- (1) Convene all meetings of the Council at the appointed time by functioning as the role of the Chair and calling the Council to order;
- (2) Call for the approval of the minutes of the preceding meeting(s) when a quorum is present;
- (3) Maintain order and proper decorum;
- (4) Announce the business before the Council in the order prescribed by these rules;
- (5) Receive and determine for disposition all matters properly brought before the Council, call for votes, and announce the results;

(6) Set the salary of the County Clerk in accordance with the applicable salary resolution;

(7) Make known all Rules of Order when so requested and decide all questions of order, subject to an appeal to the Council;

(8) Announce the result on any matter voted on by the Council, and in case of a tie vote, order that the matter be made the special order of the day at the next regular meeting;

(9) Act as the Council's liaison in dealing with the Office of the County Clerk; provide for the coordination of all administrative activities in the legislative branch, Office of the County Clerk, and Office of the County Auditor, to see that they are honestly, efficiently, and lawfully conducted; sign all instruments requiring execution or agreement by the Council; act as chief procurement officer of the legislative branch pursuant to Hawai'i Revised Statutes Chapter 103D; and perform other duties as may be required by law, or as may properly pertain to such office;

(10) Approve Councilmembers' travel requests;

(11) Receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various governmental agencies or departments, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chair(s). All communications addressed to the Council shall be properly recorded and made available to the public upon request, except as otherwise provided by law; and

(12) Hold a Chair's meeting, as needed, with the County Clerk or Council Services Staff, to informally discuss scheduling, operational, or procedural matters that are within the decision-making authority of the Chair and do not require Council approval.

(b) **Council Vice Chair.** It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair.

(c) **Committee Chair.** The Chair of each Committee may call any meetings or hearings of the Committee, and shall preside at such meetings or hearings. The Vice Chair of the Committee shall perform the duties of an absent Committee Chair. In the absence or disability of both the Chair and Vice Chair of the Committee, the Committee member whose last name appears next alphabetically shall perform the duties of an absent Committee Chair, provided that absences in the Committee of the Whole shall be governed by Rule No. 3(a).

(d) **County Clerk.** It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law, to:

(1) Read bills, resolutions, and other matters to the Council, if so required;

(2) Immediately forward to the proper parties all communications and other matters, either directly or through a Committee;

(3) Deliver to the appropriate Committee all petitions, resolutions, bills, or other matters as may be duly referred to the Committee;

(4) Note all points of order with the ruling thereon within the minutes;

(5) Make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates;

(6) Have charge of and be responsible for all records of the Council;

(7) Be responsible for the administration of the Office of the County Clerk;

(8) Advertise digests of all bills passed on first reading in accordance with law;

(9) Enter objections of the Mayor in the minutes of the Council on receipt of bills vetoed and place the objections related to bills on the agenda as directed by the Chair;

(10) Certify ordinances;

(11) Authenticate by signature all acts of the Council as may be required by law; and

(12) Serve in all matters as Clerk of the Council and perform all clerical duties and offices pertaining to the position as the Council may direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or as properly pertain to the position.

RULE NO. 4 COMMITTEES

There shall be four (4) kinds of Committees, namely: (a) Standing Committees, (b) Joint Committees, (c) Sub-Committees, and (d) Special Advisory Committees.

(a) **Standing Committees.** There shall be seven (7) Standing Committees consisting of five (5) voting members and two (2) ex-officio members, except for the Finance & Economic Development Committee and the Committee of the Whole, which shall consist of seven (7) voting members. Ex-officio members of a Committee shall have a voice, but no vote, in all Committee proceedings, and are not counted in determining the number required for a quorum. Ex-officio members also may not make or second

motions. The purpose of the Standing Committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other matters referred to the Standing Committee by the Council.

(1) **A Committee on Public Works & Veterans Services** consisting of five (5) voting members and two (2) ex-officio members. The Public Works & Veterans Services Committee shall consider matters relating to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, Veterans services, military issues, and legislation relating to the Committee.

