

RULES OF THE HAWAII COUNTY  
COST OF GOVERNMENT COMMISSION

1. OFFICERS

Officers to consist of a Chairperson and a Vice-Chairperson elected from the membership.

2. DUTIES AND POWERS OF THE CHAIRPERSON

- (1) Preside at each meeting.
- (2) Preside at public hearings.
- (3) Sign and certify to all official acts of the Commission.

3. DUTIES AND POWERS OF THE VICE-CHAIRPERSON

The Vice-Chairperson shall perform the duties of the Chairperson in the absence or inability of the Chairperson to act.

4. MEETINGS

- (1) Regular meetings of the Commission will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of each month at the Hawai'i County Council Room or other public place.
- (2) Special meetings of the Commission may be called by the presiding officer of the Commission.
- (3) Agenda for meetings shall be established in advance at prior meetings by the Commission. The Chairperson may add items to the agenda prior to the filing of public notice.

5. NOTICE

- (1) The Commission shall give written public notice of any regular or special meeting which shall include an agenda listing all items to be considered at the meeting, and the date, time, and place of the meeting. The notice shall be filed in the Office of the County Clerk for public inspection at least six calendar days before the meeting and shall also be posted at the site of the meeting whenever feasible. Should the written notice be untimely filed, the meeting shall be canceled, a notice canceling the meeting shall be posted at the place of the meeting, and no meeting shall be held.

- (2) In addition to the notice provide for in (a), notice of any special meeting shall be published in two newspapers of general circulation in the County at least twenty-four hours in advance of the meeting, unless the date, time, and place of the special meeting was announced prior to the adjournment of a regular meeting. Notice of any special meeting shall be conspicuously posted on the bulletin board of the Hawaii County Building. A brief resume of the principal business to be taken up at such meeting shall be stated in the posted notice as well as in the notice released to the news media.
- (3) The Commission shall not add items to the agenda, once filed, without six affirmative votes; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the Commission will affect a significant number of persons.
- (4) The Commission shall maintain a list of names and addresses of persons who request notification of meetings and shall mail a copy of the notice to such persons at their last recorded address no later than the time the agenda is filed.

6. QUORUM AND TRANSACTION OF BUSINESS

Five members shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those members present shall be necessary to take any action.

7. PUBLIC STATEMENTS

- (1) Public participation shall be encouraged. The Commission shall afford all interested persons an opportunity to submit data, views, or written testimony on any agenda item.
- (2) The Commission shall afford all interested persons an opportunity to present oral testimony on any agenda item. The presiding officer may limit the length of any person's testimony as long as each speaker is accorded a minimum of three minutes. The presiding officer may also give members of the public the opportunity to make comments at the beginning of the meeting if it would be inconvenient for them to wait for the agenda item to come up.

8. PUBLIC INFORMATION

- (1) The Commission shall make every effort to put as much information about its activities, including its rules, minutes, agenda, correspondence, and reports on a website.

- (2) Any person may obtain information, or make submittals or requests for information by writing to the Managing Director, 25 Aupuni Street, Hilo, HI 96720.

## 9. MINUTES

- (1) The Commission shall keep written minutes of all meetings. Neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed and the views of the participants. The minutes shall include, but need not be limited to:
  - (1) The date, time and place of the meeting;
  - (2) The members of the Commission recorded as either present or absent;
  - (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and
  - (4) Any other information that any member of the Commission requests be included or reflected in the minutes.
- (2) The minutes shall be public records and shall be available within thirty days after the meeting except where such disclosure would be inconsistent with Section 92-5, Hawaii Revised Statutes, or Section 13-20 of the County of Hawaii Charter; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meetings, but no longer.

## 10. RULE MAKING PROCEDURES

- (1) Initiation of Rule Making Proceedings.
  - (1) The Commission may, at any time, initiate proceedings for the adoption, amendment, or repeal of any rule of the Commission. Procedures to be followed in rule making shall be as set forth in these rules.
  - (2) Any interested person or agency may petition the Commission for the adoption, amendment, or repeal of any rule of the Commission. Such petitions shall contain:
    - (1) The name, address, telephone number, if available, and signature of the petitioner;

