

RULES OF THE 2015-2016 HONOLULU CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

RULE 1. QUORUM

The quorum required for the Commission to hold meetings shall be seven, a majority of all of the Commission members.

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 members present at any meeting. Voting on the initial review of proposed Charter amendments for further consideration shall be considered a procedural matter under this Rule;
- b. Matters of substance, including all votes other than the initial vote on any proposed Charter amendments, shall require the approval of seven members of the Commission. Proposed Charter changes require a minimum of two reviews, adoption or approvals of the Commission as set forth in Rule 4 before inclusion on the general election ballot;
- 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; and
- e. Voting shall be by show of hands. A roll call vote shall be required when requested by at least three members.

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

A Charter amendment proposal shall be prepared on the form attached as Exhibit A and shall include the following information:

- a. A brief description of the proposed Charter amendment, purpose of the proposed Charter amendment, issue or problem to be addressed by the proposal; and how the proposal would address the issue or problem;
- b. If applicable, the citation of the Charter provision 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 each relevant provision or law 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 Ramseyer format.

RULE 3a. PROPOSED AMENDMENTS TO THE CHARTER; TIMING OF ACCEPTANCE OF PROPOSALS

The Commission wishes to obtain input and ideas from the public and all interested parties, and therefore shall establish an open period for acceptance of proposed amendments from the general public, agencies and any other parties, in the form set forth in Rule 3 above. To ensure ample time to consider all proposed amendments, proposed amendments must be submitted to the Commission by October 31, 2015. Notwithstanding the foregoing, proposals may be submitted by any Commissioner after October 31, 2015, and such proposals may be considered by the Commission upon approval by a majority of Commissioners.

RULE 3b. PROPOSED AMENDMENTS TO THE CHARTER; PROPOSALS SUBMITTED BY COMMISSIONERS

Charter amendment proposals submitted by Commissioners shall include the name of the Commissioner submitting the proposal. Commissioners who have submitted Charter amendment proposals prior to the adoption of this Rule 3b without the inclusion of their name, shall disclose their identity as the submitter of the proposal at or before the first Commission meeting when their proposal is on the meeting agenda of the Commission.

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 each proposal for the amendment of the Charter for consideration by the Commission;
- b. Upon adoption or approval of one or more proposals by the Commission, each proposal shall be referred to the Committee on Style;
- c. Consideration and report on every proposal by the Committee on Style to the Commission;
- d. Consideration of the report of the Committee on Style by the Commission;
- e. Upon adoption or approval of the report of the Committee on Style, the Commission shall refer each proposal to legal counsel for recommendations regarding the legality and compliance with statutes and superior laws and may refer any proposal to appropriate agencies,

organizations, or persons for recommendations regarding the proposed amendment;

- f. Upon receipt of the recommendations of legal counsel and any recommendations of the appropriate agencies, organizations, or persons to which any proposal has been referred, the Commission may reconsider the proposal and make such substantive or legal changes to the proposal as it deems necessary;
- g. Upon reconsideration and/or adoption or approval of substantive or legal changes, or both, to any proposal by the Commission, the proposal shall be referred to the Committee on Style for further consideration, report on the final and proper arrangement and order of the proposed amendments, or both;
- h. After all proposals to amend the Charter have been disposed of, the Commission shall review all proposals that have been tentatively approved. The Commission shall consider each proposal on its merits paying attention to the manner in which each proposal relates to the Charter as a whole; and
- i. After all proposals have been finally reviewed, those that are approved shall be submitted to the Committee on Submission and Information. The Committee on Submission and Information shall be responsible for proposing the form in which the proposed amendments are submitted to the electorate, provided that the Committee shall not be authorized to propose that the electorate must approve the amendments as one package. The Committee 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 standing committees of the Commission shall be the:
 - 1. Committee on Rules;
 - 2. Committee on Style;
 - 3. Committee on Submission and Information;
 - 4. Committee on Budget; and
 - 5. Committee on Personnel.

The members of the standing committees shall be appointed by the Chair.

- b. The Commission may create special committees as it deems necessary. The members of the special committees shall be appointed by the Chair.

RULE 6. FUNCTIONS AND DUTIES OF THE STANDING COMMITTEES

- a. The Committee on Rules shall consider and report on changes in the rules of the Commission and changes in its organization as referred to it by the Commission from time to time.
- b. The Committee on Style shall:
 - 1. Examine and correct the proposals which are referred to it and the statement of intent or purpose accompanying each proposal for the purpose of avoiding inaccuracies, repetitions, and inconsistencies;
 - 2. Draft in the same style as required for specifically worded proposals, in Ramseyer format, the correct and appropriate charter language for ideas or conceptual proposals which are referred to it;
 - 3. Arrange the proposed amendments in the proper order in the Charter; and
 - 4. Report thereon to the Commission.

The Committee on Style shall have the authority to rephrase or reword, but shall have no authority to change the sense or purpose of any proposal or any statement of intent or purpose referred to it.

Where a proposal referred to the Committee on Style appears inconsistent with or in conflict with a proposal already acted upon favorably by the Commission, the Committee shall so notify the Commission and wait for further instruction.