(2) **A Committee on Parks & Recreation / Transportation** consisting of five (5) voting members and two (2) ex-officio members. The Parks & Recreation / Transportation Committee shall consider matters relating to parks, beaches, recreational areas, stadiums, neighborhood centers, the Kaua'i War Memorial Convention Hall and its services, all recreational facilities, the Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, public transportation, and legislation relating to the Committee.

(3) **A Committee on Planning** consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider matters relating to land use, the General Plan and related plans, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, the Department of Water, and legislation relating to the Committee.

(4) **A Committee on Housing & Intergovernmental Relations** consisting of five (5) voting members and two (2) ex-officio members. The Housing & Intergovernmental Relations Committee shall consider matters relating to housing, homelessness, the Hawai'i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(5) **A Committee on Public Safety & Human Services** consisting of five (5) voting members and two (2) ex-officio members. The Public Safety & Human Services Committee shall consider matters relating to Police, Fire, the Office of the Prosecuting Attorney, the Kaua'i Emergency Management Agency, Department of Liquor Control, the Department of Human Resources, the Agency on Elderly Affairs, and legislation relating to the Committee.

(6) **A Committee on Finance & Economic Development** consisting of all members of the Council. The Finance & Economic Development Committee shall consider matters relating to finances, revenues, taxes, real property tax, economic development programs and initiatives relating to: tourism, the visitor industry, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, and other economic development areas, and legislation relating to the Committee.

(7) **A Committee of the Whole** consisting of all members of the Council. The Committee of the Whole shall consider matters relating to establishment of new Committees, policies of the Council, goals and objectives of

the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving: the Office of the County Auditor, the Office of the Mayor, and appointments to boards and commissions, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.

(b) **Joint Committees.** The Council may, through motion duly adopted, refer items to Joint Committees. A referral shall be sufficient to establish a Joint Committee. Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first-named Standing Committee. Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.

(c) **Sub-Committees.** Sub-Committees shall report to a Standing Committee as required, serving until discharged after final reporting on the special matter referred to it.

(d) **Special Advisory Committees.** Special Advisory Committees may be created as needed by the Council.

(1) Special Advisory Committees shall consist of at least one (1) Councilmember and may include members from the private and nonprofit sectors, and representatives from other political subdivisions and other government agencies.

(2) Special Advisory Committees shall engage in fact-finding and evaluation of issues, and shall make recommendations to the Council. To avoid duplication, only one (1) Special Advisory Committee may be appointed to study and evaluate an issue.

(3) All communications from a Special Advisory Committee shall be made to the Council.

(4) Special Advisory Committees shall serve until discharged via motion by the Council.

(e) **Formation by Resolution.** Sub-Committees and Special Advisory Committees shall be established by resolution, which shall state:

- (1) The purpose of the Committee;
- (2) The members of the Committee;
- (3) The Committee's scope of work; and
- (4) The estimated timetable for the Committee to complete its work.

(f) **Committee Reports.** Committees shall report on all matters referred to them.

(1) Whenever any matter is referred to a Committee, it shall be the duty of the Committee to make diligent inquiry into all facts and circumstances deemed necessary by the Committee. The County Attorney may be consulted, witnesses may be summoned and examined, and documents and records reviewed.

(2) The report of a Committee on a bill or resolution shall state clearly the amendments proposed, if any. If an amended bill or resolution is in place of the one referred to the Committee, the Committee shall agree with the subject of the one returned to the Council.

(3) Whenever a Committee fails to agree, the report of the majority of voting members shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, "I (or we) do not concur."

RULE NO. 5 VOTING, ATTENDANCE, AND ABSENCE

(a) **Voting Methods.** There shall be four (4) methods of determining the decision of the Council or Committees regarding any matter:

(1) A call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken;

(2) Voice vote;

(3) Rising; and

(4) Unanimous consent.

(b) **Silent Vote.** Unless a member is formally excused or recused pursuant to Rule Nos. 5(c) or 5(d), respectively, the member's silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the minutes and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) **Voting Required.** No member may refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Charter Section 20.04B and Rule No. 8 of these Rules. The member shall make full disclosure of the member's conflict of interest, shall not participate in the matter, shall leave the meeting room while the matter is being considered, and shall be deemed recused.

