

**RULES OF THE
KAUA'I COUNTY CHARTER REVIEW COMMISSION**

ADOPTED BY THE CHARTER REVIEW COMMISSION
OF THE
COUNTY OF KAUA'I
STATE OF HAWAI'I
ON
OCTOBER 26, 2005

**RULES OF THE CHARTER REVIEW COMMISSION
COUNTY OF KAUAI**

RULE 1. QUORUM

The quorum required for the Commission to hold meetings shall be fixed at four members, the majority of the entire Commission.

RULE 2. VOTING: RULE OF THE MAJORITY

- a. Procedural matters, requests for information, and internal Commission matters shall require the approval of a majority vote of those present at any meeting.
- b. Matters of substance shall require the approval of four members of the Commission. Proposed charter changes require a minimum review at two meetings, adoption and/or approvals of the Commission as set forth in Rule 4.
- c. Each member shall have one vote. No votes by proxy shall be permitted.
- d. Any member can vote on a pending motion and participate in discussion on every debatable motion before it is finally acted upon. The holding of an office on the Commission shall not disqualify the member from making motions, participating in debate, or voting.
- e. Voting shall be by voice or by show of hands. A roll call vote shall be required when requested by any member.

**RULE 3. PROPOSED AMENDMENTS TO THE CHARTER; FORM;
STATEMENT OF PURPOSE**

A charter amendment proposal may be prepared on a form whose content is approved by the Commission. Any such form should include the following information:

- a. A brief description of the purpose of the proposal and of the problem being addressed by the proposal;
- b. If applicable, the citation of the charter provision(s) proposed to be deleted or amended;

- c. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction, the name of the jurisdiction and, if possible, a copy of the relevant provision(s) attached to the proposal;
- d. Copies of other written materials supporting the proposal, if relevant; and
- e. The text of the proposed charter amendment in the Ramseyer format.

RULE 4. PROCEDURES FOR THE CONSIDERATION AND ADOPTION OR APPROVAL OF PROPOSED AMENDMENTS TO THE CHARTER

The following procedures shall be followed in the consideration and adoption or approval of the proposals for the amendment of the charter:

- a. Introduction of the proposal(s) for the amendment of the charter for consideration by the Commission;
- b. Upon adoption or approval of the proposal(s) by the Commission, the Commission shall refer the proposal(s) to legal counsel for recommendations regarding legality and compliance with statutes and superior laws, and may refer the proposal(s) to appropriate agencies, organizations or persons for their recommendations regarding the proposed amendment;
- c. Upon receipt of the recommendations of legal counsel and/or the appropriate agencies, organizations, or persons to which the proposal(s) have been referred, the Commission may reconsider the proposal(s) and make such substantive and/or legal changes to the proposal(s) as it may deem necessary;
- d. Upon reconsideration and/or adoption or approval of substantive and/or legal changes to the proposal(s) by the Commission, the Commission shall further consider the proposal(s) for final and proper arrangement and order of the proposed amendments; and
 - Examine and correct the proposals which are referred to it and, as may be applicable, the statement of intent or purpose accompanying each proposal, for purposes of avoiding inaccuracies, repetitions and inconsistencies;
 - Draft in the same style as required for specifically worded proposals (Ramseyer drafting style), the correct and appropriate charter language for ideas or conceptual proposals which are referred to it; and

- Arrange the proposed amendments in the proper order in the charter.

Where a proposal referred to the Commission appears inconsistent with or in conflict with a proposal already acted upon favorably by the Commission, the Commission shall resolve the inconsistency or conflict.

- e. After all proposals to amend the Charter have been disposed of, the Commission will review all proposals that have been tentatively approved. The Commission will consider each proposal on its merits paying attention to the manner in which each proposal relates to the Charter as a whole.
- f. After all proposals have been finally reviewed, the Commission shall propose the form in which the proposed amendments are submitted to the electorate. The Commission shall also be responsible for proposing and implementing a public education program to acquaint the electorate with the proposed amendments.

RULE 5. COMMITTEES OF THE CHARTER COMMISSION; APPOINTMENT OF MEMBERS

- a. The Commission may create such standing and special committees as it deems necessary. The members of the special and standing committees shall be appointed by the Commission.

RULE 6. FUNCTIONS AND DUTIES OF THE STANDING AND SPECIAL COMMITTEES

Standing and special committees of the Commission shall perform such functions and duties as may be required by the instructions of the Commission.

RULE 7. TESTIMONY BY MEMBERS OF THE PUBLIC

The Commission shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The Commission shall also afford all interested persons an opportunity to present oral testimony on any agenda item. Whether comments are relevant shall be determined by the Chair.

Oral testimony from interested persons shall be limited to five minutes but such time limit shall not include pertinent responses by the speaker to questions posed by the members of the Commission. Speakers should be requested to submit two copies of their testimony to the Commission but the failure to provide testimony shall not bar a person from speaking. Speakers should also

be asked, but not required, to provide their names as part of their testimony. A speaker's time may be limited to three minutes if, in the discretion of the Chair, such limitation is necessary to accommodate all persons desiring to address the Commission at that meeting.

Those interested persons desiring to address comments to the Commission may be asked to register with the staff secretary at the beginning of the meeting; however, testifiers shall not be barred from testifying if they fail or refuse to register with the staff secretary.

