

HRS §92-2.5 Permitted interactions of members.

(a) Two members of a board may discuss between themselves matters relating to official 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 which would constitute a quorum for the board, may be assigned to:

(1) Investigate a matter relating to the official business of their board; 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 which 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 prior to the presentation, discussion or negotiation.

(c) Discussions between two or more members of a board, but less than the number of members which 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 which would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to official 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; and 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 official 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]

CHAPTER 16

PLANNING

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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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