(d) **Attendance.** No member may be absent from a meeting of the Council or a Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting, and has been deemed excused by the respective Chair.

(e) **Council Absence or Recusal.** At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence or recusal of a member, the item shall be made the special order of the day at the next regular Council meeting.

(f) **Committee Absence or Recusal.** At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion, or if there are insufficient votes to carry any main motion because of the absence or recusal of a voting member, the item shall be referred to the next meeting of the Committee for disposition.

(g) **Explaining Vote; Changing Vote.** Whenever the ayes and noes are called, no one, without the unanimous consent of the members present, may explain their vote; and after the announcement of the result, no one may vote or change their vote without unanimous consent of the members present.

RULE NO. 6 MOTIONS

(a) No motion may be considered until it has been seconded.

(b) After a motion is stated by the Presiding Officer, it is deemed in the possession of the body and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any issue is under discussion, the following motions are available, having precedence in the order named:

- (1) Lay on the table (no debate);
- (2) Postpone or defer to a certain time (no debate);
- (3) Commit or refer;
- (4) Amend; or
- (5) Postpone indefinitely (no action may be taken on the issue at any subsequent meeting for the remainder of the calendar year).

(d) When any motion is decided in the negative, it may not be revived at the same meeting. If all are negative, the only remaining question shall be the approval or receipt of the bill, resolution, or other main question. If a motion to approve a matter fails in Committee, the recommendation to the Council shall be to receive the matter. If a motion to receive a matter fails in Committee, the matter shall remain in

Committee. An affirmative vote to recommend either receipt or approval of the matter shall be taken before the Committee makes its recommendation to the Council.

(e) When any matter before the Council or Committee is postponed or deferred to a certain time, the period of postponement or deferral shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than a total of eight (8) minutes on the same agenda item. A member may not speak more than three (3) times on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter or during the first Committee meeting.

(g) **Motion to Adjourn.** A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) **Call For The Question.** The purpose of the motion to call for the question is to end debate. It shall always be in order and shall require a two-thirds vote of the members present to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) **Reconsideration.** When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider the motion. The motion for reconsideration shall take precedence over all other questions except a motion to adjourn; provided that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted on before the expiration of twenty-four (24) hours.

(j) **Point of Order.** A point of order may be raised at any stage of the proceedings, except while a vote is being taken.

(1) When the Chair or any member believes the rules are being violated, the Chair or member may raise a point of order (or "raise a question of order"), thereby calling on the Chair for a ruling and enforcement of the rules. The question shall be ruled on by the Chair, without debate unless the Chair decides to allow debate, subject to an appeal to the Council.

(2) When a member is speaking when a point of order is raised, that member shall be in possession of the floor after the point of order is decided, and may proceed with the matter under discussion within the parameters of the ruling made on the point of order.

RULE NO. 7 APPEAL

The Council or Committee may, by a majority vote, overrule the ruling of the Chair upon a motion of appeal that is duly seconded.

**RULE NO. 8
DISCLOSURE OF INTEREST**

Whenever a possible conflict of interest regarding any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to the body.

**RULE NO. 9
GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS,
MOTIONS, AND AMENDMENTS**

(a) **Introduction.** Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer.

(b) **Manager.** Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of the legislation including the securing of all pertinent information regarding the matter. Pertinent information may include a table of active outreach, notification and inclusion of stakeholders both positively and negatively impacted by a bill's content, with a summary of considerations.

(c) **Placement on Agenda.** All bills and resolutions shall be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated Presiding Officer as stated in Rule No. 3) in order to be placed on the agenda.

(d) **Amendment of Bills and Resolutions.** No bill or resolution may be amended so as to change its original purpose. Every bill or resolution, as amended, shall be in writing before final passage.

(e) **Motions and Amendments.** Motions and amendments may be verbal, but shall be reduced to writing if requested by the Presiding Officer, and shall be read by the County Clerk by request of any member.

(f) **Bill Readings.** Pursuant to the Charter, bills shall be passed only after two (2) readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers (4), or by at least five (5) Councilmembers when so required.