RULE 8. OFFICERS AND STAFF OF THE COMMISSION

- a. The officers of the Commission shall be a Chair and Vice Chair who shall be elected by the Commission.
- b. It shall be the duty of the Chair of the Commission:
 - 1) To preside at all meetings of the Commission;
 - 2) To receive all communications and present them promptly to the Commission;
 - 3) To authenticate by signature all acts of the Commission as may be required by law and to sign all instruments requiring execution or agreement by the Commission;
 - 4) To promptly refer all charter amendment proposals and other matters to the full Commission or to the appropriate standing committee, subject to appeal;
 - 5) To appoint members of committees in accordance with Rule 5;
 - 6) To preside at all permitted executive sessions of the Commission;
 - 7) To direct the preparation of the agenda for meetings of the Commission and to have the agenda posted and filed with the Office of the County Clerk in accordance with Section 92-7, Hawaii Revised Statutes;
 - 8) To consult with the staff of the Commission and preside over staff meetings;
 - 9) To provide for the coordination of all administrative activities of the Commission and to see that they are honestly, efficiently, and lawfully conducted;

- 10) To serve as the chief spokesperson for the Commission before the public, the media, the State and federal governments, the County Council and the County Administration; and
 - 11) To perform such other duties as may be required by law or as may properly pertain to the office.
- c. It shall be the duty of the Vice Chair of the Commission:
- 1) To exercise all the duties and powers of the Chair in the Chair's absence;
 - 2) To assist the Chair as needed; and
 - 3) To perform such other duties as are prescribed by law or assigned by the Commission.
- d. It shall be the duty of the staff secretary to the Commission to:
- 1) Prepare the agenda for meetings of the Commission at the direction of the Chair and transmit the agenda to the Office of the County Clerk for posting in accordance with HRS Section 92-7;
 - 2) Maintain a record of the agendas of the Commission and of its Committees;
 - 3) Prepare accurate minutes of the meetings of the Commission and the Commission's standing committees, and maintain files thereof, all in accordance with Section 92-9, Hawaii Revised Statutes;
 - 4) Maintain a file of written disclosures made by Commission members pursuant to Rule 10;
 - 5) To number and maintain a record of all written charter amendment proposals, communications, testimonies and petitions brought before the Commission;

- 6) To maintain a current copy of the Rules of the Commission;
 - 7) To maintain files containing all other written records of the Commission, including any contracts of the Commission;
 - 8) As may be necessary and at the direction of the Chair or Commission, to receive and draft correspondence on behalf of the Commission;
 - 9) To transmit the records of the Commission kept by the staff secretary to the County Clerk or other archive designated by the County Attorney after the work of the Commission has been completed; and
 - 10) To perform such other duties as are prescribed by law or assigned by the Commission.
- e. Any officer may delegate, by administrative directive, any of the administrative duties assigned to the officer under these rules to another Commission member or to a member of the Commission staff, provided that the officer shall take reasonable measures to ensure that any delegated duties are being faithfully performed.

RULE 9. PARLIAMENTARY AUTHORITY

Meetings shall be conducted in accordance with the procedures established in these Rules. On all matters of procedure not addressed in these Rules, the Commission may refer to *Robert's Rules of Order, Newly Revised (10th Edition)*, for guidance in developing procedures for the conduct of Commission meetings.

RULE 10. DISCLOSURE OF INTEREST

Written Disclosure. Whenever a member of the Commission possesses or acquires such interests as might reasonably tend to create a conflict with the public interest, the member shall make full disclosure in writing to the Commission. Such disclosures shall be a matter of public record and filed with the staff secretary.

RULE 11. SUSPENSION OF THE RULES

Unless superseded or prohibited by state or county law, these Rules may be suspended by the affirmative vote of a majority of the entire membership of the Commission.

RULE 12. AMENDMENT AND REPEAL OF RULES

Subject to applicable law including, but not limited to, Haw. Rev. Stat. chapter 91, these Rules may be amended or repealed upon the affirmative vote of a majority of the entire membership of the Commission.

**CHARTER COMMISSION
COUNTY OF KAUA'I, HAWAII**

(s) Jonathan Chun
Chairperson

APPROVED AS TO FORM
AND LEGALITY:

(s) Rosa Flores
County Attorney

Received this 22nd day of
October, 2007

Approved this 22nd day of
October, 2007

(s) Peter Nakamura
Peter Nakamura
County Clerk, County of Kauai

(s) Bryan J. Baptiste
Bryan J. Baptiste
Mayor, County of Kauai

CERTIFICATION

I hereby certify that the Charter Commission of the County of Kauai adopted the foregoing administrative rules of the Charter Commission on October 26, 2005, under authority of chapter 91, Haw. Rev. Stat., as amended, and that the provisions of Sec. 91-3, Haw. Rev. Stat., as amended, have been satisfied, including the holding of a public hearing on August 3, 2005, and the giving of proper notice for the public hearing, which notice was advertised in The Garden Island on July 3, 2005 and July 6, 2005.

Dated at Lihue, Kauai, this 22nd day of October, 2007.

(s) Barbara Davis

Secretary

CHARTER COMMISSION

CERTIFICATION OF COUNTY CLERK

I hereby certify that on October 22, 2007, I accepted for filing from the Charter Commission of the County of Kaua'i the foregoing rules of the Charter Commission adopted on October 26, 2005.

(s) Peter Nakamura

Peter Nakamura, County Clerk, County of Kauai