



RESOLUTION

AMENDING THE RULES OF THE COUNCIL RELATING TO STANDING COMMITTEES.

WHEREAS, Council Rule 8, subsection 4, provides for those circumstances where certain members of a standing committee are absent and quorum is lacking; and

WHEREAS, this rule currently allows the chair, vice chair, or floor leader of the council to serve as an ex officio nonvoting member of such a committee; and

WHEREAS, the council has received, via the corporation counsel, a letter from the Office of Information Practices dated July 24, 2006 which states that under the "sunshine law," a board cannot take public testimony, discuss, or decide any matter once quorum is lacking; and

WHEREAS, the council wishes to amend the rule to enable any member to temporarily serve on such a committee when quorum is lacking and clarify other issues; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Rule 8 of the Rules of the City Council of the City and County of Honolulu ("Standing Committees") is amended by amending subsection 4 and adding two new subsections to read as follows:

- "4. [The presiding officer of the council shall serve as an ex officio nonvoting member of each of the standing committees of which the presiding officer is not a member. The ex officio nonvoting member shall serve as a regular voting member in the event a quorum is lacking and may vote to break a tie vote. In the absence of the presiding officer, or if the presiding officer is a regular member of the standing committee, the vice-chair of the council, if not already on the standing committee, shall serve as the ex officio member of the standing committee.

When:

- (a) The presiding officer and vice-chair are both absent or both members of the standing committee; or
- (b) Either the presiding officer or vice-chair is absent and the other is a regular member of the standing committee;



RESOLUTION

the floor leader, if not already on the standing committee, shall serve as the ex officio member for purposes of establishing a quorum, but not to break a tie vote. In no event shall the ex officio member be counted in establishing the number of members to which the committee is entitled.]

In the event a quorum is lacking for a meeting of any standing committee, the person presiding over the meeting may designate a councilmember not a member of that standing committee to serve as a temporary 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) Presiding officer of the council
- (2) Vice-chair of the council
- (3) Floor leader of the council
- (4) Any other member of the council.

Only one temporary member at a time may be designated at any meeting. 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 regular member of the committee who was previously absent.

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

BE IT FURTHER RESOLVED that, in the foregoing clauses, new rule language is underscored and rule language to be deleted is bracketed; and



RESOLUTION

BE IT FINALLY RESOLVED that this Resolution shall take effect upon its approval.

INTRODUCED BY:

Bernice Marshall
~~*[Signature]*~~
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DATE OF INTRODUCTION:

JAN 09 2007
Honolulu, Hawaii

Councilmembers

(OCS/010307/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 07-012

Introduced: 01/09/07 By: BARBARA MARSHALL

Committee: EXECUTIVE MATTERS

Title: RESOLUTION AMENDING THE RULES OF THE COUNCIL RELATING TO STANDING COMMITTEES.

Links: [RES07-012](#)

EXECUTIVE MATTERS	02/07/07	CR-40 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
COUNCIL	02/21/07	RESOLUTION AND CR-40 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

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.



DENISE C. DE COSTA, CITY CLERK



BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER