



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 22-295

RESOLUTION

RELATING TO THE RULES OF THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, Section 3-107.2 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), provides that the City Council ("Council") shall adopt rules governing its officers and employees, the organization of committees, and the transaction of business; and

WHEREAS, the current Council rules are dated January 2021, and were last amended by the Council at its meeting on February 17, 2021; and

WHEREAS, the Council desires to update its rules with amendments to improve the transaction of Council business and make other technical and nonsubstantive amendments; and

WHEREAS, the amendments are set forth in the attached Rules of the Council of the City and County of Honolulu, January 2023, wherein rule language to be deleted is bracketed and stricken and new rule language is underscored; and

WHEREAS, the amendments include the following:

1. Amendments to address recent amendments to Chapter 92, Part I, Hawaii Revised Statutes (HRS) (the "Sunshine Law") as follows:
 - a. An amendment to Rule 1.D (Meetings) to add reference to new HRS Section 92-3.7 that allows for remote Council meetings by interactive conference technology;
 - b. Removal of language in Rule 5 (City Clerk) relating to 24-hour and 12-hour posting requirements to make consistent with the new 48-hour requirement for board packets under HRS Section 92-7.5;
 - c. Removal of language in Rule 19.E (Bills, Resolutions, and Other Measures) relating to 24-hour posting requirement for floor drafts that are submitted prior to a Council meeting, but too late for inclusion in the board packet, to make consistent with the Sunshine Law that does not require the provision of documents to the public if the documents were not included in the board packet; and



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- d. Amendments to Rule 11.C (Committee Reports) to remove certain reporting requirements on public testimony in committee reports in light of the new 48-hour posting requirement for board packets;
2. In light of the fact that some meetings may be conducted completely in person, removal of Rule 1.E that interested persons must have the opportunity to provide oral testimony on any agenda item remotely at any meeting of the Council or any of its committees;
3. Amendments to Rule 3 (Quorum and Majority Vote) to include additional instances where more than a simple majority of Councilmembers is needed to take action, to conform with State and City law as well as other Council rules;
4. Amendments to Rule 4.B(12) (Officers and their Duties) to expressly authorize the Council Chair the discretion to decide which bills, resolutions, or other matters will be placed on the Council agenda and to expressly set out exceptions of certain matters that are required to be placed on the Council agenda;
5. Amendments to Rule 6 (Office of Council Services) to change certain references to reflect that the Charter was recently amended to add new provisions relating to the Office of Council Services;
6. Removal of Rule 8.F (Standing Committees) that set forth procedures for a committee to add a member to the committee to facilitate the addition of an item to a committee agenda after the posting deadline, in light of the Office of Information Practices' Opinion that addition of any new items to a Council or Council committee agenda is rarely, if ever, permitted under the Sunshine Law;
7. Addition of new Rule 9B (Council Hiring or Selection Advisory Committee) to specifically authorize, consistent with past Council practice, the creation of advisory committees, if desired, to assist the Council in the hiring or selection of the City Clerk, the Director of Council Services, or the City Auditor;
8. Removal of language in Rule 32 (Presentation of Oral Testimony at Council and Committee Meetings) that referenced Rule 1.E, which is being deleted, but retains the Council and Committee Chairs' authority to prescribe on their respective agendas the requirements for remote testifiers when remote testimonies will be accepted; and
9. Other miscellaneous technical and nonsubstantive amendments; now, therefore,



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BE IT RESOLVED by the Council of the City and County of Honolulu that the Rules of the Council of the City and County of Honolulu are amended to read as attached hereto; and

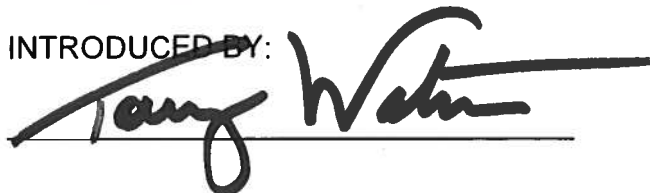
BE IT FURTHER RESOLVED that this resolution takes effect upon its adoption; and

BE IT FURTHER RESOLVED that the Director of Council Services is directed to incorporate the amendments into the "Rules of the Council of the City and County of Honolulu, January 2023"; update the Rules' Adoption and Amendment History and the page numbers in the Table of Contents; and provide Councilmembers, the City Clerk, and the City Administration with current sets thereof; and

BE IT FURTHER RESOLVED that in compiling the new rules, the Director of Council Services need not include the brackets, the material that has been bracketed and stricken, or the underscoring; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

INTRODUCED BY:



DATE OF INTRODUCTION:

DEC 28 2022

Honolulu, Hawaii

Councilmembers

**RULES OF THE COUNCIL
OF THE
CITY AND COUNTY OF HONOLULU**

_____ 2023
(Updated through Resolution 23-____, adopted _____)

Honolulu, Hawai‘i

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ADOPTION AND AMENDMENT HISTORY
OF THE CURRENT COUNCIL RULES

Resolution	Adopted	Relating to
23-_____		Council Rules adopted by Resolution _____

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FIRST MEETING OF THE COUNCIL

At twelve o'clock meridian on the second day of January in every odd-numbered year, or if January 2 is a holiday or a Sunday, on the next business day, the council shall meet in the council room at city hall. For purposes of the first meeting, "council room" means the council chamber or the city hall courtyard or a place designated in city hall by the presiding officer or the council upon proper six-day notice to the public.

The following rules of order and procedure shall govern the council:

RULE NO. 1

MEETINGS

- A. The council shall hold regular meetings and meet at least once a month in the council chamber at city hall or at a place designated by the presiding officer upon proper notice to the public. The council may also hold other regular meetings and special meetings.
- B. Special meetings may be called at any time by the chair, a majority of the councilmembers, or the mayor pursuant to Section 5-103(k) of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"); subject, however, to the six-day public notice requirement under Section 92-7 of the Hawaii Revised Statutes ("HRS"), and the exceptions thereto for emergency meetings under HRS Section 92-8.
- C. The chair shall be authorized to schedule or reschedule the time, date, and/or subject matter of public hearings and to publish notice thereof in conformance with Charter Section 13-106 or other applicable laws. The chair shall promptly notify all councilmembers and the clerk by written memorandum as to the scheduling or rescheduling of public hearings.
- D. Any meeting of the council or any of its committees may, by designation of, or with the approval of, the chair, be held by interactive conference technology pursuant to HRS Section 92-3.5[-] or 92-3.7.
- ~~[E. At any meeting of the council or any of its committees, interested persons must have the opportunity to provide oral testimony on any agenda item remotely through such technology in such manner, and subject to such conditions and restrictions, as may be established from time to time by the council chair and described in the agenda for the meeting.]~~

RULE NO. 2

ADJOURNMENTS

- A. Meetings may be adjourned at any time by majority vote, and unless otherwise specified in the motion, every adjournment shall be deemed to be to the next regular meeting of the council. Such adjournment shall not preclude the calling of a special council meeting.
- B. If the council adjourns to any meeting place other than the council chamber at city hall, notice of the date, time, and place of the meeting shall be published at least six days prior to such meeting in a daily newspaper of general circulation in the city, and written notice shall be given to all councilmembers at least six days prior to the meeting.

RULE NO. 3

QUORUM AND MAJORITY VOTE

- A. Except as otherwise provided by law or these rules, a majority of the entire membership of the council shall constitute a quorum, and the majority vote of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds of the entire membership of the council shall be required for the following:
 - (1) To pass on third reading a bill, or adopt a resolution, authorizing the issuance of general obligation bonds. (Charter Section 3-116.1.)
 - (2) To override the mayor's veto. (Charter Section 3-203.1.)
 - (3) To find that an emergency exists due to a public calamity in order to waive the requirements of Section 3-202 of the Charter pertaining to procedure. (Charter Section 3-202.10.)
 - (4) To reject the mayor's proposal to change the duties and functions of existing executive departments or agencies, except semi-autonomous agencies and departments reporting directly to the mayor, or to create, combine, rearrange, rename, or eliminate executive departments or agencies. (Charter Section 4-202.)
 - (5) To authorize the employment of special counsel to represent the council. (Charter Section 3-107.5.)

