

Aloha New Action Committee Members,

We would like to welcome you to the South Kohala Community Development Plan (SKCDP) Action Committee (AC) and thank you for volunteering to help the South Kohala Community. As an AC member, you are tasked with helping to implement the South Kohala CDP. Moving forward, the decisions you make as an AC member should be grounded within the context of the SKCDP. We hope that this resource guide is helpful for quickly filtering through the expanse of materials we'll be sharing.

Authority - The County Charter, General Plan (GP), Community Development Plan (CDP), and Hawai'i County Code (HCC)

County Charter

Effective on January 2, 1969, the County Charter serves as the “constitution” of the government of the County of Hawai'i and provides the basic framework for its organization and operation. Section 3-15 requires the County Council to adopt by ordinance a general plan which shall set forth the council's policy for long-range comprehensive physical development of the county.

General Plan (GP)

The County of Hawai'i General Plan is the blueprint that guides the long-term development of Hawai'i Island. It considers the needs of the entire island and provides a sound growth strategy that directs future opportunities related to land use, zoning amendments, and capital expenditures. The GP strives to position Hawai'i Island for economic progress while preserving the environment and strengthening community foundations. Chapter 15 of the 2005 General Plan established a process—the Community Development Plan (CDP) program—to translate island-wide goals and priorities put forth in the General Plan into action-items that could be executed on a district level. The CDP program has been a forum for communities across Hawai'i Island to express their views related to planning the future of their immediate area.

Community Development Plan (CDP)

The purpose of a CDP is to implement the broad goals within the General Plan on a regional basis and translate the broad General Plan statements to specific actions. CDPs are the forum for community input into coordinating the delivery of government services to the community. Please note that a plan, like a CDP, is a guide to future actions. A plan exists to create a long-range framework and direction for specific decisions. It is not self-implementing, and it is not the action itself. A CDP, for example, may direct that rezoning in the CDP area follow certain criteria, but it does not in itself rezone land.

Hawai'i County Code (HCC)

The SKCDP Action Committee derives its authority from Hawai'i County Code Chapter 16 which is available in your resource binder. Chapter 16 codifies the CDPs and details the requirements of the Action Committees and its members. Chapter 16 provides important information pertaining to the Action Committees and their roles and responsibilities. Please read Chapter 16, it is only a few pages long.

The South Kohala Community Development Plan (SKCDP)

You have received a copy of the South Kohala CDP and should familiarize yourself with it. We know that it will take some time to get familiar with the SKCDP, so please don't hesitate to reach out if you have questions.

The Action Committee

Committee's Composition

As defined in Chapter 16 of the HCC, each CDP has an Action Committee (AC) consisting of nine members. Each member is required to live in their respective CDP area and the committee should reflect a broad cross section of the community.

Membership Appointment and Seat Term

Members are appointed by the Mayor and confirmed/approved by the County Council to fill a "seat" on the Action Committee. Seats on an Action Committee are typically planned or organized in 4-year terms and in "blocks" of three. These blocks are "staggered" to maintain committee quorum and ensure that only three committee member's terms expire at the same time. Please note that a Committee Member may be appointed to a seat that has less than four years left in that block. That being said, a Committee Member may be asked to serve as a "holdover" until a new appointment is made for a seat. Members' terms are tracked by the CDP Team. For any questions on your particular seat and term, please contact us.

Committee's Role

The overarching role of an Action Committee is to be a proactive, community-based steward for implementation of their respective CDP. The Action Committee will provide ongoing feedback, advocacy, and action to advance implementation of the CDP goals and objectives and acts in an advisory capacity to the Planning Director.

Committee Member's Role

An important role of an Action Committee Member is community outreach or liaising. Participating in community organizations, groups, or events can help AC members broaden the community's awareness of the CDP and build partnerships that help to implement the CDP's goals, objectives, policies, and actions. If you feel that a particular community issue is relevant to the SKCDP and Action Committee, please feel free to ask the CDP Team or Committee Chair about it so discussion and consideration at a subsequent Action Committee meeting can take place. Please note that the Action Committee is not the forum for community complaints or personal agendas; but is a venue for community initiatives that are aligned with the SKCDP's goals and objectives.

The CDP Team's Role

The role of the CDP Team is to partner with the Action Committee, community, agencies, and organizations in the implementation of CDP goals and objectives. The CDP Team administers to the needs of the Action Committee in fulfilling their duties and responsibilities and serves as a planning resource. We are also "procedural and administrative leaders" that keep the Action Committee operating within State Law and County Regulations.

Please note, in order for the Action Committee to effectively operate within the parameters of Sunshine Law, it is important for Committee Members to be mindful of Action Committee deadlines and review communications. Please contact the CDP Team at any time if you are unclear about any communications or deadlines.

Meetings – Procedural Guidance

Robert’s Rules of Order

As for committee meetings, we follow a modified version of Robert’s Rules of Order. This protocol is intended to be a guide for conducting meetings and making decisions as a group. These rules help to define how a committee conducts committee business and also helps committee members understand the appropriate way to participate in a cooperative manner. We have located a series of videos that are available online. Please take some time to familiarize yourself with some of the basics but do not worry if you can’t remember all the rules because the SKCDP Chair and CDP Team will help you as necessary.

- Mastering the 3 most important motions - https://www.youtube.com/watch?v=eYwKX_P8YkU&list=PLk-ADWH1SPlgaaWScqkVTV2RRND2wA3MS&index=5
- How to Handle “Friendly Amendments” - <https://www.youtube.com/watch?v=CNxMz6dXKzw&index=6&list=PLk-ADWH1SPlgaaWScqkVTV2RRND2wA3MS>
- Effective Debating in Meetings - <https://www.youtube.com/watch?v=oluyFEaGnyM&index=9&list=PLk-ADWH1SPlgaaWScqkVTV2RRND2wA3MS>
- How to Use Point of Order - <https://www.youtube.com/watch?v=rGWTLLwLTDY&index=11&list=PLk-ADWH1SPlgaaWScqkVTV2RRND2wA3MS>

Sunshine Law

Since the AC is a County administered, advisory committee to the Planning Director, it becomes an “extension” of the Planning Department and is subject to the Sunshine Law. The Sunshine Law is Hawai’i’s open meeting law. It governs the manner in which all state and county boards must conduct their business. The Sunshine Law outlines requirements for committee and subcommittee meetings. It also dictates how committee members are allowed to interact with each other concerning committee business. The law is updated from time to time and the current version is included in your resource folder. The CDP Team will keep the AC apprised of any changes. In addition to the resource in your binder, we have provided some links to Sunshine Law videos below.

- Sunshine Law Training Resources - <https://oip.hawaii.gov/training/>
- Sunshine Law Test - https://www.gocongr.com/en-US/p/34761830?frame=true&link_uid=hc3COz0jRQNCQ4maDITbVQ

Ethics Guide

Chapter 2, Article 15 of the Hawai’i County Code established the Code of Ethics. The code provides standards of conduct which the Action Committee is subject to. Please take time to review the Ethics Guide provided in your resource binder.

Committee Information and Resources

Committee/Meeting Information and Notifications

Action Committee and CDP related information is disseminated in various ways.

To Action Committee Members:

The CDP Team will email AC members the meeting agenda and all other meeting materials about a week prior to the meeting when the agenda is published. Important notices, written public testimony, and other AC communications may be provided via email between meetings to Action Committee members. Email communications to and from Planning Staff could be to/from the individual Planner's or the CDP team's joint email address (see contact information below). We do our best to be available via phone and to drop in visits to the Hilo Planning Department office as well. If in doubt about how to contact us, don't overthink it! Our team works closely with each other and we will be sure that your question or comment gets to the right person. Any member that has limited capacity to receive emails should notify us to coordinate alternative ways of receiving meeting materials and other communications.

To the General Community:

Planning Staff provides CDP related information to the general public in various formats. We maintain an email list of interested community members, agencies, and organizations for all CDP related notifications. We also maintain CDP portion of the Planning Department website and strive to keep it updated with current information (see below).

SKCDP Website - <https://www.planning.hawaiicounty.gov/general-plan-community-planning/cdp/skohala>

The South Kohala CDP website is a great resource for information pertaining to the SKCDP and AC. It is also a great resource to learn about our other CDPs, the General Plan, and other related community planning projects.

Contact Information

We have a joint email address, if you send an email to this address it will reach our whole team:

cdp@hawaiiicounty.gov

You can also contact us individually

Thank you!

Thank you again for volunteering to be a part of the South Kohala Community Development Plan Action Committee. Please don't get overwhelmed with all the information you have been given. The SKCDP Chair, and the CDP Planning Team are here to help you as you start to develop a familiarity with the SKCDP and the Action Committee.

Thank you and welcome to the SKCDP Action Committee!

SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN (CDP) ACTION COMMITTEE (AC)

Updated: March 22, 2022

PURPOSE: The purpose of the CDP Action Committee is to be a proactive, community-based steward responsible for implementing resident-driven solutions from the Community Development Plan that positively transform the community in partnership with a network of businesses, non-profits, and community leaders.

AUTHORITY: Hawai'i County Code, [Chapter 16](#)

FULL MEMBERSHIP: Nine members

SPECIFIC REPRESENTATION: Primary residence must be in the Planning area of the CDP.

REQUIRED COMMITMENTS: Possess a deep love for their community; a passion for equity; and a motivation to work for the greater good of their community.

Commit to a term of up to four years; attend regular meetings; invest a minimum of 8 hours of work each month advancing CDP implementation; organize/attend public meetings, workshops, and trainings; identify capacity building needs and opportunities within community; and agree to follow rules and operating principles of the committee and the Planning Department.

Commit to intentionally and explicitly engaging all factions of the community equitably while working to develop partnerships with individuals, non-profits, businesses, and community groups/associations to implement grass roots actions; serve as a point of contact for CDP and AC initiatives; and transmit project updates and opportunities to community within the CDP region.

MEETINGS: Meetings are scheduled as required to address new and existing actions. Please visit <https://www.planning.hawaiicounty.gov/about-us/planning-department-calendar> for up-to-date meeting information.

REAPPOINTMENT: Reappointment shall be in compliance with Hawai'i County Code §16-5(b).

CURRENT MEMBERS:	<u>Seat #</u>	<u>Committee Member</u>	<u>Seat Term Expiration</u>
	1	LICOAN, Tristie [Holdover]*	2020-01-31
	2	SANBORN, William [Holdover]*	2020-01-31
	3	SMITH, Ruth Annette [Holdover]*	2020-01-31
	4	GORDON, Mark [Holdover]*	2021-01-31
	5	ALOS, Julia Ann [Holdover]*	2021-01-31
	6	McLAUGHLIN, Kevin [Holdover]*	2021-01-31
	7	NAGATA, Scott	2026-01-31
	8	HENDRICKS, Peter [Holdover]*	2022-01-31
	9	ANDERSON, Karen [Holdover]*	2022-01-31

*Holdover seats are eligible for replacement

CONTACT INFORMATION: cdp@hawaiicounty.gov; <https://www.planning.hawaiicounty.gov/home>

ATTORNEY ASSIGNED: Jean Campbell, Deputy Corporation Counsel

***Please note that the information on this sheet is condensed. For full information see appropriate Sections of the County Charter, County Code and/or Hawai'i Revised Statutes.**

CHAPTER 16

PLANNING

Article 1. General Plan.

Section 16-1. The County of Hawai'i general plan.

Article 2. Community Development Plans.

Section 16-2. Adoption of community development plans.

Section 16-3. Review and amendment.

Article 3. CDP Action Committees.

Section 16-4. CDP action committees.

Section 16-5. Membership and tenure.

Section 16-6. Duties and responsibilities of the CDP action committees.

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CHAPTER 16**PLANNING****Article 1. General Plan.****Section 16-1. The County of Hawai'i general plan.**

- (a) That certain planning code known and designated as “County of Hawai'i general plan,” as adopted on December 5, 1971, by the council of the County of Hawai'i, is hereby adopted by reference, subject to later amendments by ordinance, and may be cited as the “general plan.”
- (b) A copy of the general plan and amendments shall be available for public inspection at the planning department.

(1983 CC, c 16, sec 16-1; am 2006, ord 06-153, sec 1; am 2007, ord 07-70, secs 2, 3 and 4; am 2008, ord 08-98, sec 2; am 2009, ord 09-150, sec 2, ord 09-161, secs 1, 2, 3 and 4.)

Article 2. Community Development Plans.**Section 16-2. Adoption of community development plans.**

The community development plans listed below are adopted and incorporated by reference. A copy of the plans and amendments shall be available for public inspection at the planning department.

HĀMĀKUA. The document identified as “Hāmākua Community Development Plan” is adopted by reference, subject to later amendments by ordinance, and may be cited as the “Hāmākua CDP.” The planning area for the Hāmākua CDP encompasses the Judicial District of Hāmākua, North Hilo, and a portion of the South Hilo District in the County of Hawai'i.

KA'Ū. The document identified as “Ka'ū Community Development Plan” is adopted by reference, subject to later amendments by ordinance, and may be cited as the “Ka'ū CDP.” The planning area for the Ka'ū CDP encompasses most of Judicial District 9 in the County of Hawai'i. Eastern portions of the district near and including Volcano Village were included in the Puna CDP planning area and were, therefore, not incorporated into the Ka'ū CDP.

KONA. The document identified as “Mapping the Future: Kona Community Development Plan Volume 1” is adopted by reference subject to later amendments by ordinance, and may be cited as the “Kona CDP.” The planning area for the Kona CDP encompasses the judicial districts of North and South Kona.

NORTH KOHALA. The document identified as “North Kohala Community Development Plan” is adopted by reference subject to later amendments by ordinance, and may be cited as the “North Kohala CDP.” The planning area for the North Kohala CDP encompasses the judicial district of North Kohala.

PUNA. The document identified as “Puna Community Development Plan” is adopted by reference subject to later amendments by ordinance, and may be cited as the “Puna CDP.” The planning area for the Puna CDP encompasses the judicial district of Puna and the Volcano Census Designated Place that includes the Volcano Golf Course subdivision in the district of Ka'ū.

SOUTH KOHALA. The document identified as “South Kohala Community Development Plan” is adopted by reference subject to later amendments by ordinance, and may be cited as the “South Kohala CDP.” The planning area for the South Kohala CDP encompasses the judicial district of South Kohala.

(2008, ord 08-98, sec 3; am 2008, ord 08-116, sec 2; ord 08-131, sec 2; ord 08-151, sec 2; am 2008, ord 08-159, sec 2; am 2017, ord 17-66, sec 2; am 2018, ord 18-78, sec 2.)

Section 16-3. Review and amendment.

A comprehensive review of the community development plans shall commence within ten years from the date of adoption.

(2008, ord 08-98, sec 3.)

Article 3. CDP Action Committees.

Section 16-4. CDP action committees.

- (a) A community development plan (CDP) action committee shall succeed each CDP steering committee upon adoption of a community development plan.
- (b) The purpose of the CDP action committee is to be a proactive, community-based steward of the plan’s implementation and update.
- (c) The planning department shall administer the CDP action committees and be responsible for developing a selection process for committee members and establishing rules of procedure, as needed.

(2008, ord 08-98, sec 4.)

Section 16-5. Membership and tenure.

- (a) The CDP action committee shall consist of nine members. All members shall have a primary residence in the area covered by the CDP. The members shall be appointed by the mayor and approved by the County council. Prior service as a member of a CDP steering committee shall not disqualify an individual from serving on the CDP action committee.
- (b) The members shall serve staggered terms of four years. Upon the initial appointment of the committee, three members shall serve for a term of two years, three members for a term of three years, and three members for a term of four years. When the term of a member expires, the member may, at the discretion of the member, continue to serve until a successor is appointed. Members whose terms expire may not be reappointed for at least two years, however, members appointed for one year or less may be reappointed for an additional term without the passage of two years’ time. Existing vacant positions shall be filled before filling any position occupied by a member whose term has expired but who is willing to continue serving until their position is filled.
- (c) The membership should reflect a broad cross-section of the community. The community development plan may specify more detailed selection criteria consistent with this objective.
- (d) A chairperson shall be elected from its membership annually.
- (e) Except as provided for in this section, the committee shall be governed by the County Charter, section 13-4.

(2008, ord 08-98, sec 4; am 2016, ord 16-77, sec 2.)

Section 16-6. Duties and responsibilities of the CDP action committees.

The duties and responsibilities of the committee are:

- (1) Provide ongoing guidance and advocacy to advance implementation of the CDP goals, objectives, policies, and actions;
- (2) Broaden community awareness of the CDP and build partnerships, as appropriate, with governmental and community-based organizations to implement CDP policies and actions;
- (3) Take into consideration statewide objectives and legislation for long-term and sustainable plans for the island as a whole;
- (4) Provide timely recommendations to the County on priorities relating to the County operational budget and the CIP budget and program;
- (5) Receive briefings, as requested, from the planning department on pending and approved permit applications involving property located within the planning area, and on other issues related to the CDP;
- (6) Receive briefings from other County agencies, as requested, on priority actions identified in the CDP, which briefings may be integrated and consolidated by the mayor's office or the planning department into a plan of action for the forthcoming year and a status report on the current year's plan of action;
- (7) Monitor the progress and effectiveness of the CDP including the need for CDP revisions based on emerging statewide plans, new technologies, innovative ideas, or changing conditions;
- (8) Review and make recommendations on interim amendments to the CDP;
- (9) Serve as the steering committee, as set forth in the general plan, in any comprehensive update of the CDP;
- (10) Provide recommendations to amend the general plan; and
- (11) Carry out other duties specified in the CDP and/or in agreement with the planning department.