- (2) A draft or the substance of the proposed rule or amendment or a designation of the provisions, the repeal of which is desired; and
  - (3) A statement of the reasons in support of the proposed rule, amendment, or repeal.
- (3) The petition shall be submitted by writing to the Managing Director, 25 Aupuni Street, Hilo, HI 96720.
  - (4) The Commission shall, within thirty days after the filing of a petition for rule making, either deny the petition or initiate public rule making proceedings.
  - (5) Any petition that fails in material respect to comply with the requirements of this section or that fails to disclose sufficient reasons to justify the institution of rule making proceedings shall be denied by the Commission.
  - (6) The Commission shall notify the petitioner in writing of such denial, stating the reasons thereof. Denial of the petition shall not operate to prevent the Commission from acting, on its own motion, on any matter disclosed in the petition.
  - (7) If the Commission determines that the petition is in order and that it disclosed sufficient reasons in support of the proposed rule making proceedings, the Commission shall conduct rule making proceedings in accordance with section 2 of this rule.

2. Notice of Public Hearing.

- (1) When, pursuant to a petition therefor or upon its own initiation, the Commission proposes to adopt, amend, or repeal a rule, the Commission shall give at least 30 days notice for a public hearing. The notice shall be published at least thirty days prior to the date set for the public hearing.
- (2) The notice of the proposed adoption, amendment, or repeal of a rule shall include:
  - (1) a statement of the topic of the proposed rule to be adopted, amended, or repealed or a general description of the subjects involved;
  - (2) a statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed to any interested person who

requests a copy, pays the required fees for the copy and postage, if any, together with a description of where and how the requests may be made;

(3) a statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be reviewed in person; and;

(4) the date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal.

(3) The notice shall be mailed to all persons who have made a timely written request of the Commission for advance notice of its rule making proceedings.

3. Conduct of Public Hearing.

(1) The public hearing for the adoption, amendment, or repeal of any rule shall be heard before the Commission. The hearing shall be conducted in such a way as to afford all interested persons a reasonable opportunity to offer testimony with respect to the matters specified in the notice of hearing and so as to obtain a clear and orderly record.

(2) Any interested person will be afforded an opportunity to submit data, views, or arguments, orally or in writing, that are relevant to the matters specified in the notice of hearing. The period for filing written comments or recommendations shall not extend beyond the hearing date, unless specified by the Commission.

(3) In every matter requiring a public hearing, the presiding officer shall take public testimony at some point during the hearing. The presiding officer may limit the length of any person's testimony as long as each speaker is accorded a minimum of three minutes. The presiding officer may limit testimony which is unduly repetitious or lengthy.

(4) Unless otherwise specifically ordered by the Commission, testimony given at the public hearing need not be reported verbatim. All supporting written statement, maps, charts, tabulations, or similar data offered at the hearing, and which are deemed by the Commission to be authentic and relevant, shall be received and made a part of the record.

4. Action.

The Commission shall consider all relevant comments and material on record before taking final action in a rule making proceeding. The Commission may make its decision at the public hearing or announce the date it intends to make its decision. If requested by an interested person, the Commission shall issue a concise statement of the principal reasons for and against its determination.

5. Filing of Rules.

The Commission, upon adopting, amending, or repealing a rule and upon the approval by the Mayor, shall file certified copies of the rule with the County Clerk.

6. Taking Effect of Rules.

Each rule adopted, amended, or repealed shall become effective ten days after filing with the County Clerk. If a later effective date is required by statute or specified in the rule, the later date shall be the effective date.

7. Publication of Rules.

The Commission shall, as soon as practicable, compile, index, and publish all rules adopted by the Commission and remaining in effect.

11. AUTHORITY

All meetings and other actions of the Commission shall be governed by Chapters 91 and 92 of Hawai'i Revised Statutes, the Hawai'i County Charter, and all other applicable state and county laws. The rules of parliamentary authority where not inconsistent with the rules adopted shall be Robert's Rules of Order, Revised.

12. SEVERABILITY

If any provision of these rules and regulations or its application to any person or circumstance is held to be unconstitutional or invalid, the remaining portion of these rules and regulations shall not be affected and to this end, the various subjects are declared to be severable.

COST OF GOVERNMENT COMMISSION

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By: Joel Gimpel, Chairperson

ADOPTED ON: May 30, 2002

APPROVED:

\_\_\_\_\_  
HARRY KIM, Mayor

Date: \_\_\_\_\_

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

Date: \_\_\_\_\_

I hereby certify that the foregoing rules and regulations was received and filed in my office this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
AL KONISHI  
COUNTY CLERK

Rules of the Hawaii County Cost of Government Commission  
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