

EXHIBIT 1
Rules of Procedure

2011 HAWAII COUNTY REDISTRICTING COMMISSION

RULES OF PROCEDURE

I. MEETINGS AND QUORUM

- a. Regular Meetings. Unless otherwise designated in advance, the date, time and place of regular meetings will be determined by a majority of the Commission members.
- b. Meeting Location. Meetings will be held at the Hawaii County Council Chambers, 25 Aupuni Street, Hilo, Hawaii 96720, or at the Hawaii County Council Chambers at the West Hawaii Civic Center, 75-5044 Ane Keohokālole Highway, Building A, Kailua-Kona, Hawaii 96740, or such other location as the Commission may designate in advance. Videoconferencing may be utilized, subject to availability and applicable laws.
- c. Special Meetings. Special meetings may be called by the Chairperson or by a majority of the Commission.
 - i) The time, date, and place of such special meeting shall be announced prior to adjournment of a regular meeting. If the Commission is unable to announce a special meeting prior to the adjournment of a regular meeting, written notice must be filed in accordance with HRS § 92-7 and § 13-20(c) of the Hawaii County Charter.
- d. Executive Meetings. The Commission may hold a meeting closed to the public for one or more of the purposes set forth in HRS § 92-5, or where personal matters affecting the privacy of an individual are to be considered and the individual involved requests a closed meeting to consider such matter; however, any resultant official action shall be acted upon in an open meeting in accordance with § 13-20(b) of the Hawaii County Charter. An affirmative vote of two-thirds of the members present is required to enter into executive session provided that the majority vote constitutes a majority of the members to which the board is entitled. The reason for holding a meeting closed to the public shall be recorded, and entered into the minutes of the meeting.
- e. Public Hearings. Prior to completing a draft Redistricting Plan, the Commission is required to conduct nine public hearings, one hearing in each of the nine Council Districts. Upon completion of a draft Redistricting Plan, the Commission shall hold at least one public hearing

in east Hawai'i and one in west Hawai'i. The Commission shall give public notice, in accordance with HRS § 92-7 and Section 13-20(c), Hawai'i County Code, to inform the public of the time, place and subject matter of the public hearing.

- f. Committee Meetings. Reserved.
- g. Quorum. The majority of the members to which the Commission is entitled shall constitute a quorum for the transaction of business. In the absence of a quorum, a meeting may not be convened except for the purpose of either recessing the meeting to another date, time, and specific location or publicly adjourning the meeting due to lack of quorum.

II. ATTENDANCE

All Commission members shall attend all meetings unless excused by the Chairperson. If a Commissioner wants to attend a meeting via videoconference pursuant to HRS § 92-3.5, a written request must be submitted to the Chairperson and approval obtained prior to the filing deadline of the agenda for that meeting.

III. OFFICERS AND THEIR DUTIES

- a. Officers. The officers of the Commission shall consist of a Chairperson, a Vice-Chairperson.
- b. Nomination and election of the Chairperson. As provided in Article XIII, Section 13-4(h), Hawai'i County Charter, a Chairperson of the Commission shall be elected from its membership annually. Any member of the Commission may be nominated as Chairperson and voted into the position at the first meeting of the Redistricting Commission by a majority of all members to which the Commission is entitled.
- c. Duties and Powers of the Chairperson. The Chairperson of the Commission shall be the presiding officer of the Commission and shall have the right to vote, debate, and make motions as other members. It shall be the duty of the chairperson to:
 - i. Maintain order and decorum and reasonably administer the receipt of oral and written testimony in accordance with these rules;
 - ii. Set the meeting agenda. Items requested in writing by Commission members to be placed on an agenda within two regularly scheduled; [Am. 04/10/09]
 - iii. Announce the business before the Commission in the order prescribed by these rules and announce the results of any Commission vote;

- iv. When necessary or required, to sign and certify all official acts of the Commission and all vouchers, purchase orders, etc., for payment of expenditures of the Commission;
 - v. To appoint committees, and consultants when authorized by the Commission, in accordance with applicable laws; and
 - vi. Serve as the chief spokesperson and representative for the Commission before the public and the County government. All official information shall be released through the Chairperson.
- d. Duties and Powers of the Vice-Chairperson. It shall be the duty of the Vice-Chairperson to:
- i. Exercise all duties and powers of the Chairperson in the Chairperson's absence;
 - ii. Assist the Chairperson as needed; and
 - iii. Perform other such duties as are prescribed by law or assigned by the Commission.

IV. NOTICE

- a. The Commission shall comply with all notice provisions of HRS § 92-7 and Hawaii County Charter § 13-20(c).
- b. Agenda Items Submitted by Commission Members. Commission members may request, in writing to the Chairperson, that a particular issue be placed on an upcoming agenda. All requests must be made at least 10 days in advance of the meeting date. Unless otherwise requested and appropriate, agenda items submitted under this section shall be placed under the agenda heading "Communications." [Am. 04/10/09]

V. COMMITTEES

- a. Reserved.