- (6) To make any revision of or amendment to the general plan or any existing development plan; (a) proposed by the council if the planning commission disapproves the proposed revision or amendment, or recommends a modification thereof not accepted by the council, or fails to make its report within the period of 30 days after close of its public hearing or 90 days after its receipt by the commission, whichever occurs first; or (b) processed as an "unendorsed proposal" by the director of planning and permitting if the planning commission fails to affirmatively recommend the proposal. (Charter Section 6-1511.2.)
- (7) To make any revision of or amendment to the zoning ordinances proposed by the council if the planning commission disapproves the proposed revision or amendment, or recommends a modification thereof not accepted by the council, or fails to make its report within the period of either 30 days after close of its public hearing or 90 days after its receipt by the commission, whichever occurs first. (Charter Section 6-1513.)
- (8) To pass, on each of three readings, a resolution initiating amendments or revisions to the Charter. (Charter Section 15-101(a).)
- (9) To suspend without pay for not more than one month any member for disorderly or contemptuous behavior in its presence. (Charter Section 3-107.4.)
- (10) To comply with HRS Chapter 92 ("Sunshine Law") for the addition of items to an agenda which have not been properly noticed.
- (11) To waive confidentiality of an executive session communication pursuant to Council Rule No. 7.D.
- (12) To rezone lands identified by the state as "important agricultural lands."
- (13) To approve a motion for the previous question or to limit debate.

B. An affirmative majority of three-fourths of the entire membership of the council shall be required to:

- (1) Reject a resolution of the salary commission to establish salaries and salary schedules.
- (2) Amend or repeal an ordinance adopted by initiative.

~~[B.]~~ C. A majority of less than a quorum may adjourn from day to day and shall have power to compel the attendance of absent members.

RULE NO. 4

OFFICERS AND THEIR DUTIES

- A. The officers of the council shall consist of the chair, vice-chair, floor leader, and such other officers as may be designated by resolution. Each shall be elected by a majority vote of the entire membership of the council. Any vacancy shall be filled in like manner.
- (1) The chair shall be the presiding officer of the council and the chief executive officer of the legislative branch of the city. In the absence of the chair, the vice-chair shall act as chair of the council. In the absence of the chair and vice-chair, the floor leader shall act as chair. In the absence of the chair, vice-chair, and the floor leader:
 - (a) The chair may appoint a councilmember to act as chair pro tempore;
 - (b) If no councilmember has been designated by the chair, the vice-chair may appoint a councilmember to act as chair pro tempore;
 - (c) If no councilmember has been designated by the chair or the vice-chair, the floor leader may appoint a councilmember to act as chair pro tempore;
or
 - (d) If no councilmember has been designated by the chair, the vice-chair, or the floor leader, the council may appoint a councilmember to act as chair pro tempore.
 - (2) The council may appoint other officers pro tempore as required to conduct business.
- B. It shall be the duty of the presiding officer:
- (1) To open all meetings of the council at the appointed hour by taking the chair and calling the council to order.
 - (2) To call for the approval of the minutes.
 - (3) To maintain order and proper decorum.
 - (4) To announce the business before the council in the order prescribed by these rules.
 - (5) To receive and submit all matters properly brought before the council, to call for votes upon the same, and to announce the results.

- (6) To receive all communications and present them promptly to the council.
- (7) To establish all standing committees and designate the voting and nonvoting members thereof.
- (8) To authenticate by signature all acts of the council as may be required by law.
- (9) To make known all rules of the council when so requested, and to decide all questions of order, subject to an appeal to the council.
- (10) To refer all bills, resolutions, and other matters brought before the council to the appropriate committee or committees, or directly to the council floor, subject to an appeal by any committee chair, pursuant to procedures established by the chair. A list of all referrals and any subsequent changes in referrals shall be filed with the clerk as public record.
 - (a) The chair shall not refer a measure to more than two standing committees. Committee referrals of measures may be single, joint, or consecutive.
 - (i) A single referral shall be to a single committee with exclusive jurisdiction over a measure.
 - (ii) A joint referral shall be to two designated committees, the members of which shall meet together to consider the measure. The two standing committees to which a measure is jointly referred shall, upon the mutual agreement of their chairs, hold a joint meeting or meetings on the measure.
 - (iii) A consecutive referral shall be to two designated committees in a specified order. The first committee shall consider a three-reading measure between its first and second readings. The second committee shall consider the measure between its second and third readings. For a single-reading resolution, the committees shall consider the measure consecutively prior to its adoption, and the first committee shall include its recommendations, including any recommended amendments, in its report to the council. After adoption of the report, the measure shall be referred to the second committee.
 - (b) This rule shall not preclude the placement of a measure on a council agenda for passage on second or third reading pursuant to:
 - (i) Paragraph B(12)(c) of this rule; or
 - (ii) Paragraph B(12)(b) of this rule if the requirements of the paragraph apply and either:

~~[(AA)]~~ (aa) The chairs of all committees to which the measure has been referred concur; or

~~[(BB)]~~ (bb) For a measure that has already been recommended for passage on second or third reading (whichever applies), with or without amendment by the first committee, if the chair of the second committee (if and whichever is applicable) concurs.

- (c) This rule shall not preclude the chair from rereferring a measure after initial referral, subject to any policy established by the chair on rereferrals; provided that the total number of committees to consider the measure, after the rereferral shall not exceed two.
- (d) The chair may establish additional policies and procedures relating to joint and consecutive referrals, consistent with this rule.
- (11) Except as otherwise provided by these rules, to preside at all sessions of the council acting as a committee of the whole, including its executive sessions.
- (12) To prepare the agenda for meetings of the council. Except as provided in this subdivision (12), the council chair shall decide which bills, resolutions, or other matters will be placed on the council agenda ~~[Upon written request by a majority of the entire membership of the council (except as provided in Rule 19.B) any bill or three reading resolution that has not yet passed first reading shall be included on the agenda of either of the next two council meetings];~~ provided that any bill, resolution, or other matter that has been referred to a standing committee shall not thereafter be placed on the council agenda by the presiding officer unless:

- (a) ~~[the]~~
Matters referred by committee report

The bill, resolution, or other matter is referred to the council floor by committee report, in accordance with Rule No. 11; provided that the council chair may rerefer the measure back to the committee if both the council chair and the chair of the committee agree that new information or a change in circumstances makes it more appropriate for the matter to remain in the committee; provided further that if the rereferred measure has already been listed on the posted council agenda, the council chair shall cancel the item, take the steps set forth in this subdivision (12) regarding the cancellation, and include in the required notice and announcement of the cancellation the fact of the rereferral; or

- (b) ~~[both]~~
Matters referred by concurrence of the council chair and chair of the relevant committee or committees

Both the council chair and the chair of the committee or chairs of the committees to which ~~[any]~~ the bill, resolution, or other matter has been referred concur in the placement of the matter on the council agenda; ~~[or~~

- ~~(c) the placement of the bill, resolution, or other matter on the council agenda is approved by]~~

Matters placed on the agenda at the direction of a majority of councilmembers

When a majority of the entire membership of the council, by a memo signed by all members of such majority ~~[and directing], directs~~ the city clerk to place ~~[the]~~ a bill, resolution, or other matter on the council agenda, ~~[-subject to] the clerk shall place the matter on the council agenda for the next council meeting for which the agenda will meet~~ the six-day notice requirement under HRS Section 92-7.

Three-reading measures that have not yet passed first reading

Except as provided in Rule No. 19.B, upon written request by a majority of the entire membership of the council any bill or three-reading resolution that has not yet passed first reading shall be included on the agenda of either of the next two council meetings.

Cancellation of agenda items

Notwithstanding the listing of an item on a council agenda, the chair may cancel the agenda item. If doing so, the chair shall note the cancellation on the posted agendas, shall announce the cancellation at the meeting and shall, if time permits, take reasonable steps to inform persons who have signed up to provide oral testimony on the item of the cancellation.

If an agenda item is canceled, councilmembers shall neither discuss nor deliberate on the item, provided that the chair may announce the cancellation and when the item will be taken up.