(2008, ord 08-98, sec 4.)

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PLAN IMPLEMENTATION

The General Plan sets forth broad goals, objectives, and policies. Implementation requires translating these broad statements to specific actions, systematically evaluating progress, and active community participation. In this regard, follow-up planning efforts will involve the preparation of Community Development Plans, Capital Improvements Program, and an annual report.

15.1 COMMUNITY DEVELOPMENT PLANS

The Community Development Plans are intended to be the forum for community input into managing growth and coordinating the delivery of government services to the community. The Community Development Plans will translate the broad General Plan statements to specific actions as they apply to specific geographical areas.

A Community Development Plan should direct physical development and public improvements within a specific area. The Community development Plan may contain detailed land use and zoning guide maps, plans for roadways, drainage, parks, and other infrastructure and public facilities, architectural design guidelines, planning for watersheds and other natural features, and any other matters relating to the planning area.

The Planning Director or Council may initiate a Community Development Plan. Each Community Development Plan shall have a steering committee composed of members appointed by the mayor and confirmed by the council. The members shall be broadly representative of the affected communities.

The steering committee shall work in conjunction with the Planning Department and with any professional consultants hired to assist in the preparation of the plan. The exact boundaries of the planning area may be determined during the preparation of the plan.

It is not mandatory that there be a Community Development Plan for each region. Although the previous General Plan called for Community Development Plans, in the thirty years since the enactment of the first General Plan, only one Community Development Plan has been enacted by ordinance, one by County Council Resolution, and two by Planning Commission Resolution. Time, cost, the degree of effort, and, in some cases, the inability to achieve a sufficient consensus, has been the limiting factors.

§15.1: Community Development Plans

The need for a Community Development Plan for a particular area should be assessed considering a number of factors, including how much is public infrastructure challenged by recent or anticipated growth and whether there are significant efforts to change the zoning and land use in the area.

After the steering committee has recommended approval of the Community Development Plan, it shall be forwarded to either the Windward or Leeward Planning Commission, or both meeting as a joint commission as provided for in the Hawai‘i County Charter, for review and recommendation to the County Council. The County Council may modify or amend the Community Development Plan before enacting it by ordinance, but it shall give the steering committee and the designated Planning Commission, or joint commission, as the case may be, an opportunity to review and comment upon substantive amendments and modifications before final adoption of the plan.

In the process of creating the Community Development Plan, it may be determined that the General Plan should be amended. The Planning Director or County Council may initiate amendments to the General Plan, and the steering committee may recommend amendments, that would be enacted at the same time as the Community Development Plan, or as a follow-up to the Community Development Plan. If there is a direct conflict between the Community Development Plan and the General Plan, the General Plan shall be controlling.

The Community Development Plans shall focus on action. The courses of action specified in each element of the General Plan need greater detail and need to be coordinated by district. The Community Development Plans shall identify appropriate governmental actions that include:

- Regulatory actions. Regulations rely on government's police power to control what people can and cannot do in the interest of the public's health, safety, or welfare. The County administers and enforces various regulations to control land use. These regulations include the zoning code, subdivision code, flood control code, grading code, sign code, and building code. The County also administers requirements imposed by the Federal and State governments, such as the Coastal Zone Management Act and the State Land Use Law. The Community Development Plans shall recommend amendments as appropriate to the codes, maps, or administration and enforcement.
- Incentive measures. Where regulatory controls are the government's “sticks”, incentives are the “carrots” to encourage certain actions. Too often, regulation is the solution. Regulation can be restrictive, reactive, and divisive. Incentive measures, on the other hand, can invite creative “win-win” solutions. Examples of incentive measures include property tax exemptions such as for agricultural or native forest dedications, expedited permit processing, density bonuses, and discounted facility fees. Community Development Plans shall consider appropriate incentive measures to achieve various objectives, as applicable.

- **Acquisition actions.** Where significant resources are located on private property, it may be more appropriate for government to purchase the development rights or fee simple title rather than to severely regulate the owner's use of the property. Obviously, purchasing in reaction to development proposals is expensive. The Community Development Plans shall identify acquisition priorities, as appropriate, and seek means to leverage financing by working creatively with the landowner, other levels of government, land trusts, and/or nonprofit groups.
- **Capital budgeting actions.** The County annually prepares a capital improvements budget where public facility projects (new construction or major repairs) are identified. The budget is accompanied by a six-year capital improvements program (CIP). The CIP process is explained in more detail below. The Community Development Plans shall identify and prioritize public facility projects important to the community. The CIP shall take into consideration the recommendations in the Community Development Plans, recognizing that the CIP must reconcile competing interests for a limited amount of funds.
- **Programs.** Certain community needs do not necessarily require land or a new facility, but rather a focused commitment of time and money towards achieving specific objectives. These operational projects are referred to as programs. Examples include an after-school youth program, neighborhood watch program, or mediation training program. Too often, resources are diverted to studies that could be more effectively used for pilot programs that actually try to achieve results and provide lessons through action. Community Development Plans shall identify desired programs and the community's role in planning and implementing the programs.
- **Development/Redevelopment.** In very special situations, it may be appropriate for government to take the lead and act as developer either singly or as a public/private partnership. These situations arise when the private market fails to address certain needs, such as very low income housing, or when the situation is quite large-scale, complex, and especially requires government's power of eminent domain to assemble land for redevelopment. Community Development Plans shall identify desired projects for public development or redevelopment, and shall coordinate input from appropriate agencies such as the Office of Housing and Community Development or the U.S. Department of Housing and Urban Development.

15.2 CAPITAL IMPROVEMENTS PROGRAM (CIP)

Capital improvement projects have the potential to influence where growth occurs, to more equitably distribute County services, and to promote important objectives such as affordable housing. The County Charter sets forth the procedure for the submittal and adoption of the CIP:

The various departments and agencies submit project requests and cost estimates to the Mayor. The Planning Director reviews the lists and recommends priorities.

§15.3: Annual Report

The Mayor reviews the lists in preparing the CIP.

- 1 By March 1, the Mayor submits the CIP to the Council together with a message explaining each project proposed in the capital budget, estimated cost, and proposed method of financing.
- 2 4. By May 5, the Mayor may submit amendments (adjustments may be necessary depending on actions taken by the State Legislature) together with a message that describes the changes and the circumstances, which justify the changes.
- 3 On or before June 30, the Council shall adopt the capital budget. The capital budget for the upcoming fiscal year is adopted by ordinance. The six-year CIP is for information purposes.

The capital budget appropriates funds for the specified projects. Capital appropriations lapse at the end of the second fiscal year following the year in which they are appropriated. Prior to lapsing, the agency responsible to implement the project may request the Mayor to allot the funds. Once allotted, the agency may proceed to encumber (e.g., execute contracts, issue purchase orders) and expend the funds.

In order for the CIP to comprehensively prioritize and allocate the financial resources available to the County within the context of the General Plan, the CIP shall be prepared as follows:

- The CIP shall be based on clear priority criteria;
- The CIP shall integrate the several sources of funding improvements, including the fuel tax and the County Water Board projects;
- The CIP shall coordinate County projects with State CIP projects and available Federal funding;
- The total County costs for the projects selected for the CIP shall not exceed an amount that could be prudently financed taking into consideration the debt service capacity of the County;
- The CIP process shall provide opportunity for community review of the CIP proposed by the administration prior to submittal to the County Council;
- Where additional studies are needed to prioritize projects from an islandwide or regional perspective, functional plans may be funded through the CIP;
- A system shall be established to monitor the status of appropriated projects.

15.3 ANNUAL REPORT

The Planning Department shall prepare an annual report to monitor progress towards achieving the General Plan goals, objectives, and policies. To the extent possible, the annual report should develop measurable indicators related to the policies. The Planning Department shall submit the annual report to the Mayor for review. The Mayor shall submit the annual report to the Council together with the capital and operational

§15.3: Annual Report

budgets in accordance with the budget submittal timetable set forth in the Charter. The annual report and CIP shall be the means to reconcile and prioritize competing community needs from a County-wide perspective. The Planning Department may organize an interagency committee to provide input for inclusion in the annual report.