VI. VOTING

- a. Method of Voting. There shall be five methods of voting:
 - i. By voice;
 - ii. By raising of hands;
 - iii. By rising;
 - iv. By unanimous consent; and
 - v. By roll call.
- b. Voting Procedure. The method of voting shall be determined by the Chairperson of the Commission provided that if a vote is not unanimous,

the Chairperson shall announce the names of those members voting in the minority and those who are absent. If, however, a meeting is conducted via videoconference pursuant to HRS § 92-3.5, voting on non-procedural matters shall be conducted via roll call.

- c. Abstentions. No member shall refrain from voting unless excused by the Chairperson or is otherwise excused by law. Unless a member is excused from voting, silence shall be recorded as an affirmative.
- d. Rule of the Majority. Procedural matters, requests for information, and internal Commission matters shall require the approval of a majority vote of those present at any meeting. Voting on the submission of the final plan shall require the approval of six (6) members of the Commission.
- e. Reconsideration. A vote of the Commission may be reconsidered in accordance with Robert's Rules of Order, 10th Edition and applicable notice requirements.

VII. ORDER OF BUSINESS

- a. The order of business shall be as follows:
 - i. Roll Call;
 - ii. Introduction of Guests;
 - iii. Statements from the Public;
 - iv. Approval of Minutes;
 - v. Communications;
 - vi. Order of the Day;
 - vii. Unfinished Business;
 - viii. Reports;
 - ix. Referrals for Executive Session; and
 - x. Adjournment.
- b. Alterations to Order of Business. The order of business may be altered by the Chairperson or by majority vote of the Commission.

VIII. PUBLIC STATEMENTS AND TESTIMONY

- a. Written Testimony. Written testimonies shall be received for the record on any agenda item. If possible, fourteen (14) written copies of the testimony should be submitted for presentation to the Commission by 12:00 noon the previous business day of the meeting. Testimony received after 12:00 noon shall still be received for the record and will be presented to the Commission members as soon as practicable.

- b. Oral Testimony. Members of the public who wish to provide oral testimony shall abide by the following:
- i. Persons wishing to present oral testimony on any agenda item shall register with the secretary prior to the closing of statements from the public at the call of the Chairperson, indicating the item on which they wish to speak and their position, if any. Persons may provide their name, address, and organization they represent, if any;
 - ii. The Chairperson shall call the name of the person wishing to speak, and all persons shall speak before a microphone, and be informed that their statements will be recorded;
 - iii. Each person may speak for three (3) minutes for each agenda item that they wish to speak on. At the discretion of the Chairperson, any statements not relevant to an agenda item shall not be heard or considered;
 - iv. No person will be allowed to speak more than once on the same agenda item;
 - v. Any person wishing to speak on more than one agenda item shall register separately for each agenda item;
 - vi. All statements are to be made to the Commission in general, and not to any specific member;
 - vii. With the exception of public hearings, Commission members shall refrain from making comments or asking questions of testifiers during statements from the public;
 - viii. Written proposals regarding any alternate plans shall be submitted as provided for in Ordinance No. 11-29;
 - ix. Written statements on issues before the Commission may be deferred until such time as the subject matter referred to in the statement appears on the Commission's agenda. If deferred, the writer shall be informed when the issue will be on the agenda to allow the writer the opportunity to address the Commission and elaborate and/or provide clarity, should the writer so desire;
 - x. All members of the public shall extend proper courtesy and respect to one another and to all Commission members and staff. All persons shall be addressed by their surnames and no profanity or abusive remarks will be allowed at any time. Any person who is disrespectful to the Commission, staff or other members of the public through disorderly or contemptuous behavior, or who disrupts the exercise of any Commissioner's duty, may be removed from the meeting at the discretion of the Chairperson; and
 - xi. Any person who does not abide by these rules may be ruled out of order by the Chairperson.

- c. No Diminished Responsibility. Nothing in this rule shall diminish the responsibility or the authority of the Chairperson to maintain order and decorum.

IX. REDISTRICTING PLAN

- a. Authority. The Redistricting Commission of the County of Hawai‘i shall comply with the provisions of the following:
 - i. Section 3-17 of the Hawai‘i County Charter;
 - ii. The provisions of Ordinance No. 11-29, an Ordinance Establishing a Chapter Relating to Redistricting. “Chapter ____ Redistricting.”;
 - iii. All applicable Constitutional provisions and laws of the State of Hawai‘i; and
 - iv. All applicable Constitutional provisions and laws of the United State of America.
- b. Deadlines. In order to ensure ample time to consider proposed redistricting plans, to consider alternate plans, and to ensure for public hearings as required under the Charter of the County of Hawai‘i, time for the consideration of Alternate Plans as set forth in Hawai‘i County Ordinance No. 11-29, and the preparation and transmission of the written report transmitting the Final Redistricting Plan to the Clerk of the County of Hawai‘i, the draft of the Final Redistricting Plan shall be completed by _____.
- c. Draft Final Plan. Upon completion of the draft Redistricting Plan, the Commission shall conduct two public hearings, one in west Hawai‘i and one in East Hawai‘i.
- d. Final Redistricting Plan. The Final Redistricting Plan and report shall be submitted to the Clerk of the County of Hawai‘i no later than December 31, 2011.

X. ORDER AND DECORUM

- a. A Commissioner must be recognized by the Chairperson before speaking. The member shall address the Chairperson when recognized and shall confine discussion to the question under debate and avoid personalities.
- b. Any Commissioner who arrives late at a hearing or meeting shall refrain from taking the Commission’s time with questions and inquiries on matters already discussed.

- c. If any Commissioner behaves in a disorderly or contemptuous manner during any session of the Commission or its Committees, the Chairperson shall order such member to cease and shall preserve the peace. If the Commissioner persists, the Chairperson shall order the offending Commissioner removed from the meeting, and that Commissioner shall not be permitted to be seated during the remainder of the session, except upon approval of the Chairperson or by majority vote of the Commission.
- d. All Commissioners shall extend proper courtesy and respect to one another and to all persons speaking before the Commission. No profanity or abusive remarks shall be allowed at any time in any meeting.
- e. All persons shall be addressed by their surnames.

XI. PARLIAMENTARY AUTHORITY

Robert's Rules of Order. The rules of parliamentary authority, where not inconsistent with these rules, shall be Robert's Rules of Order Newly Revised, 10th Edition.

XII. EXPENSES

Authorization. No member of the Commission shall incur any expense in which the member intends to seek reimbursement from the Commission except with the consent of the Chairperson.

XIII. PUBLIC ACCESS

Documents and Information. Any person may obtain information, or submit requests for records by contacting the secretary to the Commission subject to applicable laws. Copies of all official minutes, documents, agenda, procedures, statements, or decisions shall be available from the secretary at such costs as may be authorized by law. All official documents, agenda, procedures, statements or decisions shall also be placed on the County of Hawai'i website: co.hawaii.hi.us.

XIV. MINUTES

- a. Generally. 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:
 - i. The date, time, and place of the meeting;

- ii. The members of the Commission recorded as either present or absent;
 - iii. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of any votes taken; and
 - iv. Any other information that any member of the Commission requests be included or reflected in the minutes.
- b. Availability. The minutes shall be public records and shall be available within thirty (30) days after the meeting except where such disclosure would be inconsistent with Section 92-5, Hawai‘i Revised Statutes, or Section 13-20 of the Hawai‘i County Charter. Minutes of executive meetings may be withheld only as long as their publication would defeat the lawful purpose of the executive meeting.

XV. ATTORNEY AND SECRETARY TO THE COMMISSION

- a. Attorney. The attorney for the Commission shall be appointed by the Office of the Corporation Counsel, subject to confirmation by majority vote of the entire membership of the Commission. All requests for legal opinions shall be made through the Chairperson after discussion of the matter at a properly noticed meeting. All legal opinions will be distributed to the entire Commission and are subject to the attorney-client privilege. The duties of the attorney are as follows:
- i. Attend all meetings of the Commission and its Committees;
 - ii. Ensure compliance with all applicable open meeting laws, rules, and procedural requirements;
 - iii. Provide legal research and opinions to the Commission; and
 - iv. Other duties as required.
- b. Secretary. The secretary to the Commission shall be designated by the County Clerk of the County of Hawai‘i, subject to confirmation by majority vote of the entire membership of the Commission. All assignments for the secretary shall be made through the Chairperson. The duties of the secretary are as follows:
- i. Take and transcribe all notes and minutes of the Commission and Committee meetings;
 - ii. Prepare and post the meeting agenda;
 - iii. Securing and preparing the meeting location;
 - iv. Receive and distribute public testimony;
 - v. Set-up and break-down video-conferencing equipment when required; and
 - vi. Other duties as assigned.

XVI. AMENDMENTS AND REVISIONS TO THE RULES OF PROCEDURE

- a. Amendments. These rules may be amended at a regular meeting of the Commission by an affirmative majority vote of the entire membership of the Commission, provided that at least six (6) days advance notice of such amendment(s) and meeting are first given to each member.
- b. Revisions. Whenever changes to the rules are so extensive and general that they are scattered throughout the rules such that an entirely new set of rules, called a revision, is necessary, then such revision shall require the adoption by a two-thirds affirmative vote of the entire membership of the Commission. The notice requirement shall be the same as those for amendments.

XVII. SEVERABILITY

In the event any rule contained herein is in conflict with the provisions of the U.S. Constitution, Hawai'i State Constitution, Hawai'i Revised Statutes, Hawai'i County Charter, or the Hawai'i County Code, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein that can otherwise be given effect without the invalid rule, and to this end these rules are severable.

These Rules of Procedure of the County Redistricting Commission were adopted by the 2011 County Redistricting Commission on April 25, 2011.

Chairperson, County Redistricting Commission

Secretary to the Redistricting Commission

Attorney to the County Redistricting Commission