- (13) To designate the council's department emergency coordinator to the department of emergency management and at least one alternate thereto, who shall familiarize themselves with the emergency operations plan ("EOP") for the city's legislative branch.
- (14) To serve as the emergency planning officer of the city's legislative branch or to designate another councilmember to serve in that role. It shall be the duty of the emergency planning officer to review and propose updates to the EOP as needed,

with such reviews conducted at least as frequently as every five years, consistent with Rule No. 10.C.

- (15) To nominate, subject to council approval, a councilmember to serve as the council's representative to the executive committee of the Hawai'i State Association of Counties (HSAC).
- (16) To appoint a third councilmember to serve on the policy board of the Oahu Metropolitan Planning Organization (OahuMPO) with the chair and vice-chair of the council committee responsible for transportation matters, as provided in the Comprehensive Agreement by and among the OahuMPO, the State of Hawai'i, the Honolulu Authority for Rapid Transportation, and the City and County of Honolulu, dated July 20, 2015.
- (17) To perform such other duties as may be required by law or such as may properly pertain to such office.

C. It shall be the duty of the chief executive officer of the legislative branch of the city:

- (1) To preside over staff meetings.
- (2) To exercise direct supervision over agencies and staff of the legislative branch of the city, subject to other provisions in these rules.
 - (a) Except with respect to each individual councilmember's personal staff and staff of legislative branch agencies:
 - (i) The chief executive officer shall hire all non-civil-service council employees subject to the majority of the council passing a resolution disapproving such hiring within 45 days of written notice of such hiring. The chief executive officer shall procure personal or professional services of an independent contractor, provided that prior to the chief executive officer's solicitation of the independent contractor's services, either: ~~[(i)]~~ (aa) council concurrence via resolution has been obtained; or ~~[(ii)]~~ (bb) an appropriation in the applicable legislative budget ordinance expressly authorizes the procurement of such independent contractor.
 - (ii) All council terminations, promotions, position reallocations, and salary increases shall be decided by the chief executive officer.
 - (b) Each councilmember shall be responsible for the direct supervision of his/her personal staff, including hiring, termination, promotion, and salary increase, in accordance with the applicable provisions of state and city

laws, council rules, other personnel administration policies of the city, and the limitations of the legislative budget ordinance.

- (3) To provide for the coordination of all administrative activities and to see that they are honestly, efficiently, and lawfully conducted.
- (4) To sign all instruments requiring execution or agreement by the council and to act as the chief procurement officer of the legislative branch pursuant to HRS Chapter 103D.
- (5) To serve as the chief spokesperson and representative for the council for matters before the public, the state and federal governments, and the city administration.
- (6) To assist the chair and members of standing committees and subcommittees by assuring the availability of adequate administrative and staff support.
- (7) To develop an annual calendar of events to include, but not be restricted to: council meetings, committee meetings, recesses, special meetings, holidays, etc.
- (8) To delegate by administrative directive any of the duties assigned to the chief executive officer.
- (9) To make a timely initial response to requests for council records made under HRS Chapter 92F; to respond to requests by the State Office of Information Practices for *in camera* review of council records or for a position of the council; and, subject to council review, to timely appeal a ruling of the Office of Information Practices.
- (10) To be responsible for the planning and execution of ceremonial activities relating to the council or the legislative branch.
- (11) To provide for programs and activities to enhance the knowledge and skills of the officers and employees of the legislative branch and to promote a positive work environment for such officers and employees.

- D. (1) It shall be the duty of the vice-chair:
- (a) To assist the chair in the supervision over agencies and staff of the legislative branch of the city.
 - (b) To assist the chair in the coordination of all administrative activities of the legislative branch of the city.
 - (c) To serve with the chair as spokesperson and representative for the council.

- (d) To assist the chair in providing adequate administrative and staff support to the chairs and members of committees and subcommittees.
 - (e) To assist the chair in anticipating issues and problems deserving or in need of special meetings.
 - (2) In the absence of the chair, the vice-chair shall exercise all the duties and powers of the chair.
- E. (1) It shall be the duty of the floor leader:
- (a) To assist in the coordination of all proceedings pending before the council.
 - (b) To consult with committee chairs to set forth the legislative intent on the legislative matter before the council.
 - (c) To be the council's parliamentarian to advise the chair, when requested, as well as any other councilmember. The parliamentarian may seek assistance from legal counsel.
 - (d) Except as provided in Rule No. 8.E, in the absence of the vice-chair, the floor leader shall exercise all of the duties and powers of the vice-chair, and in the absence of the chair and the vice-chair, the floor leader shall exercise all of the duties and powers of the chair.
 - (e) To perform such other duties as may be assigned by the council or as may properly pertain to such office.
- (2) In the absence of the floor leader, the presiding officer may designate a floor leader pro tempore.

RULE NO. 5

CITY CLERK

- A. The clerk shall be appointed and serve the council in accordance with ROH Section 4-9.1 and Charter Section 3-301.
- B. It shall be the duty of the clerk to serve in all matters as clerk of the council and its committees, to keep an accurate journal of proceedings, to make accessible to the general public, in a timely manner, all written materials of public record and to perform such other duties as are prescribed by law or assigned by council. ~~[Within 24 hours of receipt of a signed committee report from a committee chair, the clerk shall make copies available to members of the public who request one, and shall post the advance~~

~~committee report on an internet website accessible, without cost, to members of the public who have internet access. The 24 hours shall not include weekend or holiday hours.]~~

- C. The clerk shall include in the journal of proceedings any written remarks requested by a member to be included in the journal, provided that the remarks are provided to the clerk prior to the posting of the agenda for the next regular council meeting or prior to the statutory deadline for the clerk to make the minutes available to the public, whichever comes first.

- ~~[D. Written testimonies filed with the clerk at least 24 hours prior to the scheduled commencement of a council standing committee or council meeting that expressly pertain to an item on the meeting's agenda shall be posted by the clerk on the website at least 12 hours prior to the scheduled commencement of the meeting.~~

~~The time periods in this subsection pertaining to the filing of testimonies exclude weekend and holiday hours, but the time periods prescribed for posting shall include holiday and weekend hours.]~~

- ~~[E.]~~ D. The clerk is authorized to perform the following clerical functions:

- (1) To insert in any blank space in a WHEREAS paragraph of a pending resolution any or all of the following information, where called for: ~~[the date of receipt by the council of any communication, the communication number and date of any communication, and the date of any council public hearing.]~~ any relevant date, communication number, resolution number, bill number, or ordinance number. The clerk may also correct manifest clerical or typographical errors in such dates and communication and measure numbers;
- (2) To insert in any blank space in any amended bill or resolution or proposed committee draft or floor draft the name(s) of the introducer(s), whether the bill's or resolution's introduction was "by request," and the date of introduction;
- (3) To delete any notation of "proposed" on any committee draft or floor draft that is subsequently approved by the council; and
- (4) To insert the correct floor draft ("FD") number when a measure is amended multiple times on the council floor at the same meeting.

These changes shall not be deemed to be amendments to the bill or resolution requiring council approval.

RULE NO. 6

OFFICE OF COUNCIL SERVICES

- A. The director of council services shall be appointed and serve the council in accordance with [~~ROH Section 4-3.4.~~] Charter Section 3-603.1.
- B. The [~~director~~] office of council services shall perform the duties set forth in Charter Section 3-602 and shall perform [~~such~~] other duties as assigned by the council or the chair to assist them in the exercise of their legislative power. [~~(Charter Section 3-107.7.)~~]
- C. The director shall compile the rules of the council and provide councilmembers with current sets thereof. In compiling the rules, the director may include a Table of Contents and an Adoption and Amendment History[-] table.

RULE NO. 7

COMMITTEES

- A. There shall be [~~three~~] four kinds of committees:
 - (1) [~~standing~~] Standing committees[;] (Rule No. 8);
 - (2) [~~subcommittees~~;] Subcommittees;
 - (3) Advisory committees (Rules Nos. 9, 9A, and 9B); and
 - [~~(3)~~] (4) [~~the~~] The committee of the whole[-] (Rule No. 12).

The chair of each standing committee shall schedule and preside over all meetings[-] of the committee. In the committee chair's absence, the vice-chair shall perform the designated duties. A committee vice-chair may not, however, call or set the agenda for a committee meeting without the written approval of the committee chair.