- c. The Committee on Submission and Information shall:
 - 1. Consider and report to the Commission for its approval the method and manner of submitting the language of the proposed amendments to the Charter to the people;
 - 2. Prepare and present to the Commission for its approval the plan or method of informing the people the effects of adoption of the proposed amendments;
 - 3. Prepare and present to the Commission for its approval a report to the people outlining the results of the Commission's work;
 - 4. Make recommendations to the Commission on the Commission's calendar; and

5. Perform other duties and prepare other reports as may be required by the instructions of the Commission.
- d. The Committee on Budget shall:
1. Prepare and present to the Commission for its approval a budget for the Commission for each fiscal year;
 2. Provide advice on fiscal matters, as requested, to the Chair and members of the Commission; and
 3. Perform other duties assigned to it by the Commission.
- e. The Committee on Personnel shall:
1. Make recommendations to the Commission regarding the staffing needs of the Commission, including the recommended salary ranges for staff positions, subject to appropriation;
 2. Assist the Commission, to the extent requested, in the solicitation of qualified applicants, and in the review of qualifications of applicants, for Commission staff positions;
 3. Provide, as requested by the Commission, evaluations of Commission staff, and recommendations on any personnel actions, including salary adjustments, proposed to be taken by the Commission regarding its staff; and
 4. Perform other duties as may be assigned to it by the Commission.

RULE 7. FUNCTIONS AND DUTIES OF THE SPECIAL COMMITTEES

A special committee of the Commission shall perform functions and duties as required by the instructions of the Commission.

RULE 8. TESTIMONY BY MEMBERS OF THE PUBLIC

- a. Members of the public may address comments to the Commission on matters relevant to the Commission's review of the Charter. Whether comments are relevant shall be determined by the Chair.
- b. At the Commission's regular meetings, testimony from members of the public shall be limited to three minutes but such time limit shall not include pertinent responses by the testifier to questions posed by the members of the Commission. Testifiers shall be requested to submit two written copies of their testimony to the Commission but the failure to provide written testimony shall not bar a person from speaking. A testifier's time may be limited to one minute if, in the discretion of the Chair, such limitation is necessary to accommodate all persons desiring to address the Commission at that meeting.

- c. Notwithstanding the above, at the Commission's public outreach meetings, testimony may be limited at the Chair's discretion to two minutes. Those members of the public desiring to address testimony to the Commission shall register with the staff at the beginning of the meeting.

RULE 9. OFFICERS 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 to:
 - 1. Preside at all meetings of the Commission;
 - 2. Receive all communications and present them promptly to the Commission;
 - 3. Authenticate by signature all acts of the Commission as required by law and to sign all instruments requiring execution or agreement by the Commission;
 - 4. Promptly refer all Charter amendment proposals and other matters to the full Commission or to the appropriate committee or committees, subject to appeal. A list of all referrals and any subsequent changes in referrals shall be filed with the staff and be available for public review;
 - 5. Appoint members of committees in accordance with Rule 5;
 - 6. Preside at all permitted executive sessions of the Commission;
 - 7. Direct the preparation of the agenda for meetings of the Commission and have the agenda posted and filed with the Office of the City Clerk in accordance with Section 92-7, Hawaii Revised Statutes;
 - 8. Supervise the staff of the Commission and preside over staff meetings;
 - 9. Provide for the coordination of all administrative activities of the Commission and to see that they are honestly, efficiently, and lawfully conducted;
 - 10. Serve as the chief spokesperson for the Commission before the public, media, the State and federal governments, the City Council, and the City Administration;
 - 11. Appoint the Commission's Parliamentarian;

12. Prepare the agenda for meetings of the Commission and transmit the agenda to the Office of the City Clerk for posting in accordance with Section 92-7, Hawaii Revised Statutes; and
 13. Perform other duties as required by law or as properly pertain to the office.
- c. It shall be the duty of the Vice Chair of the Commission to:
1. Exercise all the duties and powers of the Chair in the Chair's absence;
 2. Assist the Chair as needed; and
 3. Perform other duties as prescribed by law or assigned by the Commission.
- d. The Chair or Vice Chair 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 or staff shall take reasonable measures to ensure that any delegated duties are being faithfully performed.

RULE 10. PARLIAMENTARIAN

The Chair of the Commission shall appoint a Parliamentarian. A member serving as Parliamentarian retains all Charter Commission debate and voting privileges. It shall be the duty of the Parliamentarian to:

- a. Advise the Chair on matters of parliamentary procedures and the Commission's Rules; and
- b. Perform any other duties assigned to the Parliamentarian by the Chair or the Chair Pro Tempore.

RULE 11. 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 (11th Edition)* for guidance in developing procedures for the conduct of the Commission meetings.

RULE 12. CHARTER COMMISSION CONFLICT OF INTEREST POLICY

Commissioners are committed to act with the highest integrity. From time-to-time, Commissioners may have a conflict of interest between their official duties and a private interest. Commissioners pledge to identify any real or perceived conflicts of interest at any time such conflict becomes apparent. Commissioners further pledge to assure that these real or perceived conflicts of interest are fully

and publicly disclosed to the rest of the Commissioners, and to take the appropriate action if any.

Although it is impossible to identify all potential conflicts of interest, examples may include:

- a. Having an ownership or financial interest in a matter before the Commission;
- b. Holding a fiduciary position (including officerships, directorships or trusteeships) in an organization (whether operated for profit or not) which the Commission is considering; or
- c. Representing an organization which the Commission is considering.

RULE 13. SUSPENSION OF THE RULES

Unless superseded or prohibited by state or city law, these Rules may be suspended by the affirmative vote of at least nine Commissioners.