A.C. Subcommittees vs. Member-Community Liaison: Types, Purposes, Limits of Organizations

Communication Number 2022-18

Types of Organization	Purpose	AC Representation	Community Representation	Sunshine Law Applicability
Investigatory Subcommittee of the Action Committee	Defined by AC with clear purpose and possible deadline or end date	At least 2 AC members but less than quorum (4)	Defined by AC	- Investigatory Subcommittee meetings NOT subject to Sunshine Law - Agendized on minimum of 3 AC meetings: scope, recommendations, decision
Any other Subcommittee of the Action Committee (e.g., formed to do its work on an ongoing basis, whether constant or sporadic, such as a "standing committee.")	Defined by AC with clear purpose	No limitation on number of AC members	Defined by AC	- Any other Subcommittee meetings ARE subject to Sunshine Law: notice, agenda, open meetings, testimony, minutes. - NOT subject to 3 meeting rule but should always be clear on agenda especially when decisions are expected to be made.
Community Partner Group (Independent community group, but CDP aware & supportive)	Defined by community group	Up to 2 AC representatives	Defined by community group	- These groups are not government-affiliated and ARE NOT subject to Sunshine Law. - Reports or communications are not subject to 3 meeting rule but should always be clear on agenda especially when decisions are expected to be made.

ROBERT'S RULES SIMPLIFIED

1. To MAKE A MOTION

The mover of a motion addresses the Chair and introduces the motion by stating, "I move..." The motion is repeated by the Chair. If the motion is long and involved, the Chair will ask the mover to submit it in writing.

2. To SECOND a motion

A second is indicated by stating, "Second" or "I second the motion." This may be done without rising or addressing the Chair. All important motions should be seconded.

3. To AMEND

This motion is to change, add, or omit words in the original main motion. It is DEBATABLE; MAJORITY VOTE.

To AMEND THE AMENDMENT

This is a motion to change, add, or omit words in the first amendment. It is DEBATABLE; MAJORITY VOTE.

METHOD

The first vote is on changing words on the second amendment. The second vote (if the first vote adopts a change) is on the first amendment as changed. The third vote is on adopting the main motion as changed.

4. To COMMIT

When a motion becomes involved through amendments or when it is wise to investigate a question more carefully, it may be moved to COMMIT the motion to a committee for further consideration. DEBATABLE; AMENDABLE. COMMITTEE MUST MAKE A REPORT ON SUCH QUESTION.

5. To TABLE

This motion postpones the subject under discussion in such a way that it can be taken up at some time in the near future when a motion "to take from the table" would be in order. This motion is NOT DEBATABLE or AMENDABLE; MAJORITY VOTE.

6. To DEFER

A motion to defer the question being discussed to some future time is in order, except when a speaker has the floor. DEBATABLE; MAJORITY VOTE.

7. To SUSPEND

This motion is always in order except:

- a. when a speaker has the floor;
- b. when a vote is being taken;
- c. after it has just been voted down;
- d. when the committee is in the midst of some business which cannot be abruptly stopped.

The time of reconvening must be specified. There is NO DEBATE; MAJORITY VOTE.

8. To ADJOURN

This motion is always in order except:

- a. when a speaker has the floor;
- b. when a vote is being taken;
- c. after it has just been voted down;
- d. when the committee is in the midst of some business which cannot be abruptly stopped.

Under all the above circumstances, the motion is NOT DEBATABLE; MAJORITY VOTE.

9. To RECONSIDER

The motion to reconsider a motion that was carried or lost is in order if made on the same day or the next calendar day. The motion must be made by one who voted with the prevailing side. No question can be twice reconsidered. DEBATABLE; MAJORITY VOTE.

10. The PREVIOUS QUESTION

This motion closes debate on the pending question. This motion may be made when debate becomes long or drawn out. It is NOT DEBATABLE.

The form is "Mr. (Madam) Chair, I move the previous question." The Chair then asks, "Shall debate be closed and the question now be put to a vote?" If this motion is adopted by a two-thirds (2/3) vote, the question before the Committee is immediately voted upon.

11. POINT OF ORDER

This motion is always in order, but can be used only to present an objection to a ruling of the Chair or some method of parliamentary procedure.

The form is "Mr. (Madam) Chair, I rise to a point of order." The Chair replies, "please state your point of order." After the member has stated his/her objection, the Chair answers:

"Your point of order is sustained," or

"Your point of order is denied" or

with the needed information.

If any member is not satisfied, he/she may appeal the decision of the Chair. The Chair shall address the Committee, "Shall the decision of the Chair be sustained?" This is debatable and the presiding officer may discuss it without leaving the chair. Voted on like any other motion, majority or tie vote sustains the decision of the Chair. A majority of "no" votes is required to reverse the decision of the Chair.

12. VOTING

Each member KCDP Steering Committee, present and voting at the time of voting, has ONE vote on any matter before the Committee.

Each vote is cast by a show of hands/placards or by responding "AYE" or "NO" on a voice vote or by responding "YES", "NO", or "ABSTAIN" on a roll call vote.

The Chair may ask, "Is there an objection to accepting this motion, report, etc.?"
If a member objects, then one of the above methods of voting is in order.

A roll call vote may be requested by any member immediately before a vote is taken.

A majority vote shall be the decision on any question except that of Previous Question, which shall require a two-thirds ($2/3$) majority. A tie vote means the motion has failed.

Chapter 92, Hawaii Revised Statutes
PUBLIC AGENCY MEETINGS AND RECORDS

The following is an unofficial copy of Part I of chapter 92, Hawaii Revised Statutes, which is current through the 2022 legislative session, including new provisions enacted by Acts 264 and 177, SLH 2022.

PART I. MEETINGS

Section

- 92-1 Declaration of Policy and Intent**
- 92-1.5 Administration of This Part**
- 92-2 Definitions**
- 92-2.5 Permitted Interactions of Members**
- 92-3 Open Meetings**
- 92-3.1 Limited Meetings**
- 92-3.5 Meeting by Interactive Conference Technology;
Notice; Quorum**
- 92-3.7 Remote meeting by Interactive Conference
Technology; Notice; Quorum.**
- 92-4 Executive Meetings**
- 92-5 Exceptions**
- 92-6 Judicial Branch, Quasi-Judicial Boards and Investigatory
Functions; Applicability**
- 92-7 Notice**
- 92-7.5 Board Packet; Filing; Public Inspection; Notice**
- 92-8 Emergency Meetings**
- 92-9 Minutes**
- 92-10 Legislative Branch; Applicability**
- 92-11 Voidability**
- 92-12 Enforcements**
- 92-13 Penalties**

§92-1 Declaration of policy and intent. In a democracy, the people are vested with the ultimate decision-making power. Governmental agencies exist to aid the people in the formation and conduct of public policy. Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy - the discussions, deliberations, decisions, and action of governmental agencies - shall be conducted as openly as possible. To implement this policy the legislature declares that:

- (1) It is the intent of this part to protect the people's right to know;
- (2) The provisions requiring open meetings shall be liberally construed;
and
- (3) The provisions providing for exceptions to the open meeting
requirements shall be strictly construed against closed meetings. [L

1975, c 166, pt of §1]

§92-1.5 Administration of this part. The director of the office of information practices shall administer this part. The director shall establish procedures for filing and responding to complaints filed by any person concerning the failure of any board to comply with this part. An agency may not appeal a decision by the office of information practices made under this chapter, except as provided in section 92F-43. The director of the office of information practices shall submit an annual report of these complaints along with final resolution of complaints, and other statistical data to the legislature, no later than twenty days prior to the convening of each regular session. [L 1998, c 137, §2; am L 2012, c 176, §2]

§92-2 Definitions. As used in this part:

“Board” means any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction, or advisory power over specific matters and which is required to conduct meetings and to take official actions.

“Board business” means specific matters over which a board has supervision, control, jurisdiction, or advisory power, that are actually pending before the board, or that can be reasonably anticipated to arise before the board in the foreseeable future.

“Informal gathering” means a social or informal assemblage of two or more board members at which matters relating to board business are not discussed.

“Interactive conference technology” means any form of audio and visual conference technology, or audio conference technology where permitted under this part, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members.

“Meeting” means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. [L 1975, c 166, pt of §1; am L 1976, c 212, §1; am L 2012, c 202, §1; am L 2021, c 220, §3; am L 2022, c 264, §2]

§92-2.5 Permitted interactions of members.

- (a) Two members of a board may discuss between themselves matters relating to board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board.
- (b) Two or more members of a board, but less than the number of members that would constitute a quorum for the board, may be assigned to:
 - (1) Investigate a matter relating to board business; provided that:
 - (A) The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board;
 - (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and

- (C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or
 - (2) Present, discuss, or negotiate any position that the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board before the presentation, discussion, or negotiation.
- (c) Discussions between two or more members of a board, but less than the number of members that would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.
- (d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:
 - (1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;
 - (2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and
 - (3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:
 - (A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and
 - (B) Receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentations received.
- (e) Two or more members of a board, but less than the number of members that would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; provided further that no commitment relating to a vote on the matter is made or sought.

At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed that related to board business at the informational meeting or presentation.
- (f) Discussions between the governor and one or more members of a board may

be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.

- (g) Discussions between two or more members of a board and the head of a department to which the board is administratively assigned may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35.
- (h) Where notice of the deadline to submit testimony to the legislature is less than the notice requirements in this section, a board may circulate for approval a statement regarding a position previously adopted by the board; provided that the position previously adopted by the board, the statement to be submitted as testimony, and communications among board members about the statement, including drafts, shall be in writing and accessible to the public, within forty-eight hours of the statement's circulation to the board, on the board's website, or, if the board does not have a website, on an appropriate state or county website.
- (i) Communications, interactions, discussions, investigations, and presentations described in this section are not meetings for purposes of this part. [L 1996, c 267, §2; am L 2005, c 84, §1; am L 2012, c 177, §1; am L 2022, c 264, §3]

§92-3 Open meetings. Every meeting of all boards shall be open to the public and all persons shall be permitted to attend any meeting unless otherwise provided in the state constitution or as closed pursuant to sections 92-4 and 92-5; provided that the removal of any person or persons who wilfully disrupts a meeting to prevent and compromise the conduct of the meeting shall not be prohibited. The boards shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The boards shall also afford all interested persons an opportunity to present oral testimony on any agenda item; provided that the oral testimonies of interested persons shall not be limited to the beginning of a board's agenda or meeting. The boards may provide for reasonable administration of oral testimony by rule. [L 1975, c 166, pt of § 1; am L 1985, c 278, §1; am L 2022, c 264, §4]

§92-3.1 Limited meetings.

- (a) If a board determines that it is necessary to meet at a location that is dangerous to health or safety, or if a board determines that it is necessary to conduct an on-site inspection of a location that is related to the board's business at which public attendance is not practicable, and the director of the office of information practices concurs, the board may hold a limited meeting at that location that shall not be open to the public; provided that at a regular meeting of the board prior to the limited meeting:
 - (1) The board determines, after sufficient public deliberation, that it is necessary to hold the limited meeting and specifies that the location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable;
 - (2) Two-thirds of all members to which the board is entitled vote to adopt the determinations required by paragraph (1); and

- (3) Notice of the limited meeting is provided in accordance with section 92-7.
- (b) A county council may hold a limited meeting that is open to the public, as the guest of a board or community group holding its own meeting, and the council shall not be required to have a quorum of members in attendance or accept oral testimony; provided that:
 - (1) Notice of the limited meeting shall be provided in accordance with section 92-7, shall indicate the board or community group whose meeting the council is attending, and shall not be required to include an agenda;
 - (2) If the board or community group whose meeting the council is attending is subject to part I, chapter 92, then that board or community group shall comply with the notice, agenda, testimony, minutes, and other requirements of part I, chapter 92;
 - (3) No more than one limited meeting per month shall be held by a county council for any one board or community group;
 - (4) No limited meetings shall be held outside the State; and
 - (5) Limited meetings shall not be used to circumvent the purpose of part I, chapter 92.
- (c) At all limited meetings, the board shall:
 - (1) Videotape the meeting, unless the requirement is waived by the director of the office of information practices, and comply with all requirements of section 92-9;
 - (2) Make the videotape available at the next regular meeting; and
 - (3) Make no decisions at the meeting.
- (d) Each county council shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session on the effectiveness and application of limited meeting procedures provided in subsection (b), including any recommendations or proposed legislation. [L 1995, c 212, §1; am L 2008, c20, §1; am L 2014, c 221, §2; am L 2016, c 56, §1, 2]

§92-3.5 In-person meeting at multiple sites by interactive conference technology; notice; quorum.

- (a) A board may hold an in-person meeting at multiple meeting sites connected by interactive conference technology; provided that the interactive conference technology used by the board allows audio or audiovisual interaction among all members of the board participating in the meeting and all members of the public attending the meeting, and the notice required by section 92-7 identifies all of the locations where participating board members will be physically present and indicates that members of the public may join board members at any of the identified locations. The board may provide additional locations open for public participation but where no participating board members will be physically present. The notice required by section 92-7 shall list any additional locations open for public participation but where no participating board members will be physically present and specify, in the event one of those additional locations loses its audio connection to the

meeting, whether the meeting will continue without that location or will be automatically recessed to restore communication as provided in subsection (c).

- (b) Any board member participating in a meeting by interactive conference technology under this section shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board.
- (c) A meeting held by interactive conference technology under this section shall be automatically recessed for up to thirty minutes to restore communication when audio communication cannot be maintained with all locations where the meeting by interactive technology is being held, even if a quorum of the board is physically present in one location. The meeting may reconvene when either audio or audiovisual communication is restored. Within fifteen minutes after audio-only communication is established, copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation shall be made available either by posting on the Internet or by other means to all meeting participants, and those agenda items for which visual aids are not available for all participants at all meeting locations shall not be acted upon at the meeting. If it is not possible to reconvene the meeting as provided in this subsection within thirty minutes after an interruption to communication, and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.
- (d) Notwithstanding the other provisions of this section to the contrary, a board member with a disability that limits or impairs the member's ability to physically attend the meeting may participate in a board meeting from a location not accessible to the public; provided that the member with a disability is connected to other members of the board and the public by both visual and audio means, and the member identifies where the member is located and who, if anyone, is present at that location with the member. [L 1994, c 121, §1; am L 2000, c 284, §2; am L 2006, c 152, §1; am L 2012, c 202, §2; am L 2021, c 220, §4]

§92-3.7 Remote meeting by interactive conference technology; notice; quorum.

- (a) A board may hold a remote meeting by interactive conference technology; provided that the interactive conference technology used by the board allows audiovisual interaction among all members of the board participating in the meeting and all members of the public attending the meeting, except as otherwise provided under this section; provided further that there is at least one meeting location that is open to the public and has an audiovisual connection. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at nonpublic locations where board members are physically present or to identify those locations in the notice required by section 92-7; provided that at the meeting, each board member shall state the name of any person eighteen years of age or older who is present at the nonpublic

location with the member; provided further that the name of a person under the age of eighteen years shall be stated if the person has a personal business, property, or financial interest on any issue before the board at the meeting. The notice required by section 92-7 shall:

- (1) List at least one meeting location that is open to the public that shall have an audiovisual connection; and
- (2) Inform members of the public how to contemporaneously:
 - (A) Remotely view the video and audio of the meeting through internet streaming or other means; and
 - (B) Provide remote oral testimony in a manner that allows board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means.

The board may provide additional locations open for public participation. The notice required by section 92-7 shall list any additional locations open for public participation and specify, in the event an additional location loses its audiovisual connection to the remote meeting, whether the meeting will continue without that location or will be automatically recessed to restore communication as provided in subsection (c).

- (b) For a remote meeting held by interactive conference technology pursuant to this section:
 - (1) The interactive conference technology used by the board shall allow interaction among all members of the board participating in the meeting and all members of the public attending the meeting;
 - (2) Except as provided in subsections (c) and (d), a quorum of board members participating in the meeting shall be visible and audible to other members and the public during the meeting; provided that no other meeting participants shall be required to be visible during the meeting;
 - (3) Any board member participating in a meeting by interactive conference technology shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board;
 - (4) At the start of the meeting the presiding officer shall announce the names of the participating members;
 - (5) All votes shall be conducted by roll call unless unanimous; and
 - (6) When practicable, boards shall record meetings open to the public and make the recording of any meeting electronically available to the public as soon as practicable after a meeting and until a time as the minutes required by section 92-9 are electronically posted on the board's website.
- (c) A meeting held by interactive conference technology shall be automatically recessed for up to thirty minutes to restore communication when audiovisual communication cannot be maintained with all members participating in the meeting or with the public location identified in the board's notice pursuant to subsection (a)(1) or with the remote public broadcast identified in the board's notice pursuant to subsection (a)(2)(A). This subsection shall not apply based on the inability of a member of the public to maintain an audiovisual connection to the remote public broadcast,

unless the remote public broadcast itself is not transmitting an audiovisual link to the meeting. The meeting may reconvene when either audiovisual communication is restored, or audio-only communication is established after an unsuccessful attempt to restore audiovisual communication, but only if the board has provided reasonable notice to the public as to how to access the reconvened meeting after an interruption to communication. If audio-only communication is established, then each speaker shall be required to state their name before making their remarks. Within fifteen minutes after audio-only communication is established, copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation shall be made available either by posting on the Internet or by other means to all meeting participants, including those participating remotely, and those agenda items for which visual aids are not available for all participants shall not be acted upon at the meeting. If it is not possible to reconvene the meeting as provided in this subsection within thirty minutes after an interruption to communication and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

- (d) During executive meetings from which the public has been excluded, board members shall be audible to other authorized participants but shall not be required to be visible. To preserve the executive nature of any portion of a meeting closed to the public, the presiding officer shall publicly state the names and titles of all authorized participants, and, upon convening the executive session, all participants shall confirm to the presiding officer that no unauthorized person is present or able to hear them at their remote locations or via another audio or audiovisual connection. The person organizing the interactive conference technology shall confirm that no unauthorized person has access to the executive meeting as indicated on the control panels of the interactive conference technology being used for the meeting, if applicable. [L 2021, c 220, §2; am L 2022, c 177, § 2]

§92-4 Executive meetings. A board may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the board is entitled. A meeting closed to the public shall be limited to matters exempted by section 92-5. The reason for holding such a meeting shall be publicly announced and the vote of each member on the question of holding a meeting closed to the public shall be recorded, and entered into the minutes of the meeting. [L 1975, c 166, pt of §1; am L 1985, c 278, §2]

§92-5 Exceptions.