- B. All bills, resolutions, and other matters referred to the appropriate standing committee(s) by the chair may be placed on the agenda of the committee upon review by and under the direction of the committee chair.
- C. Attendance of councilmembers shall be taken at all committee meetings. The record of attendance shall be maintained by the committee clerk and be available for public inspection in the clerk's office. A voting member shall notify the committee chair or, in his or her absence, the vice-chair when the member is or will be unable to attend a meeting, and give the reason therefor.

- D. (1) No councilmember or member of council staff shall disclose to a member of the public any communication made in executive session, unless:
- (a) The council has, by the affirmative vote of at least two-thirds of its entire membership, waived confidentiality with respect to the communication or with respect to the matter to which the communication pertains; or
 - (b) The communication is required to be disclosed by order of a court of competent jurisdiction or by law.
- (2) For purposes of this rule:
- "Communication" includes any specific oral or written communication made by or to councilmembers in executive session, including but not limited to any gist, restatement, or summary of such communication, and the terms of any settlement or consent decree involving the city;
- "Executive session" means a meeting of a council committee, including the committee of the whole, closed to the public pursuant to HRS Section 92-5(a); and
- "Member of the public" includes any representative of the media, but does not include council staff, or any city officer or employee who was either in the executive session, or whose city position relates to the subject matter of the executive session communication in question.
- (3) The prohibition against disclosure of an executive session communication shall not be interpreted to prohibit a councilmember or member of council staff from discussing with a member of the public the general subject matter that served as the basis for the committee's meeting in executive session.

RULE NO. 8

STANDING COMMITTEES

- A. There shall be a committee on executive matters and legal affairs[.] (Rule No. 10).
- B. All nonvoting members of a particular standing committee may attend and participate in the discussion of all matters brought before the committee; however, except as provided in subsection D, they will not be entitled to make or second a motion or to vote.
- C. In the absence of both the chair and vice-chair of a standing committee, the presiding officer shall appoint another committee member as committee chair pro tempore.

- D. In the event a quorum is lacking for a meeting of any standing committee, the person presiding over the meeting may designate a nonvoting member to serve as a temporary voting member of the standing committee for that meeting for the purpose of establishing a quorum. The designation shall be made in the following order depending on the availability of the person:

- (1) Chair of the council;
- (2) Vice-chair of the council;
- (3) Floor leader of the council; and
- (4) Any other member of the council.

Only one temporary voting member may be designated at any time. Upon designation, the designee may vote on any matter before the committee. The designation and voting authority of the designee shall terminate upon the arrival to the meeting of a voting member of the committee who was previously absent.

- E. In the event of a tie vote in a meeting of any standing committee, the chair of the council, if not already a voting member of the standing committee, may serve as an ad hoc voting member of the committee. If the chair of the council is already a voting member of the standing committee or is absent, the vice-chair, if not already a voting member of the standing committee, may serve as the ad hoc voting member. The ad hoc voting member shall be authorized to vote only in regards to the matter receiving the tie vote.

- ~~[F. In the event a standing committee desires to consider the addition of an item or items to its agenda pursuant to HRS Section 92-7(d), and the voting members present at the meeting constitute a quorum but are fewer than two-thirds of the voting membership of the committee, the chair of the council, if not already a voting member of the standing committee, may serve as an ad hoc voting member of the committee. If the chair of the council is already a voting member of the standing committee or is absent, the vice-chair, if not already a voting member of the standing committee, may serve as the ad hoc voting member. If both the chair and vice-chair of the council are either already voting members of the standing committee or absent, the floor leader, if not already a voting member of the standing committee, may serve as the ad hoc voting member. The ad hoc voting member serving under this subsection F shall be authorized to vote only in regards to the addition of the item or items to the committee's agenda. Only one ad hoc voting member may serve at any time, and this subsection F may not be used if a temporary voting member has been designated to serve on the committee pursuant to subsection D.]~~

RULE NO. 9

ADVISORY COMMITTEES FOR STANDING COMMITTEES

- A. Advisory committees may be created as needed by the chair of a standing committee [~~chair~~] with the concurrence of a majority of its voting members. An advisory committee shall consist of at least one councilmember from the standing committee and may include members from the private sector and representatives from other political subdivisions and other government agencies.
- B. Advisory committees shall assist in the resolution or study of issues arising from specific areas of concern resulting from the main subject matter assigned to their respective standing committees. To avoid duplication in the consideration of issues, the council may have only one advisory committee studying or undertaking to resolve a single subject or issue at any time, whether the advisory committee is created pursuant to this rule or Rule No. 9A.
- C. All communications and advice from an advisory committee shall be made to its standing committee.
- D. Advisory committees shall serve until discharged by their standing committees.

RULE NO. 9A

COUNCIL ADVISORY COMMITTEES

- A. The council may create advisory committees—sometimes called "task forces" or "working groups"—to assist the council in the resolution or study of issues arising from matters being deliberated by the council.
- B. Council advisory committees may be created by adoption of a resolution. To avoid duplication in the consideration of issues, the council may have only one advisory committee studying or undertaking to resolve a single subject or issue at any time, whether the advisory committee is created pursuant to this rule or Rule No. 9.
- C. The advisory committee shall submit its findings and recommendations to the council and such other persons and government agencies as may be specified in the resolution creating the committee.
- D. Council advisory committees shall serve until discharged by the council or as may be specified in the resolution creating the committee.

RULE NO. 9B

COUNCIL HIRING OR SELECTION ADVISORY COMMITTEE

- A. The council may create an advisory committee to assist the council in the hiring or selection of the city clerk, the director of council services, or the city auditor.
- B. The advisory committee may be created by adoption of a resolution. The resolution may specify that the committee take such steps as may be necessary to:
 - (1) Solicit or recruit qualified applicants for the position;
 - (2) Investigate the qualifications of and interview applicants; and
 - (3) Make findings and recommendations to the council.
- C. The hiring or selection advisory committee shall serve until discharged by the council or as may be specified in the resolution creating the committee.

RULE NO. 10

COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

- A. Pursuant to HRS Chapter 92, the committee on executive matters and legal affairs may resolve itself into executive session closed to the public upon an affirmative vote of two-thirds of the voting members present taken at an open meeting, provided the affirmative vote constitutes a majority of the voting membership of the committee, for one or more of the following purposes:
- (1) To 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) To 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 such negotiations;
 - (3) To consult with the council's attorneys on questions and issues pertaining to the council's powers, duties, privileges, immunities, and liabilities;
 - (4) To investigate proceedings regarding criminal misconduct;
 - (5) To consider sensitive matters related to public safety or security;
 - (6) To consider matters relating to the solicitation and acceptance of private donations;
 - (7) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order; and
 - (8) To consult with the corporation counsel on claims for and against the city where the premature public disclosure of information would adversely affect the city's interest.
- B. The clerk shall be the clerk of the committee. Except for minutes of executive sessions, the clerk shall make a complete record of all proceedings, which shall be kept as one of the records of the council.
- C. In the first quarter of every year ending in a "4" or a "9," the committee shall place on its agenda the then-current emergency operations plan ("EOP") for the city's legislative branch and shall consider any amendments thereto proposed by the council's emergency planning officer or any other councilmember. If such amendments are proposed, the

committee shall, by the first day of July of that year, submit a resolution to update the EOP to the council for its consideration. Nothing contained in this subsection shall preclude the committee's consideration of amendments to the EOP at any other time. The provisions of this subsection are directory only.

RULE NO. 11

COMMITTEE REPORTS

- A. Standing committees shall report on all matters referred to them.
- B. Whenever any matter is referred to a committee, it shall be the duty of such committee to make diligent inquiry into all of the facts and circumstances connected with such matter. If necessary, the council or any committee shall have power to conduct investigations, and the presiding officer shall have the right to administer oaths and, in the name of the council, to subpoena witnesses and compel the production of papers pertinent thereto. (Charter Section 3-120.)
- C. The report of a committee on a bill or resolution shall state clearly the ~~[legislative intent and]~~ purpose of such bill or description of such resolution, and the amendments, if any, proposed by the committee to the council. ~~[The report on each measure (or a particular draft of a measure) shall list the institutions, organizations, and governmental agencies, and state the number of individuals, that submit testimony in support of and in opposition to the measure, or that offer comments on the measure.]~~ If a committee draft of a bill or three-reading resolution is reported out of committee in place of the one referred to such committee, the committee draft must agree with the purpose of the one referred to the committee.
- D. Whenever the members of a committee ~~[fails]~~ fail to agree, the majority shall report and the same shall be the report of the committee. The minority of the committee may file a separate report.
- E. When a measure is jointly referred, joint committee meetings may be held on that matter with members of both committees participating.

RULE NO. 12

COMMITTEE OF THE WHOLE

- A. The council may resolve itself into a committee of the whole and the committee may meet in executive session, closed to the public, for one or more of the following purposes enumerated in HRS Section 92-5(a):
- (1) To 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) To 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 such negotiations;
 - (3) To consult with the council's attorneys on questions and issues pertaining to the council's powers, duties, privileges, immunities, and liabilities;
 - (4) To investigate proceedings regarding criminal misconduct;
 - (5) To consider sensitive matters related to public safety or security;
 - (6) To consider matters relating to the solicitation and acceptance of private donations; and
 - (7) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.
- B. The council may resolve itself into a committee of the whole to meet in executive session only upon the affirmative vote of two-thirds of the members present, provided that at least five councilmembers shall vote in the affirmative.
- C. The council chair may designate a councilmember to serve as chair of the committee of the whole. The designation may be made for all meetings of the committee of the whole or may be made on a meeting-by-meeting basis.
- D. Except as otherwise provided under Rule No. 20.J, all councilmembers shall be members of the committee of the whole.
- E. Notwithstanding Rule No. 11, the committee of the whole need not report on a matter submitted to it.

- F. Each council meeting shall be deemed a meeting of the committee of the whole, and any item listed on the agenda of a council meeting shall be deemed to be listed on the agenda of a meeting of the committee of the whole.

RULE NO. 13

VOTING

- A. All meetings of the council shall be open to the public, and every vote taken by the council shall be by open ballot. (Charter Section 3-107.8.)
- B. There shall be four methods of ascertaining the decision of the council upon any matter:
- First, by a call of the roll of the members;
- Second, by a call for objections or reservations;
- Third, by rising; or
- Fourth, by unanimous consent.
- The clerk shall record the vote of each member.
- C. When required by law or upon request of any member of the council on any motion, the clerk shall call the roll.
- (1) When a member's name is called, except as permitted under subdivision (2), the member shall respond "aye," "aye with reservations," "with reservations," "reservations," or "no." Any response not permitted by this subsection shall be deemed a failure to respond. A member voting "aye with [~~reservations~~]" reservations," "with reservations," or "reservations," shall be deemed to have voted in the affirmative, but the clerk shall note that the member voted "aye with reservations."
- (a) If a member fails to respond when his or her name is first called, the clerk shall once again call the member's name following the first roll call. When the member's name is called a second time:
- (i) If the member is present and fails to respond, the member shall be deemed to have voted in the affirmative.
- (ii) If the member is absent, whether with or without excuse, the member shall be marked absent and shall not be counted as having voted on the motion.

- (2) A member having a direct personal financial interest in the subject matter of the motion may abstain, but only by performing both the following:
 - (a) By responding, "I abstain due to a conflict of interest;" and
 - (b) By having filed in accordance with Rule No. 14 a written disclosure of interest on the subject matter of the measure. This paragraph shall not be construed as imposing a duty or requirement on a member to abstain from voting on a matter on which the member has filed a written disclosure.

D. When a council vote is by call for objections, the chair shall take the following steps:

- (1) Call for objections, which shall be recorded by the clerk as "no" votes.
- (2) Call for reservations, which shall be recorded by the clerk as "ayes with reservations," and shall be deemed affirmative votes.

Any member present who fails to respond to the chair's call for objections or reservations shall be deemed to have voted in the affirmative; provided that a member having a direct personal financial interest in the subject matter may abstain in the same manner as specified in subdivision C(2) of this rule.

E. After voting has commenced, a member shall not be permitted to explain a vote or an abstention without the unanimous consent of the council.

F. A member must be within the "well" of the council chambers in order for his or her audible response to be counted as a vote. For council meetings held outside of the council chambers, any response made by a member outside of the meeting room shall be deemed a failure to respond and shall not be counted as a vote. Notwithstanding the foregoing, if a council meeting is held by interactive conference technology pursuant to Rule No. 1.D, any councilmember participating in the meeting from a different location shall be considered present at the meeting for the purposes of quorum and voting.

G. The clerk shall record each absence, each vote, and each abstention in the journal, and report to the presiding officer, who shall announce the result to the council. After the presiding officer's announcement of the result, a member shall not be permitted to vote or to change a vote or an abstention.

RULE NO. 14

DISCLOSURE OF INTEREST

- A. When a councilmember has made a disclosure in writing, as required by law, of a personal or private interest in any proposal pending before the council and its committees, as provided by Charter Section 11-103, such disclosure shall be made a matter of public record, filed with the city clerk, and numbered as a council communication prior to the council taking ~~[of]~~ any vote on such proposal. Notwithstanding the foregoing, if a councilmember becomes aware of the personal or private interest during a council or committee meeting, the councilmember shall orally disclose the interest to the council or committee prior to the taking of any vote on the proposal in the meeting and file a written disclosure with the clerk after the meeting. Such written disclosures shall be applicable to all subsequent actions relating to the same subject matter.
- B. The city clerk shall list ~~[the]~~ all written ~~[disclosure]~~ disclosures of personal or private interest by communication number on the agenda of the council or committee as a related communication under the item to which the disclosure applies. If disclosures are filed with the clerk after the posting of the agenda and prior to the meeting, the chair of the council or committee shall announce the disclosures at the beginning of the council or committee meeting. The clerk shall also record all written and oral disclosures in the minutes of the meeting.

RULE NO. 15

PETITIONS

Any person may petition the council. Petitions and other matters shall be in writing, signed by the petitioners or persons presenting them. All petitions shall be made part of the official records kept by the clerk and referred to committee as appropriate.

RULE NO. 16

MOTIONS

- A. No motion may be received and considered by the council until the same has been seconded.
- B. Motions and amendments may be made orally, but shall be reduced to writing, if requested by the presiding officer, and shall be read from the clerk's desk if so desired by at least three members.
- C. After a motion is stated or read by the presiding officer, it is deemed in the possession of, and shall be disposed of by vote of, the council. However, any motion may be withdrawn by the movant with consent of the corresponding second at any time before a decision or amendment.
- D. Whenever any question is under discussion, the motions relative thereto shall be:

First, to lay on the table;
Second, previous question;
Third, to limit or extend limits of debate;
Fourth, to postpone to a certain time;
Fifth, to commit (or refer);
Sixth, to amend;
Seventh, to postpone indefinitely;
Eighth, to file the matter.

Such motions shall have precedence in the order named.* The first three motions shall be decided without debate. A motion for the previous question or to limit or extend the limits of debate shall require a two-thirds majority for adoption.

- E. The council may postpone a pending matter beyond the next regular council meeting, provided that the postponement is: (1) to a date and time certain; (2) contingent upon a certain event; or (3) to an unspecified date and time to be determined by the council chair. At the council chair's discretion, a matter postponed pursuant to this rule may be placed on the agenda of a council meeting before the date and time specified or before the contingent event occurs. This rule shall not prevent the postponement of a pending matter to the next regular council meeting. If the maker of a motion to postpone, other than a motion to postpone indefinitely, fails to state the certain time to which the matter is to be postponed, the duration of the postponement shall be at the discretion of the council chair.

*NOTE: Order of precedence of motion pursuant to *Robert's Rules of Order*.

- F. When a motion in one of the above-mentioned categories fails or is decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are decided in the negative, the only remaining question shall be as to the passage or adoption of the bill, resolution, or other main question.
- G. A councilmember may not speak longer than five minutes, nor may such member speak more than twice on the same question without leave of the presiding officer, subject to an appeal to the council, unless such speaker is the maker of the motion or sponsor of the matter pending, in which case such member may speak in reply, but not until every other councilmember choosing to speak has spoken.

RULE NO. 17

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. A motion to adjourn other than to adjourn generally may be debated, but no one shall speak more than once on such motion.