(g) **Resolution Readings.**

(1) Except as otherwise provided by the Charter, resolutions may be adopted on one (1) reading by the affirmative vote of a majority of the entire membership of the Council (4).

(2) **Eminent Domain Resolutions.** Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen (14) days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen (14) days before adoption by the Council. Copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen (14) days prior to the adoption thereof.

(h) **Full Readings Waived.** Full oral readings of bills and resolutions are waived and may be by title or number only unless a full reading is requested by any of the members present.

(i) **Publication of Bills.** Bills embracing: (1) the fixing of special assessments for the costs of improvements, (2) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven (7) days before final reading by the Council. Copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven (7) days prior to the final reading thereof.

(j) **Submission to Mayor.** Every bill, or resolution authorizing proceedings in eminent domain, which has passed the Council and which has been duly authenticated by the County Clerk and the Presiding Officer, shall be presented to the Mayor for approval. Thereafter, action shall be governed by the procedures set forth in Charter Section 4.03.

RULE NO. 10 CERTIFICATES

(a) Certificates are non-legislative documents to recognize outstanding achievements, offer thanks, honor retirees, offer condolences, or support the observance of time periods in recognition of certain causes. Certificates are approved upon signing and require no other Council action.

(b) Any conflicts such as sponsorship, duplicate requests, or whether the subject-matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council pursuant to Rule No. 7.

RULE NO. 11 TESTIMONY

(a) Written and oral testimony shall be accepted at any Council meeting, Committee meeting, or public hearing.

(b) **Written testimony.** Written testimony shall be received for the record on any agenda item. Whenever possible, the testifier shall provide fifteen (15) copies of the testimony to the Clerk for distribution to the Council and staff.

(c) **Oral testimony.**

(1) Persons wishing to testify are requested to register with the County Clerk prior to the Chair calling the meeting to order.

(2) Testifiers are entitled to the floor only when recognized by the Chair.

(3) Testifiers may state their name and whom they represent, and shall disclose if they are a registered lobbyist, in compliance with Hawai'i Revised Statutes Chapter 97. Registered lobbyists shall file the requisite forms with the Office of the County Clerk pursuant to Kaua'i County Code 1987, as amended, Chapter 3, Article 6 (Ordinance No. 999).

(4) Testifiers may only testify on the subject-matter under consideration, shall refrain from questioning Councilmembers and staff, and shall direct any remarks or questions to the Chair.

(5) Persons with written testimony may be given priority at the discretion of the Chair.

(6) Oral testimony shall be limited to three (3) minutes per person, plus an additional three (3) minutes to provide further testimony. At the discretion of the Chair, each testifier's additional three (3) minutes of testimony may be presented either immediately following the testifier's initial three (3) minutes of testimony (continuous six (6) minutes of testimony time), or after all other testifiers have had an opportunity to present their initial three (3) minutes of testimony. The Chair may set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of speaking time thirty (30) seconds before such expiration.

(7) The Chair shall grant time to testify to persons who have not registered, following the registered testifiers, in same manner as registered testifiers.

(8) Testifiers shall restrict themselves to the issues and avoid discussion of personalities.

(9) The Chair may restrict or terminate a testifier's opportunity to speak for intemperate or abusive behavior or language.

(10) The Chair may allow Councilmembers to ask testifiers to repeat or clarify their position for or against the agenda item made during

their testimony, but Councilmembers shall not ask questions that give the testifier a greater opportunity to testify than others. Councilmembers may not comment on testimony or testifiers during the testimony period.

RULE NO. 12 PUBLIC HEARINGS

(a) **Committee Hearings.** Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) **Council Hearings.** Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council, or by the respective Chair or Vice Chair of the Committee to which the matter has been referred.

(c) **Action Following Public Hearings.** Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations, or disposition.

(d) **Location of Hearings.** All public hearings of the Council or Committees shall be held in the Historic County Building, Līhu‘e Civic Center, or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) **Conduct of Public Hearings.**

(1) Public hearings are held to receive testimony from the public. Councilmembers shall reserve their opinions, questions, and discussion for the appropriate Council or Committee meeting.