- (a) A board may hold a meeting closed to the public pursuant to section 92-4 for one or more of the following purposes:
 - (1) To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;
 - (2) To consider the hire, evaluation, dismissal, or discipline of an officer or

employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

- (3) To deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
 - (4) To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;
 - (5) To investigate proceedings regarding criminal misconduct;
 - (6) To consider sensitive matters related to public safety or security;
 - (7) To consider matters relating to the solicitation and acceptance of private donations; and
 - (8) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.
- (b) In no instance shall the board make a decision or deliberate toward a decision in an executive meeting on matters not directly related to the purposes specified in subsection (a). No informal gathering, permitted interaction, or electronic communication shall be used to circumvent the spirit or requirements of this part to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. [L 1975, c 166, pt of §1; am L 1985, c 278, §3; gen ch 1985; am L 1996, c 267, §3; am L 1998, c 48, §1; am L 1999, c 49, §1; am L 2022, c 264, §5]

§92-6 Judicial branch, quasi-judicial boards and investigatory functions; applicability.

- (a) This part shall not apply:
- (1) To the judicial branch.
 - (2) To adjudicatory functions exercised by a board and governed by sections 91-8 and 91-9, or authorized by other sections of the Hawaii Revised Statutes. In the application of this subsection, boards exercising adjudicatory functions include, but are not limited to, the following:
 - (A) Hawaii labor relations board, chapters 89 and 377;
 - (B) Labor and industrial relations appeals board, chapter 371;
 - (C) Hawaii paroling authority, chapter 353;
 - (D) Civil service commission, chapter 26;
 - (E) Board of trustees, employees' retirement system of the State of Hawaii, chapter 88;
 - (F) Crime victim compensation commission, chapter 351; and
 - (G) State ethics commission, chapter 84.
- (b) Notwithstanding provisions in this section to the contrary, this part shall apply to require open deliberation of the adjudicatory functions of the land use commission. [L 1975, c 166, pt of §1; am L 1976, c 92, §8; am L

1985, c 251, §11; am L 1998, c 240, §6]

§92-7 Notice.

- (a) The board shall give written public notice of any regular, special, emergency, or rescheduled meeting, or any executive meeting when anticipated in advance. The notice shall include an agenda that lists all of the items to be considered at the forthcoming meeting; the date, time, and place of the meeting; the board's electronic and postal contact information for submission of testimony before the meeting; instructions on how to request an auxiliary aid or service or an accommodation due to a disability, including a response deadline, if one is provided, that is reasonable; and in the case of an executive meeting the purpose shall be stated. If an item to be considered is the proposed adoption, amendment, or repeal of administrative rules, an agenda meets the requirements for public notice pursuant to this section if it contains a statement on the topic of the proposed rules or a general description of the subjects involved, as described in section 91-3(a)(1)(A), and a statement of when and where the proposed rules may be viewed in person and on the Internet as provided in section 91-2.6. The means specified by this section shall be the only means required for giving notice under this part notwithstanding any law to the contrary.
- (b) No less than six calendar days prior to the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board's office for public inspection. The notice shall also be posted at the site of the meeting whenever feasible. The board shall file a copy of the notice with the office of the lieutenant governor or the appropriate county clerk's office and retain a copy of proof of filing the notice, and the office of the lieutenant governor or the appropriate clerk's office shall timely post paper or electronic copies of all meeting notices in a central location in a public building; provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk's office shall not require cancellation of the meeting. The copy of the notice to be provided to the office of the lieutenant governor or the appropriate county clerk's office may be provided via electronic mail to an electronic mail address designated by the office of the lieutenant governor or the appropriate county clerk's office, as applicable.
- (c) If the written public notice is electronically posted on an electronic calendar less than six calendar days before the meeting, the meeting shall be canceled as a matter of law and shall not be held. The chairperson or the director shall ensure that a notice canceling the meeting is posted at the place of the meeting. If there is a dispute as to whether a notice was timely posted on an electronic calendar maintained by the State or appropriate county, a printout of the electronic time-stamped agenda shall be conclusive evidence of the electronic posting date. The board shall provide a copy of the time-stamped record upon request.
- (d) No board shall change the agenda, less than six calendar days prior to the meeting, by adding items thereto without a two-thirds recorded vote of all members to which the board is entitled; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons. Items of reasonably

major importance not decided at a scheduled meeting shall be considered only at a meeting continued to a reasonable day and time.

- (e) The board shall maintain a list of names and postal or electronic mail addresses of persons who request notification of meetings and shall mail or electronically mail a copy of the notice to the persons by the means chosen by the persons at their last recorded postal or electronic mail address no later than the time the agenda is required to be electronically posted under subsection (b). [L 1975, c 166, pt of §1; am L 1976, c 212, §2; am L 1984, c 271, §1; am L 1985, c 278, §4; am L 1995, c 13, §2; am L 2012, c 177, §2; am L 2014, c 68, §1; am L 2017, c 64, §2; am L 2018, c 63, §1; am L 2019, c 244, §2; am L 2021, c 220, §5]

§92-7.5 Board packet; filing; public inspection; notice. At the time the board packet is distributed to the board members, but no later than forty-eight hours before the meeting time, the board shall also make the board packet available for public inspection in the board's office; provided that nothing in this section shall require creation of a board packet. The board shall provide notice to persons requesting notification of meetings pursuant to section 92-7(e) that the board packet is available for inspection in the board's office and shall provide reasonably prompt access to the board packet to any person upon request. The board is not required to mail board packets. As soon as practicable, the board shall accommodate requests for electronic access to the board packet.

For purposes of this section, "board packet" means documents that are compiled by the board and distributed to board members before a meeting for use at that meeting, to the extent the documents are public under chapter 92F; provided that this section shall not require disclosure of executive session minutes, license applications, or other records for which the board cannot reasonably complete its redaction of nonpublic information in the time available before the public inspection required by this section. [L 2017, c 64, §1; am L 2022, c 264, §6]

§92-8 Emergency meetings.

- (a) If a board finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in section 92-7, the board may hold an emergency meeting provided that:
 - (1) The board states in writing the reasons for its findings;
 - (2) Two-thirds of all members to which the board is entitled agree that the findings are correct and an emergency exists;
 - (3) An emergency agenda and the findings are electronically posted pursuant to section 92-7(b), filed with the office of the lieutenant governor or the appropriate county clerk's office, and posted in the board's office; provided further that the six calendar day requirement for filing and electronic posting shall not apply; and
 - (4) Persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable.
- (b) If an unanticipated event requires a board to take action on a matter over which it has supervision, control, jurisdiction, or advisory power, with less time than is provided for in section 92-7 to notice and convene a meeting of the board, the board may hold an emergency meeting to deliberate and decide whether and

how to act in response to the unanticipated event; provided that:

- (1) The board states in writing the reasons for its finding that an unanticipated event has occurred and that an emergency meeting is necessary and the attorney general concurs that the conditions necessary for an emergency meeting under this subsection exist;
 - (2) Two-thirds of all members to which the board is entitled agree that the conditions necessary for an emergency meeting under this subsection exist;
 - (3) The finding that an unanticipated event has occurred and that an emergency meeting is necessary and the agenda for the emergency meeting under this subsection are electronically posted pursuant to section 92-7(b), filed with the office of the lieutenant governor or the appropriate county clerk's office, and posted in the board's office; provided further that the six calendar day requirement for filing and electronic posting shall not apply;
 - (4) Persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable; and
 - (5) The board limits its action to only that action which must be taken on or before the date that a meeting would have been held, had the board noticed the meeting pursuant to section 92-7.
- (c) For purposes of this part, an "unanticipated event" means:
- (1) An event which members of the board did not have sufficient advance knowledge of or reasonably could not have known about from information published by the media or information generally available in the community;
 - (2) A deadline established by a legislative body, a court, or a federal, state, or county agency beyond the control of a board; or
 - (3) A consequence of an event for which reasonably informed and knowledgeable board members could not have taken all necessary action. [L 1975, c 166, pt of §1; am L 1996, c 267, §4; am L 2017, c 64 §3; am L 2019, c 244 §3]

§92-9 Minutes.