RULE NO. 18

RECONSIDERATION

- A. When a motion has been decided in the affirmative or negative, any councilmember voting with the prevailing side may move for a reconsideration of the vote on the motion, and such motion shall take precedence over all other questions except a motion to adjourn. Except as to reconsideration of those motions described in subsections B and D, the motion to reconsider a vote on a motion and the reconsideration of that motion shall not be in order unless made at the same meeting as the vote to be reconsidered, and the vote on the motion to reconsider and on the reconsideration shall be taken at the same meeting as the vote to be reconsidered. Having once been made and decided, a motion to reconsider a vote shall not be renewed.
- B. In the case of a bill which fails to pass on third and final reading because a majority of the council voted in the negative on its passage, and a motion is made to reconsider the vote taken on the third reading of the bill and the motion is seconded, the vote on the motion to reconsider shall not be taken until the expiration of at least 24 hours, as required by Charter Section 3-202.4. Unless the motion to reconsider is decided prior to the next regular meeting of the council, the bill shall be placed on the agenda as the first order of business for the next regular meeting, and the vote on the motion to reconsider and, if the motion to reconsider passes, the vote on the reconsideration shall be taken at that meeting. Until the motion to reconsider has been decided, the bill shall remain in the

possession of the council and the clerk shall not transmit, file, or otherwise dispose of the bill, unless the bill is deemed filed pursuant to ordinance or the time for passage of the bill has expired by operation of law. If the motion to reconsider fails, the vote on the bill previously taken shall become final, the clerk shall so note in the journal, and the measure shall be filed.

- C. If neither the affirmative nor the negative receives a majority vote of the entire membership on a motion, or in the case of a motion for which a vote of two-thirds of the entire membership of the council is required for adoption, the requisite two-thirds vote is not received, the motion fails.

If the motion that fails is one to pass a bill on third reading, the matter shall be placed on the agenda for filing at the next meeting.

If the motion that fails is one to pass a bill on any other reading or to adopt a resolution ("main motion"), any member who was absent at the time of the vote on the main motion may move to reconsider it at that meeting, and if no motion to reconsider the main motion is approved at that meeting, or if again neither the affirmative nor the negative receives a majority vote of the entire membership of the council (or in the case of a measure for which a vote of two-thirds of the entire membership of the council is required, the requisite two-thirds affirmative vote is not received) on the main motion, the matter shall be placed on the agenda for filing at the next meeting.

At the next meeting, any councilmember may move for reconsideration of the vote on the matter.

If at the next meeting, a motion to file fails, and the matter is not otherwise disposed of by motion, the matter shall not be placed on the agenda for any subsequent meeting of the council except upon the written request of a majority of the members of the council.

RULE NO. 19

BILLS, RESOLUTIONS, AND OTHER MEASURES

- A. Except as provided in subsection B, any bill or resolution requiring three readings for adoption introduced and placed on the agenda of the council may be passed on first reading prior to referral to a committee or committees by the presiding officer.
- B. Any revision or amendment to the general plan, a development plan, a zoning ordinance, or the subdivision ordinance being proposed by a councilmember shall be subject to ROH Chapter 2, Article 24.
- C. Bills and resolutions requiring three readings for adoption may be passed as a group on first reading by a call for objections or reservations, provided that councilmembers shall

specify the measure or measures to which they object or have reservations. Upon the demand of any councilmember, a measure will be considered separately.

- D. Bills, resolutions, committee reports, and other measures not requiring a roll call vote for passage, adoption, or approval may be passed, adopted, or approved as a group under a blanket motion by a call for objections or reservations, provided that councilmembers shall specify the measure or measures to which they object or have reservations, and provided further that measures with proposed committee or floor drafts may not be included in a blanket motion with other measures. The maker of the blanket motion may identify the measures included in the motion by reference to measures on a specified page of the agenda. Upon demand of any councilmember, a measure will be considered separately.
- E. (1) Except as provided in subdivision (2), proposed floor drafts of bills or resolutions must be accompanied by a written summary describing the proposed amendments; provided that this requirement does not apply to a proposed floor draft prepared to reflect an oral motion made on the council floor to amend a measure in a specified manner. The city clerk shall include the written summary with the bill or resolution in the board packet required by HRS Section 92-7.5. ~~[If the floor draft is submitted prior to the meeting but too late for inclusion in the board packet, the clerk shall, within 24 hours of receipt, post the floor draft on an internet website accessible, without cost, to members of the public who have internet access, and also make copies available to the public through the clerk's office and at the council meeting. The 24 hours does not include weekend or holiday hours.]~~ If the summary is included in the board packet or otherwise made available [in the foregoing manner] to members of the public prior to the council meeting, a councilmember moving to amend to the floor draft may explain the amendments by reference to the written summary.
- (2) Floor drafts of bills appropriating public funds must include as part of the bill an amendment list or lists denoting the amendments. In lieu of a complete proposed floor draft, a written description of the proposed amendments may be submitted for posting on the council agenda and inclusion in the board packet required by HRS Section 92-7.5. ~~[If the floor draft or written description is submitted prior to the meeting but too late for inclusion in the board packet, the clerk shall, within 24 hours of receipt of the floor draft, post the floor draft or written description on an internet website accessible, without cost, to members of the public who have internet access, and also make copies available to the public through the clerk's office and at the council meeting. The 24 hours does not include weekend or holiday hours.]~~ If the proposed floor draft or written description is included in the board packet~~[, or the floor draft or written description is otherwise made available in the foregoing manner prior to the council meeting,]~~ or is otherwise made available to members of the public prior to the council meeting, a councilmember moving to amend to the floor draft may explain the amendments by reference to the amendment list.

- F. A bill appropriating public funds shall not be amended to a floor draft unless either a written description of the proposed amendment or a copy of the amended version has been distributed to each councilmember present, and shall not pass any reading at the meeting at which the floor amendment was made unless a copy of the amended version has been distributed to each councilmember present. All other bills and resolutions shall not be amended to a floor draft nor pass any reading or be adopted at the meeting at which the floor amendment was made unless a copy of the amended version has been distributed to each councilmember present.
- G. A bill or resolution that is up for third reading or adoption and is amended on the floor to a committee or floor draft shall have final action delayed for at least 48 hours from the time the amendment is approved. This requirement for a 48-hour delay shall not apply to: (1) a committee or floor draft of a bill or resolution for which a copy of the amended version has been posted in accordance with HRS Section 92-7 on the agenda for the meeting as a proposed floor or committee amendment and filed with the office of the clerk for public inspection at least six calendar days before the meeting; (2) a floor draft of a bill appropriating public funds for which a written description of the proposed amendment has been posted and filed with the clerk as provided in subdivision (1) of this subsection; and (3) a floor draft of a resolution authorizing eminent domain proceedings as provided in Charter Section 3-202.9.
- H. Unless a written waiver request from the committee chair is approved by the council chair, the council shall not take action on a bill or resolution reported out of a standing committee unless the committee's report on the measure complies with Rule No. 11.C, has been filed with the office of the clerk, and has been made available to the public both at the clerk's office and on the internet at least [~~forty-eight~~] 48 hours prior to the action being taken. For purposes of this subsection, the term "action" shall not include a postponement or recommittal or the granting of an extension of time.
- I. Final action on a measure up for third reading or adoption that has:
- (1) Been committed or recommitted to committee; or
 - (2) Had action thereon postponed to a certain time;
- shall not be taken until the expiration of at least 24 hours after the approval of the motion to commit, recommit or postpone.
- J. A measure that is up for third reading or adoption and fails because a majority of the council voted in the negative or because the requisite two-thirds vote was not received shall, unless subsequently reconsidered and passed or adopted pursuant to Rule No. 18, be deemed filed.

