

SUMMARY OF PROPOSED FLOOR DRAFT

Resolution 13-262

AMENDING THE RULES OF THE COUNCIL RELATING TO WRITTEN TESTIMONY

The proposed FD1 amendment to Resolution 13-262 makes the following changes:

1. Changes the effective date to February 1, 2014.
2. Makes miscellaneous and nonsubstantive changes.



RESOLUTION

AMENDING THE RULES OF THE COUNCIL RELATING TO WRITTEN TESTIMONY.

WHEREAS, the State Office of Information Practices ("OIP") has applied Chapter 92, Part I, the State's "Sunshine Law" to the county councils as well as to State and county administrative boards and commissions; and

WHEREAS, Hawaii Revised Statutes §92-3, which is part of the State's "Sunshine Law," provides in part: "The boards shall afford all interested persons an opportunity to submit data, views, or arguments in writing, on any agenda item. The boards shall afford all interested persons an opportunity to present oral testimony on any agenda item. The boards may provide for reasonable administration of oral testimony by rule" [emphasis added]; and

WHEREAS, Council Rules permit any member of the public wishing to present written or oral testimony on an item on a Council or Council Committee agenda to do so; and

WHEREAS, it would be useful for Councilmembers to have Internet access to written testimonies on a measure in advance of the Council or Committee meeting at which the measure will be considered in order that they may be fully informed on the measure under consideration, and at the meeting, to follow up on submitted written testimony with questions on issues raised by or ambiguities in the testimony; and

WHEREAS, members of the public wishing to testify orally on a measure would benefit from having an opportunity to review written testimony submitted on the measure; and

WHEREAS, the Council wishes to amend Rule 5 of the Council Rules to promote the early submission of written testimony to the benefit of both the Council and the public; however, it is the Council's intent that any noncompliance with the rule amended by this resolution should not invalidate any duly adopted or enacted measure, and that the amended rule not preclude the Clerk from posting written testimonies in addition to or earlier than as required by this rule; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Rule 5 of the Rules of the Council shall be amended to read as follows:



RESOLUTION

"RULE NO. 5

CITY CLERK

- A. The clerk shall be appointed and serve the council in accordance with ROH Section 4-9.1 and Section 3-301, RCH.
- 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 twenty-four 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 twenty-four 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 pertains 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."

; and

BE IT FURTHER RESOLVED that in the foregoing "resolved" clause new rule language is underscored; and



RESOLUTION

BE IT FINALLY RESOLVED that this Resolution shall take effect on February 1, 2014.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

October 22, 2013
Honolulu, Hawaii

Councilmembers