- (a) The board shall keep written or recorded minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants. Written minutes shall include, but need not be limited to:
 - (1) The date, time and place of the meeting;
 - (2) The members of the board 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 board requests be included or reflected in the minutes.
- (b) The minutes shall be made available to the public by posting on the board's website or, if the board does not have a website, on an appropriate state or county website within forty days after the meeting except where such disclosure would be inconsistent with section 92-5; provided that minutes of

executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer. A written summary shall accompany any minutes that are posted in a digital or analog recording format and shall include:

- (1) The date, time, and place of the meeting;
 - (2) The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;
 - (3) A record, by individual member, of motions and votes made by the board; and
 - (4) A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.
- (c) All or any part of a meeting, of a board may be recorded by any person in attendance by any means of reproduction, except when a meeting is closed pursuant to section 92-4; provided the recording does not actively interfere with the conduct of the meeting. [L 1975, c 166, pt of §1; am L 2017, c 64, §4]

§92-10 Legislative branch; applicability. Notwithstanding any provisions contained in this chapter to the contrary, open meeting requirements, and provisions regarding enforcement, penalties and sanctions, as they are to relate to the state legislature or to any of its members shall be such as shall be from time to time prescribed by the respective rules and procedures of the senate and the house of representatives, which rules and procedures shall take precedence over this part. Similarly, provisions relating to notice, agenda and minutes of meetings, and such other requirements as may be necessary, shall also be governed by the respective rules and procedures of the senate and the house of representatives. [L 1975, c 166, pt of §1]

§92-11 Voidability. Any final action taken in violation of sections 92-3 and 92-7 may be voidable upon proof of violation. A suit to void any final action shall be commenced within ninety days of the action. [L 1975, c 166, pt of §1; am L 2005, c 84, §2]

§92-12 Enforcement.

- (a) The attorney general and the prosecuting attorney shall enforce this part.
- (b) The circuit courts of the State shall have jurisdiction to enforce the provisions of this part by injunction or other appropriate remedy.
- (c) Any person may commence a suit in the circuit court of the circuit in which a prohibited act occurs for the purpose of requiring compliance with or preventing violations of this part or to determine the applicability of this part to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and costs to the prevailing party in a suit brought under this section.
- (d) Opinions and rulings of the office of information practices shall be admissible in an action brought under this part and shall be considered as precedent unless found to be palpably erroneous.
- (e) The proceedings for review shall not stay the enforcement of any agency

decisions; but the reviewing court may order a stay if the following criteria have been met:

- (1) There is likelihood that the party bringing the action will prevail on the merits;
- (2) Irreparable damage will result if a stay is not ordered;
- (3) No irreparable damage to the public will result from the stay order; and
- (4) Public interest will be served by the stay order. [L 1975, c 166, pt of §1; am L 1985, c 278, §5; am L 2012, c 176, §3]

§92-13 Penalties. Any person who wilfully violates any provisions of this part shall be guilty of a misdemeanor, and upon conviction, may be summarily removed from the board unless otherwise provided by law. [L 1975, c 166, pt of §1]



**County of Hawai'i
Board of Ethics**

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INTRODUCTION

The Hawai'i County Charter's Article XIV established a Code of Ethics which is codified in Article 15 of the Hawai'i County Code. The Ethics Code provides standards of conduct for County officers and employees. This includes elected officials, appointed department heads and members of boards and commissions as well as regular civil service and non-civil service employees.

This guide is designed to give you a quick overview of the County's Ethics Code provisions. It is not intended as a comprehensive explanation of what is or what is not a permissible activity by County employees. Whenever in doubt, please seek an opinion from the Hawai'i County Board of Ethics.

You may contact the Board of Ethics through the Office of the Corporation Counsel at 961-8251 for samples of a request for an opinion, or for copies of Article 15, the Hawai'i County Ethics Code.

APPLICABILITY

The Hawai'i County Ethics Code, Article 15, Sections 2-79 through 2-91.6, applies to you if you are a County officer or employee. Officers include the Mayor, members of the Council, and any person elected or appointed as administrative head, deputy or division chief of any agency of the County, or appointed as a member of any board or commission provided for in the Charter. An employee is anyone (other than an officer) who is employed by the County or any County agency, but does not include independent contractors. **Hawai'i County Charter Section 13-1.**

GIFTS

You may not solicit or accept a gift under any circumstance in which it can reasonably be inferred that the gift is intended to influence you, as an officer or employee, in the performance of your duties or intended as a reward for any official action on your part. Hawai'i County Code (HCC) Section 2-91.1.4.

You must file a gifts disclosure statement with the Board of Ethics on June 30 of each year if:

- 1) You, a spouse or dependent child receives from one source any gift or gifts whose aggregate value exceeds \$100; and
- 2) The source of the gift(s) has interests that may be affected by official action that you take; and
- 3) The gift is not exempted by the Code from the reporting requirements. **HCC Section 2-91.5(a).**

CONFIDENTIAL INFORMATION

You may not disclose or use confidential information acquired in the course of your employment for your personal gain or the benefit of others. **HCC Section 2-91.6.**

FAIR TREATMENT

You may not use your County position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for yourself or others. **HCC Section 2-83.**

NOTE: Pursuant to the Hawai'i County Charter, Section 13-10, you may not appoint, employ, promote or advance an individual who is a relative of yours to any office or position under your supervision. A relative is defined as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, step-father, step-mother, step-son, step-brother, step-daughter, step-sister, half-brother, or half-sister.

You may not seek other employment or contracts by use of your government position. **HCC Section 2-83(b)(1).**

You may not solicit or receive other compensation for performance of your government duties except as provided by law. **HCC Section 2-83(b)(2).**

You may not use County time, equipment, or other facilities for private business or campaign purposes. **HCC Section 2-83(b)(3).**

Examples of Prohibited Campaign Activities: Prohibited campaign activities include performing campaign activities on County time; producing campaign literature or materials with County equipment or County supplies; and distributing or selling fundraiser tickets or soliciting campaign assistance at County offices. You should not attend a campaign event in a County vehicle. However, County facilities that are available to the public for use may be used for political activities on the same basis as the facilities are available to the general public.

Examples of Prohibited Private, Personal, or Business Activities: Prohibited private, personal, or business uses include use of County computers, email, tools, supplies, personnel or other resources. This includes things like mailing out a letter requesting donations for a non-profit organization, as this would be included in the definition of "private business." Similarly, using a County vehicle for a purely social or personal purpose would be prohibited. Use of County equipment to repair your vehicle or house is prohibited.

Exceptions: Occasional, incidental, reasonable personal use may be allowed. As an example, you may use your phone to check in with your spouse or children, and make medical, home and automobile repair and similar appointments. Whenever possible, do this before or after your work hours or during lunch or other authorized breaks. If calls are made during your normal work hours, keep the communications infrequent and short. You may not incur any long distance tolls or other usage fees chargeable to the County-you must use toll-free numbers or charge the communications or access fees to your personal credit card.

REMEMBER: Reasonable personal use does not extend to personal communications to solicit business, advertise, or engage in other selling activities in support of private business enterprises, fundraising activities (other than those supported by the County), or any other use that is incompatible with public service.

CONFLICTS OF INTEREST

Disqualification: You must disqualify yourself from taking any official action directly affecting a business or undertaking in which you have a substantial financial interest. **HCC Section 2-84(a).**

Generally, a conflict of interest occurs when your personal or financial interests could interfere with carrying out your duty to the public. Specifically, you must disqualify yourself from taking any official action directly affecting a business or matter in which you, your brother or sister, a parent, a child or household member has a substantial financial interest.

Exceptions: These provisions do not apply to a department head who cannot disqualify himself and who had filed the required public disclosure requirement of HCC Section 2-91.1. It also has

limited application to members of boards and commissions that are mandated by law to have particular qualifications.