RULE NO. 20

ORDER AND DECORUM

- A. While the presiding officer is putting any question or addressing the council or when a councilmember is speaking, no one shall engage in a private discourse. And while a councilmember is speaking, no one shall pass between such speaker and the chair.
- B. When a councilmember or other person properly before the council wishes to speak, the speaker shall address the chair, be recognized before proceeding, and shall confine remarks to the question under discussion, avoiding personalities or abusive language.
- C. If a councilmember or other person, in speaking or otherwise, transgresses these rules, the presiding officer or any councilmember may raise a question of order. The presiding officer shall then decide the question of order without debate, subject to an appeal to the council. In addition, the presiding officer may call for the sense of the council on any question of order.
- D. Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided, and may proceed with the matter under discussion within the ruling made on the question of order.
- E. No unauthorized person shall enter the floor of the council at any time except by permission of the presiding officer.
- F. No person shall sit at the desk of a councilmember or clerk in the council chamber except the official to whom the desk is assigned.
- G. No person or group shall use the council chamber for meetings or any other purpose without first obtaining permission of the council chair.
- H. All persons attending council meetings, including city employees, witnesses, members of the media, and the general public, are expected to respect the dignity of the council in the use of wearing apparel, decorum, and general appearance.
- I. The staff of the clerk's office may be called upon by the presiding officer of the council or a majority of the councilmembers to assist in the removal of any person or persons who have been deemed to have violated the order and/or decorum of the council.
- J. Processing of charges of breaches of order or decorum.
 - (1) No members shall be subject to censure or sanction for a breach of order or decorum, including a charge of disorderly or contemptuous conduct, unless a charge is filed by a councilmember with the chair and presiding officer and notice of the charge has been given to the member being charged. At any stage of the

process set forth in this subsection, the councilmember charged may be represented by a person of his or her choosing.

- (2) Upon receipt of the charge, the chair shall attempt to resolve the matter administratively between the councilmember making the charge and the member being charged.
- (3) If the matter cannot be resolved administratively, the chair may refer the matter to the Committee on Executive Matters and Legal Affairs, or, if the councilmember charged is the chair of the Committee on Executive Matters and Legal Affairs, to the Committee of the Whole, to investigate, hear, and report upon the conduct. Any member charged with a breach of order or decorum shall be informed in writing of the specific charge or charges made against the member and have an opportunity to present evidence and be heard in the member's own defense before the investigating committee. Notwithstanding Rules Nos. 10 and 12, during the course of the investigation, the councilmember charged shall not participate in the investigation as a member of the Committee on Executive Matters and Legal Affairs or the Committee of the Whole, as applicable. Unless the councilmember charged requests otherwise, the meetings of the investigating committee shall be held in executive session pursuant to HRS Section 92-5(a)(2). Following its investigation and hearing (if any), the committee shall file its report with the chair setting forth its findings as to whether the councilmember charged engaged in the conduct charged.
- (4) If the investigative committee finds in the affirmative, the report shall also set forth its recommended sanctions, which may include censure, suspension without pay for not more than one month, other sanctions, or a combination of sanctions.

If recommending suspension without pay for any period, the committee shall specifically find that the conduct in question was disorderly or contemptuous and that it was within the presence of the council. If it finds in the negative, the committee shall recommend dismissal of the charge or charges, and the chair shall dismiss the charges without further hearing.

- (5) If the investigating committee finds that the councilmember engaged in the conduct charged, the chair shall present the committee's report to the council for its consideration and decision. Upon the council's receipt of the report, the member charged shall be informed in writing of the findings and recommendations of the report and be given an opportunity to be heard in the member's own defense. The council, by a majority vote, may dismiss the charge or charges without a hearing. After giving the councilmember charged notice and an opportunity to be heard, the council may, by majority vote impose the sanctions recommended by the investigative committee or may impose some, but not all of the sanctions recommended; provided that a two-thirds affirmative vote of all of the members of the council shall be necessary to suspend a councilmember without pay.

- (6) Nothing in this subsection J. shall restrict the authority of the council chair under Rule No. 4.B(7).

RULE NO. 21

ORDER OF BUSINESS

- A. The chair shall establish an order of business for each meeting and, following preliminary matters, shall call for business in the order established. The following Order of the Day is a general guideline for the chair:

Bills Vetoed by the Mayor

Reports Made Pursuant to HRS Chapter 92

Public Hearings Matters:

Appointments

Third Reading measures

Second Reading measures

Other Resolutions

Non-Public Hearing Matters:

Appointment Resolutions for Adoption

Bills and Resolutions for Third Reading

Bills and Resolutions for Second Reading

Bills and Resolutions for First Reading

Resolutions for Adoption

Balance of Committee Reports

Unfinished Business

New Business

Committee of the Whole/Executive Session

Announcements

Adjournment

- B. Persons wishing to present in-person oral testimony relating to items on the order of business at a council meeting may register to speak with the clerk no later than the time posted for the start of the meeting.

Any speaker who has not registered to present in-person oral testimony prior to the start of the meeting may testify on items after those persons who have timely registered to speak in person on such items have testified, or may submit written testimony to the council by filing the same with the clerk at any council meeting.

- C. Public speakers who testify in person are requested, when possible, to provide fifteen (15) copies of their written testimony.
- D. In compliance with HRS Chapter 92, any person wishing to present oral testimony on any item noticed on the council meeting agenda may do so consistent with Rule No. 32.
- E. Before the commencement of a council meeting, the presiding officer may permit a councilmember or other speaker to deliver a message of aloha or invocation pursuant to this subsection or a subsequent policy established by the council by resolution. Any such message or invocation shall be in compliance with *Marsh v. Chambers*, 463 U.S. 783, shall not name any sectarian faith, and shall not be used either to proselytize or to disparage any particular faith. This provision shall not preclude the council chair or other councilmember introducing the speaker from identifying the speaker by his or her faith, congregation, or institution.

RULE NO. 22

PRIORITY OF BUSINESS

- A. The majority of the entire membership of the council may, by motion, designate any matter to be a special order of business, which shall take precedence over all other business.
- B. Except for the first meeting of the new council, the unfinished business in which the council was engaged at the time of the last adjournment shall have preference in the order of the day, and no business shall be received until such unfinished business is disposed of, unless by special leave of the council.
- C. All questions relating to the priority of business to be acted upon by the council shall be decided without debate.

RULE NO. 23

QUESTIONS OF ORDER

A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for. Such question shall be decided by the presiding officer, without debate, subject to an appeal to the council.

RULE NO. 24

ATTENDANCE

No councilmember may absent himself/herself from a meeting of the council or from the service of the council unless such councilmember has been excused by the presiding officer.

RULE NO. 25

NEWS MEDIA

- A. Members of the news media covering the business of the council may be assigned to selected areas by the presiding officer.
- B. Members of the news media shall be permitted to televise and sound record the proceedings of the council under such rules and conditions as the presiding officer may prescribe.
- C. Selected areas assigned to the members of the news media in the council chambers shall be exclusively for the use of the news media members. Unauthorized individuals shall not use or occupy said assigned areas.

RULE NO. 26

NEW RULES AND AMENDMENTS

A rule of the council may be amended or rescinded and a new rule may be adopted by a resolution approved by an affirmative vote of a majority of the entire membership of the council at an open meeting.

RULE NO. 27

SUSPENSION OF THE RULES

Unless superseded or prohibited by state or city law, these rules may be suspended by the affirmative vote of two-thirds of the entire membership of the council.

RULE NO. 28

WHEN RULES ARE SILENT

The chair shall rule on any matter not covered by these rules, the Charter, ROH, or statutes, subject to an appeal to the council. The chair may consult the rules of parliamentary practice as set forth by *Robert's Rules of Order* prior to making a ruling.

RULE NO. 29

MEMBERSHIP IN ORGANIZATIONS

The council and councilmembers may hold membership in educational and other organizations devoted to improving government operations and procedures. The presiding officer may authorize the expenditure of funds for membership fees and other expenses of participation.

RULE NO. 30

RULES IN CONFLICT WITH GOVERNING LAW

If any rule contained herein is in conflict with the provisions of the Charter, ROH or HRS, as amended, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein, which can be given effect without the invalid rule, and to this end these rules are severable.

RULE NO. 31

APPEALS TO RULINGS OF THE CHAIR

A ruling of the chair shall not be subject to debate. However, the ruling may be appealed by any two councilmembers, one councilmember making the appeal and another seconding it. The question is then taken from the chair and vested in the council for final decision by majority vote of the entire membership of the council. A tie sustains the chair.