(2) The Council Chair or Committee Chair shall be the Presiding Officer and shall be responsible for conducting a fair, expeditious, and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.

RULE NO. 13 ORDER AND DECORUM

(a) No person may sit at the desk of the Presiding Officer of the Council or the County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer or any member is speaking, no one may entertain a private discourse, nor while a member is speaking may anyone pass between that Councilmember and the Chair.

(c) When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding discussion of personalities.

(d) No unauthorized person may enter the floor of the Council or Committee except by permission of the Presiding Officer.

(e) Decorum means all Councilmembers shall always conduct themselves in a respectful manner. This includes refraining from using disrespectful language, making personal attacks, or engaging in disruptive behavior that detracts from the orderly conduct of the meeting.

(f) All Councilmembers are to conduct themselves with dignity, courtesy, and professionalism, refraining from discriminatory, harassing, or disrespectful behavior.

(g) Processing complaints for breach of decorum, these rules, County policy, or Council policy.

(1) Submission of Complaints. Any Councilmember or County employee may submit a complaint against a Councilmember to the Council Chair, or the Vice Chair if the complaint is against the Council Chair. The complaint should be in writing and include specific details regarding the alleged misconduct or violation.

(2) Initial Assessment. Upon receiving a complaint, the Council Chair, or the Vice Chair if the complaint is against the Council Chair, shall conduct an initial assessment to determine the validity and seriousness of the allegations. This assessment may include gathering additional information or evidence related to the complaint. If possible, the Council Chair, or the Vice Chair if the complaint is against the Council Chair, may attempt to resolve the matter administratively.

(3) Notification to the Councilmember and referral to the Committee of the Whole. If the complaint is deemed credible, the Council Chair, or the Vice Chair if the complaint is against the Council Chair, shall notify the Councilmember in writing, providing them with a copy of the complaint and an opportunity to respond within a specified timeframe. The Council Chair, or the Vice Chair if the complaint is against the Council Chair, may refer the matter to the Committee of the Whole, to investigate, hear, and report upon the conduct.

(4) Investigation. The Committee of the Whole may investigate the complaint, refer the complaint to Human Resources, or hire a private investigator.

(5) Opportunity to Present Evidence and Defense. During the investigation, the Councilmember shall have the right to present evidence, witnesses, and a defense to refute the allegations made against them. At any stage of the process set forth in this subsection, the Councilmember under investigation may be represented by a person of his or her choosing.

(6) Review and Determination. Upon completion of the investigation, the findings shall be reviewed by the Committee of the Whole. Based on the evidence gathered, a determination shall be made regarding whether the Councilmember violated any laws, rules, policy, regulations, or ethical standards. The Committee of the Whole determination setting forth its findings and recommended sanctions shall be sent to the Council Chair, or the Vice Chair if the complaint is against the Council Chair. If the Committee of the Whole sustains the complaint, the Council Chair, or the Vice Chair if the complaint is against the Council Chair, shall present the Committee of the Whole's report to the Council for its consideration and decision.

(7) Sanctions. If the Councilmember is found to have violated any laws, rules, policy, regulations, or ethical standards, appropriate sanctions shall be imposed. These sanctions may include but are not limited to reprimand, censure, fines, and suspension from office without pay for not more than one (1) month. A two-thirds affirmative vote of all members of the Council shall be necessary to suspend a Councilmember without pay.

(8) Decision. Upon the Council's receipt of the Committee of the Whole's determination, the member under investigation shall be informed in writing of the findings and recommendations and be given an opportunity to be heard at the Council meeting. The Council may, by a majority vote, dismiss the complaint. The Council may, by a majority vote, impose the sanctions recommended by the Committee of the Whole, or may impose some, but not all of the sanctions recommended.

(9) Direct Conflict of Interest. The Councilmember under investigation is deemed to have a direct conflict and shall not participate as a member of the Committee of the Whole or vote as a member of Council for anything related to the complaint.

(10) Nothing in this subsection shall restrict the authority of the Council Chair as established in Rule No. 3.

RULE NO. 14

ORDER OF BUSINESS FOR COUNCIL MEETINGS

After roll call and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

- (a) Consent calendar;
- (b) Items made the special order of the day;
- (c) Messages from the Mayor;

- (d) Reports and communications from County officers;
- (e) Reports and communications from non-County parties;
- (f) Reports of Standing Committees;
- (g) Reports of Other Committees;
- (h) Introduction of bills and resolutions;
- (i) Unfinished business;
- (j) Order of the Day, including adoption of resolutions and second reading of bills;
- (k) Miscellaneous business; and
- (l) Public hearings may be held at the time set in previous meetings of the Council.

**RULE NO. 15
AGENDA AND PRIORITY OF BUSINESS**

(a) All communications submitted to the Council shall be time-stamped on receipt and presented to the Council Chair for disposition.

(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council's agenda. All communications to be placed on the agenda shall be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two (2) weeks preceding the day of the regular or Committee meeting, unless otherwise allowed by the Council Chair.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be received without presentations, clarifying questions, or debate. All items on the consent calendar may be received by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any removed item shall be considered after the vote on the consent calendar. The Council Chair shall determine the appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with Hawai'i Revised Statutes Chapter 92. Notices and agendas for all regular, committee, special, and executive session meetings shall be posted on the County of Kaua'i online calendar. Failure to post notices and agendas on the Kaua'i County Council website shall not invalidate any action taken by the Council or its Committees if the notice or agenda was posted in accordance with Hawai'i Revised Statutes Chapter 92.

(e) Pursuant to Hawai'i Revised Statutes Chapter 92, neither the Council nor Committees may change the agenda, once filed, by adding items without a two-thirds

recorded vote of all members to which the body is entitled; provided that no item may be added to the agenda if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council Chair may direct that any matter shall be made a special order of business.

(g) All questions relating to the priority of business are to be acted on by the Council Chair or Committee Chair, and shall be decided without debate unless the Chair decides to allow debate.

RULE NO. 16 MINUTES

(a) Pursuant to Hawai'i Revised Statutes Section 92-9, written minutes of all meetings and public hearings shall be kept.

(b) The written minutes shall provide a true reflection of the matters discussed and the views of the participants.

(c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.

(d) Upon approval of the written minutes, the recording may be erased.

RULE NO. 17 RESTRICTION ON EMPLOYMENT OF RELATIVES

(a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote, or advance; or advocate for the appointment, employment, promotion, or advancement; in or to an appointed, non-civil service position in the legislative branch of County government; any individual who is his or her relative or domestic partner, or is a relative of the public officer's domestic partner.

(b) For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A "relative of the public officer's domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of the public officer.

(d) For the purpose of this rule, “public officer” means members of the County Council, the County Clerk, and the County Auditor.

(e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

**RULE NO. 18
COMMUNICATIONS WITH THE COUNTY ATTORNEY**

Requests for legal opinions made by individual Councilmembers to the County Attorney shall be made in writing and signed by the Councilmember seeking the opinion. Opinions received pursuant to those requests shall be confidential communications between the Councilmember making the request and the County Attorney. If the subject-matter of the request has been placed on a Council or Committee agenda, the opinion received shall be circulated concurrently to all Councilmembers, but shall remain a confidential communication with regard to other parties.

**RULE NO. 19
NEWS REPORTERS**

News reporters may be located in a designated area determined by the Presiding Officer and may not interfere with the business of the Council or its Committees. Requests to film the Council proceedings with the use of video or still photography shall be submitted to the Office of the County Clerk in writing within five (5) days prior to the meeting.

**RULE NO. 20
NEW RULES AND AMENDMENTS**

No rule of the Council may be altered or rescinded, nor may any new rule be adopted, without the affirmative vote of at least four (4) Councilmembers. All amendments shall be by resolution.

**RULE NO. 21
SUSPENSION OF THE RULES**

None of these rules may be suspended, except by the affirmative vote of at least five (5) Councilmembers.

**RULE NO. 22
WHEN RULES ARE SILENT**

The rules of parliamentary practice as set forth by the current edition of “Robert’s Rules of Order, Newly Revised” shall govern the Council where not inconsistent with these rules.