The rule does not prohibit officers from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of the officer's legislative functions. Officers are, however, required to file a full and public disclosure of the nature and extent of the interest or transaction that the officer believes may be affected by legislative action. **HCC Section 2-83(c).**

PROHIBITED ACQUISITION

You may not acquire a financial interest in a business if you have reason to believe that the business may be directly involved in official action you would normally be expected to take in your County position. **HCC Section 2-84(b).**

ASSISTANCE BEFORE COUNTY AGENCIES

You may not assist a business or person before a County agency for a contingent compensation. **HCC Section 2-84(c).**

You may not assist or represent a business or person for compensation on a matter in which you participated or will participate in your County capacity; you may not appear for compensation before your employing agency or an agency or council on which you sit. **HCC Section 2-84(d).**

You may not assist or represent a business for compensation before any County agency if you have official authority over the County agency unless you have complied with the disclosure requirements of Section 2-91.1. **HCC Section 2-84(e).**

PUBLIC CONTRACTS

The County may not enter into a contract with you or a business in which you have a controlling interest if the amount exceeds \$10,000 unless the contract was awarded pursuant to competitive sealed bids or proposals or the County has posted a notice of intent to award the contract and has filed a copy of the notice with the Board of Ethics ten (10) days before the contract is awarded. **HCC Section 2-85(a).**

The County Code states that a County agency may not enter into a contract with a person or business represented by a person who has been an employee of the agency within the preceding two (2) years and who participated in the subject matter of the contract. **HCC Section 2-85(b).**

RESTRICTIONS ON POST EMPLOYMENT

After you have terminated your service with the County, the provisions of Section 2-91.2 of the Hawai'i County Code will apply to you as follows:

- 1) You may not disclose or use confidential information gained during County employment for your personal gain or the benefit of others. **HCC Section 2-91.2(a).**
- 2) You may not within twelve (12) months of termination of employment or term of office assist and/or represent a person or business for compensation on matters in which you participated as an officer or employee or on matters involving official action by the agency or department you actually served while you were an officer or employee. **HCC Section 2-91.2(b).**

The term "represent" means to engage in direct communication on behalf of any person or business with a councilmember, a council employee, a particular County board, commission or agency, or their employees.

Exception: Any County agency may contract with you to act on a matter on behalf of the County; in the course of fulfilling such a contract, you may appear before any agency.

FINANCIAL DISCLOSURES

There are two types of financial disclosures: public and confidential.

Public Disclosures: All candidates for elective office, all elected officers, the administrative heads of the County agencies and their first deputies, and the managing director and deputy managing director are required to file public disclosures with the County Clerk. These disclosures are public records and are available for inspection by the public during office hours at the Office of the County Clerk. HCC 2-91.1(e).

Confidential Disclosures: Members of boards and commissions created by the Charter are required to file a financial disclosure. Members of other boards and commissions which have decision-making authority are also required to file. Members of boards and commissions that only have advisory powers and are not created by the Charter do not have to file a disclosure. Regulatory employees of the County are required to file.

Boards and Commissions Required to File Confidential Disclosures: Board of Appeals, Board of Ethics, Cost of Government Commission, Environmental Management Commission, Fire Board of Appeals, Fire Commission, Liquor Adjudication Board, Liquor Commission, Merit Appeals Board, Pension Board, Planning Commission, Police Commission, Reapportionment Commission, Salary Commission, Tax Board of Review, Transportation Commission, Water Board, Workforce Investment Board.

Regulatory Employees Required to File Confidential Disclosures: buyers and purchasing agents; supervisors of real property tax appraisers and real property tax appraisers with the Finance Department; the Legislative Auditor; supervisors of investigators and investigators with the Liquor Control Department; planners with the Planning Department; supervisors of inspectors and inspectors with the Public Works Department; and supervisors of inspectors and inspectors with the Water Supply Department.

WHEN TO FILE A DISCLOSURE

Candidates for Office: All candidates for elective office for the County shall file a financial disclosure within ten (10) days after the deadline for filing as a candidate for office.

Officers: All officers shall file a financial disclosure within twenty working days after taking the oath of office. All officers are also required to file an annual disclosure on or before January 31 of each year until the end of the term of office.

Regulatory Employees: All regulatory employees shall file a disclosure on or before January 31 of each even-numbered year (2008, 2010, and 2012, for example). All persons who become regulatory employees who have not previously filed a disclosure shall file the initial financial disclosure within thirty (30) working days of commencement of employment or term of office.

Requirement to File a Disclosure Upon Leaving Office or Employment: Any officer or regulatory employee of the County shall file a financial disclosure within ten working days before an officer is to leave his office or a regulatory employee is to terminate his employment with the County. This requirement applies even if transferring from the County to state or federal employment, or transferring from a regulatory to a non-regulatory position within the County.

Forms and Where to File: Forms can be located on the County's website (<http://co.hawaii.hi.us>), at the Office of the County Clerk, or at the Office of the Corporation Counsel. Public disclosures are filed with the County Clerk. Confidential disclosures are filed with the Board of Ethics, care of the Office of the Corporation Counsel.

PENALTIES FOR FAILURE TO FILE A DISCLOSURE

An officer or regulatory employee may be subject to discipline, including reprimand, probation, demotion, suspension or discharge. **HCC Section 2-91.**

Candidates for office who fail to file a financial disclosure shall be guilty of a misdemeanor and subject to a fine of \$1,000 and imprisonment of one year. **HCC Section 2-91.l(f) (2).**

ADVISORY OPINIONS

Who May Request an Advisory Opinion?

Informal Advisory Opinion: Any County officer or employee may petition the Board of Ethics for an informal advisory opinion concerning their own conduct by writing to the Board. Any person or the Board itself may petition for an informal advisory opinion on an alleged violation of the Code of Ethics by an officer or employee. All proceedings shall, upon the request of the petitioner, be confidential, provided that the Board determines that personal matters affecting the privacy of the petitioner are to be considered.

Formal Advisory Opinion: If an officer or employee fails to comply with an informal advisory opinion, the Board may institute proceedings for a formal opinion.

REFERRAL TO AUTHORITY FOR DISCIPLINARY ACTION

With respect to officers removable only by impeachment, if there is no compliance with a formal opinion issued against an officer, the Board shall issue a complaint and refer the matter to the Council.

With respect to employees and officers other than officers removable by impeachment, if there is no compliance with a formal opinion, the Board shall issue a complaint and refer the matter to the appointing authority for action.

AN ETHICS CHECKLIST

This is intended as a brief checklist that you can refer to when you are considering a proposed action, activity, outside employment, or are given a gift. This checklist is substantially similar to one published by the State Ethics Commission.

1. **Gifts:** Do not accept or solicit gifts unless you are sure of the application of the gifts section of the Hawai'i County Ethics Code, Section 2-91.4

No officer or employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise or in any other form, under circumstances in which it be reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer's or employee's official duties or is intended as a reward for any official action on the officer's or employee's part.
2. **Gifts Disclosure:** If you receive more than \$100 of legally acceptable gifts from a single source between June 1 of one year and May 31 of the following year, check with your office as to whether you need to file a gifts disclosure form.
3. **Confidential Information:** Do not disclose or use confidential information for your, or anyone's, personal benefit.
4. **Favoritism; Fair Treatment:** Do not use, or attempt to use, your official position to give yourself or anyone any preferential treatment or any unwarranted advantage.
5. **Supplemental Compensation:** Do not accept extra pay or anything of value in conjunction with the performance of your official duties, unless provided for by law.
6. **County Resources:** Do not use County time, equipment (computers, email, etc.), facilities, personnel, the County seal, office supplies or other County resources for non-County related purposes or political campaigning.
7. **Financial Transactions with Subordinates:** Do not engage in substantial financial transactions with subordinates, or persons or businesses you inspect or supervise. Check with your office as to the meaning of "substantial," as the application of that term may be different depending on the circumstances.

8. **Conflicts of Interest:** Do not take official action if the action affects your financial interests, or a business or undertaking in which you have a financial interest, unless you are sure of the application of the Hawai'i County Ethics Code. The financial interests of a spouse or dependent child are treated the same as your financial interests. Also, do not take action affecting an undertaking in which you, in your private capacity, represent a person or business.

NOTE: This section does not apply to Council members; instead, they are required to make a full public disclosure of the nature and extent of the interest or transaction that may be affected by legislative action.

9. **Acquiring New Employment or Financial Interests:** Do not accept new employment or new financial interests without checking with the Board of Ethics, if the business or undertaking you will work for, or have a financial interest in, may be subject to official action by you.

NOTE: This section is stronger than state law, as council members are not excluded from this provision, unlike state legislators who are excluded from the State Ethics Code provision.

10. **Contingent Compensation:** Do not assist or represent a person or business before a County agency for contingent compensation.
11. **Representing or Assisting Persons or Businesses:** Do not assist or represent a person or business for compensation:
- a) Before your own department or agency; or
 - b) On matters you have been officially involved in; or
 - c) On matters you will be officially involved in.

12. **County Contracts:**

- a) If you contract with the County, or have a significant interest in a company that contracts with the County, make sure the contract is awarded in accordance with HCC Section 2-85.
- b) Check with the Board of Ethics before privately assisting or representing a person or business trying to obtain a County contract, if you have been involved officially with the contract or its subject matter.

13. **Financial Interests Disclosure Statement:** File this statement at the appropriate times if required by the position you hold in County government.

14. **Post Employment:** After leaving your County agency or department:

- a) Do not disclose confidential information or use such information for your, or anyone's, personal benefit;

- b) For one year, do not personally represent any person or business for compensation on matters before your former agency or department unless you are sure of the application of the Hawai'i County Ethics Code; and
- c) For one year, do not personally represent a person or business for compensation regarding matters you have participated in officially.