RULE NO. 32

PRESENTATION OF ORAL TESTIMONY AT COUNCIL AND COMMITTEE MEETINGS

Pursuant to state law, any private citizen may speak at any council or committee meeting, subject only to the following:

- A. Council meeting. Persons wishing to present oral testimony in person at a council meeting may register to speak as provided in Rule No. 21, indicating the agenda item or items upon which they desire to present oral testimony. ~~[Persons wishing to present oral testimony remotely shall comply with the requirements established by the council chair pursuant to Rule 1.E and described in the agenda for the meeting.]~~ When oral testimony by interactive conference technology will be accepted at a meeting, the chair may establish requirements for the presentation of such testimony, which will be described in the agenda for the meeting.

Oral testimony by members of the public on items:

- (1) Listed on a council agenda for public hearing or under "New Business"; or
- (2) Added to the council agenda pursuant to HRS Chapter 92 after the agenda has been posted in accordance with that chapter, and which items may be adopted or passed on final reading at the council meeting for which the agenda was posted,

shall be limited to three minutes. Oral testimony by members of the public on all other items listed on the council agenda shall be limited to one minute. By a vote of the majority of the members present, time for the public to speak may be extended.

- B. Committee meeting. Persons wishing to present oral testimony in person at a committee meeting may register with the committee clerk no later than the time posted on the agenda for the meeting. They shall indicate the item or items upon which they desire to present oral testimony. Those persons who have registered to speak on an item shall be

called to testify before persons who have not registered, but wish to provide oral testimony on such item.

~~[Persons wishing to present oral testimony remotely shall comply with the requirements established by the council chair pursuant to Rule 1.E and described in the agenda for the meeting.]~~ When oral testimony by interactive conference technology will be accepted at a committee meeting, the committee chair may establish requirements for the presentation of such testimony, which will be described in the agenda for the meeting.

The time allotted to members of the public to present oral testimony on an agenda item shall be set by the committee chair. The time allotted shall be specified on the applicable posted committee meeting agenda.

RULE NO. 33

RESTRICTIONS ON EMPLOYMENT OF RELATIVES

- A. A public officer of the legislative branch of city government may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the legislative branch of city government any individual who is his or her relative or domestic partner, or is a relative or a relative of a domestic partner of any public officer.
- B. An individual appointed, employed, promoted, or advanced in violation of this rule is not entitled to pay, and money may not be paid from the city treasury to an individual so appointed, employed, promoted, or advanced.
- C. For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of city 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.
- D. 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 a domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of a public officer.
- E. For the purpose of this rule, "public officer" ~~[shall mean]~~ means members of the council, the city clerk, the director of council services, and the city auditor.

RULE NO. 34

COUNCIL TRAVEL POLICY

- A. Notice of Travel. Prior to traveling out of the city on council business, a councilmember shall notify the chair in writing of his/her travel, stating where the councilmember will be traveling and the subject of the seminar, meeting, site visit or other program or event to be attended or other city business to be conducted during the travel.
- B. Travel Report. Upon completion of any travel out of the city that is paid for in whole or part with city funds or was a gift to the city, each councilmember shall complete a travel report that shall include a statement of when the travel occurred, what cities, counties, and/or sites were visited, which seminars, meetings, programs, or events were attended, what the councilmember learned or what business the councilmember transacted, and any other benefits derived by the councilmember from the travel for the city.
- C. Additional Policies and Procedures. The chair may establish additional policies and procedures relating to travel by councilmembers that are consistent with this rule.

RULE NO. 35

CONSIDERATION OF MAYORAL APPOINTMENTS

Action by the council on requests by the mayor for confirmation or approval of an appointee or nominee to a public office or position shall be taken by resolution confirming or not confirming the appointee or nominee.

RULE NO. 36

RULES OF THE KAPIOLANI PARK TRUSTEES

Rules entitled "Special Rules of the Council as Trustees of Kapiolani Park" shall govern the council in their role as Trustees of Kapiolani Park.

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**SPECIAL RULES OF THE COUNCIL
AS TRUSTEES OF
KAPIOLANI PARK**

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SPECIAL RULES OF THE COUNCIL AS TRUSTEES OF KAPIOLANI PARK

The following rules shall apply to the council as the Trustees of Kapiolani Park (hereafter "Trustees" of "Trust Property"), in accordance with the Amended Findings of Fact and Conclusions of Law and Order in *City and County of Honolulu v. Warren Price III and Kapiolani Park Preservation Society* (S.P. No. 89-0015) ("Amended Findings") and the terms of the Kapiolani Park Trust (hereafter "Trust").

RULE NO. T-1

MEETINGS OF TRUSTEES

- A. The Trustees shall hold meetings of the Trustees or a committee of the Trustees separate from meetings of the council to take action on matters concerning the Trust or Trust Property. Separate meetings of the Trustees may be held in the council committee room or any other meeting place and be open to the public. The chair of the Trustees may call meetings of the Trustees at any time and the chair of a Trustee committee may call meetings of that committee at any time.

Meetings of the Trustees shall be conducted in accordance with Chapter 92, Hawaii Revised Statutes ("HRS").

Public testimony at a Trustees' meeting shall be governed by Council Rule No. 32.

- B. The clerk shall give notice of all Trustee and Trustee committee meetings in accordance with HRS Section 92-7.

RULE NO. T-2

OFFICERS OF THE TRUSTEES

- A. The officers of the Trustees shall consist of the chair and vice-chair. The chair and vice-chair of the Trustees shall be the chair and vice-chair of the council committee designated by the council chair to handle Kapiolani Park Trust matters.
- B. In the absence of the chair, the vice-chair shall act as chair of the Trustees, and in the absence of both the chair and vice-chair, the Trustees shall appoint a chair pro tempore as required to conduct business.

- C. It shall be the duty of the chair of the Trustees to:
- (1) Open and preside over all meetings of the Trustees;
 - (2) Call for the approval of the minutes;
 - (3) Maintain order and decorum;
 - (4) Announce the business before the Trustees;
 - (5) Prepare the report to the court on the administration of the Trust pursuant to Rule No. T-8;
 - (6) Perform such other duties as may be required by law or such as may properly pertain to such office.
- D. In the absence of the chair of the Trustees, it shall be the duty of the vice-chair of the Trustees to exercise all duties and powers of the chair.

RULE NO. T-3

QUORUM AND VOTING

- A. A majority of the entire membership of the Trustees shall constitute a quorum for the transaction of business and the majority vote of the entire membership shall be necessary to take any action.
- B. Every matter voted on by the Trustees shall be openly decided.

RULE NO. T-4

COMMITTEES OF THE TRUSTEES

- A. The Trustees may create special committees by resolution adopted by a majority of its entire membership at a meeting of the Trustees. The resolution shall not be considered an action of the council.
- B. Each special committee shall consist of three or more Trustees.
- C. Committees shall assist in the resolution or study of issues facing the Trustees, provided that the designation of such committees and their duties shall not operate to relieve the Trustees, or any individual Trustee, of any responsibility imposed on him or her by law.

RULE NO. T-5

CITY CLERK TO SERVE TRUSTEES

The city clerk shall serve in all matters as clerk of the Trustees. The city clerk shall keep an accurate journal of the proceedings of the Trustees and perform all other duties assigned by the council as Trustees.

RULE NO. T-6

OFFICE OF COUNCIL SERVICES

The office of council services shall perform such duties as are assigned by the chair of the Trustees to assist the Trustees in the exercise of their duties.

RULE NO. T-7

CORPORATION COUNSEL

Unless otherwise determined by the Trustees, the Trustees shall designate and utilize the corporation counsel to serve as their legal adviser and representative and to represent the Trustees in all legal proceedings concerning the Trust and Trust Property.

RULE NO. T-8

REPORT OF THE TRUSTEES

On or before June 28, 1994, and at least every three years thereafter, the chair of the Trustees shall prepare a report to the first circuit court regarding the administration of the Trust; provided that the report shall be approved by a majority of the Trustees before it is submitted to the court.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 22-295

Introduced: 12/28/22 By: TOMMY WATERS

Committee: COUNCIL (CCL)

Title: RELATING TO THE RULES OF THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU.

Voting Legend: * = Aye w/Reservations

12/28/22	INTRO	Introduced.
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01/03/23	CCL	Adopted.
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9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA,
TUPOLA, WATERS, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER