

OPERATING GUIDELINES OF THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

- I. NAME: South Kohala Community Development Plan Action Committee (SKCDP AC).
- II. AUTHORITY: Pursuant to the adoption of Ordinance 08-98, Chapter 16 of the Hawaii County Code 1983 (2005 Edition, as amended) was amended to establish a framework for the Community Development Plans and establishing the Community Development Plan (CDP) Action Committee.
- III. PURPOSE: The purpose of the SKCDP AC is to be a proactive, community-based steward of the plan's implementation and update.
- IV. DUTIES AND RESPONSIBILITIES: In carrying out its purpose, the SKCDP AC shall:
 - a. Attend monthly Action Committee meetings;
 - b. Invest 6-8 hours of work each month in between meetings (e.g., preparing comments and recommendations on draft proposals and amendments prior to meetings, talking to community groups and individuals);
 - c. Attend training workshops about planning and related issues;
 - d. Participate in a weekend orientation and training retreat;
 - e. Host or participate in an Annual Town Meeting to report on progress in implementation of the CDP to the wider community;
 - f. Prepare an FY Annual Report on progress in implementation of the CDP for the Community, County Administration, Planning Commission, County Council, Lead/Supporting Partners, and funders;
 - g. Provide ongoing guidance and advocacy to advance implementation of the CDP goals, objectives, policies, and actions;
 - h. Broaden community awareness of the CDP and build partnerships, as appropriate, with governmental and community-based organizations to implement CDP policies and actions;
 - i. Take into consideration state-wide objectives and legislation for long-term and sustainable plans for the island as a whole;
 - j. Provide timely recommendations to the county on priorities relating to the county operational budget and the CIP budget and program;
 - k. 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;
 - l. 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;

- m. 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;
- n. Review and make recommendations on interim amendments to the CDP;
- o. Serve as the Steering Committee, as set forth in the General Plan, in any comprehensive update of the CDP;
- p. Provide recommendations to amend the General Plan; and
- q. Carry out other duties specified in the CDP and/or in agreement with the Planning Department.

V. MEMBERSHIP

- a. Representation. The membership should reflect a broad cross section of the area covered by the CDP and shall include community-minded individuals providing varying points of view.
- b. Selection Process: A Review Committee shall evaluate all qualified applicants for appointment to the Action Committee and recommend the initial nine Action Committee Members to the Mayor for appointment and approval by the County Council using a predetermined selection process. (See Attachment A: Selection Process)
- c. Number. The SKCDP AC shall consist of 9 (nine) members.
- d. Residency. Principal residence is in the area covered by the CDP.
- e. Ex-officio members. The Planning Director or his/her authorized representative(s) shall be a non-voting, ex-officio member.
- f. Attendance. If unable to attend a scheduled meeting of the Action Committee, a member shall notify the Chair or Vice Chair at least 24 hours in advance and provide a justification for the absence.
- g. Termination. Termination from the Action Committee may result from the following actions: 1) by a majority vote of the Action Committee members for three unexcused absences in a six-month period, or 2) by direction of the Mayor.
- h. Resignation. A member may at any time submit a request to resign from the Action Committee in writing and addressed to the Chair.
- i. Term. The SKCDP AC 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 shall continue to serve until a successor is appointed. Members whose terms expire may not be reappointed for at least two years, except that members appointed for one year or less may be reappointed for an additional term without the passage of two years' time. The initial appointment of terms shall be recommended by the Review Committee and determined by the Mayor.

- j. Replacement. The initial selection process shall designate nine alternative candidates to be considered for replacement of Action Committee Members. Following the same procedures set forth in the selection process (See Attachment A: Selection Process).

VI. OFFICERS AND THEIR DUTIES

Officers shall consist of a Chairperson and a Vice-Chairperson elected by the Action Committee annually. No member shall succeed himself or herself as Chair unless approved by at least two-thirds (2/3) majority vote of the Action Committee. In the event the Action Committee is not able to elect a regular Chair or Vice-Chair from among its members at its first meeting, the Planning Director or his/her authorized representative(s) shall act as a non-voting Chair until a Chair and/or Vice-Chair can be elected. The incumbent Chair or Vice-Chair may serve on a holdover basis for a term not to exceed ninety (90) days following any subsequent annual failure to elect a Chair or Vice-Chair.

- (a) The Chair shall be the Presiding Officer of the Committee and the Vice Chair shall be the Presiding Officer in the absence of the Chair.

The Presiding Officer shall:

- (1) Open all meetings of the Action Committee by taking the chair and calling the meeting to order;
- (2) Call for the approval of the minutes of any preceding meetings when a quorum is present;
- (3) Maintain order and proper decorum based on facilitation practices and Robert's Rules of Order;
- (4) Announce the business before the Action Committee in the order prescribed by these rules;
- (5) Review all matters properly brought before the Action Committee, call for votes upon the same and announce the results;
- (6) Appoint all subcommittees unless otherwise ordered by the Action Committee;
- (7) Authenticate by signature all acts of the Action Committee as may be required by law;
- (8) Do and perform such other duties as may be required by law, or such as may be properly appertain to such office;
- (9) Make known all rules of order when so requested, and to decide all questions of order, subject to an appeal to the Action Committee;
- (10) Take into consideration such matters as shall not be within the scope of the duties or powers of any subcommittee of the Action Committee; or as may be referred by the Action Committee, and to report thereon, together with such recommendations relative thereto as deemed advisable; and

- (11) Represent the Action Committee in all functions, as directed by the Action Committee or designate a representative from the membership of the Action Committee.

VII. SUBCOMMITTEES

- a. Action Committee Members may organize subcommittees and special purpose task forces at their discretion. At least two (2) members should serve on each subcommittee. The facilitator for each subcommittee shall be a SKCDP AC member; however, membership of the subcommittees is not restricted to SKCDP AC members.

VIII. MEETINGS

- a. Rules of practice. The Action Committee shall operate and individually uphold the Member Expectations and Decision-Making Process it adopted on December 11, 2009 and under Robert's Rules of Order with modifications as may be adopted by the Action Committee.
- b. Ground Rules. Ground rules can help group discussions move forward more smoothly and make a meeting more meaningful and efficient. The Action Committee may establish ground rules for their meetings.
- c. Regular meetings of the Action Committee will be held at least once a month at a time and place determined by the Committee at the previous meeting. Adjustments to this meeting schedule will be made to accommodate holidays and special circumstances as approved by a majority vote of the Action Committee.
- d. Special meetings of the Action Committee may be called by the Chair of the Action Committee, the Planning Director or his/her authorized representative(s) provided a minimum six (6) calendar days notice is provided.
- e. The draft agenda for the upcoming meeting shall be established at the end of each meeting by the Action Committee. The Chairperson may add items to the agenda prior to the filing of public notice.

IX. NOTICE

- a. The Action Committee shall give written public notice of any regular or special meeting which shall include an agenda listing all items to be considered at the meeting as well as the date, time, and place of the meeting. The notice shall be filed in the Office of the County Clerk for public inspection at least six (6) calendar days before the meeting and shall also be posted at the site of the meeting whenever feasible. Should the written notice be untimely filed, the meeting shall be canceled, a notice canceling the meeting shall be posted at the place of the meeting, and no meeting shall be held.
- b. In addition to the notice provided for in (a), notice of any special meeting shall be published in two newspapers of general circulation in the County at least twenty four hours in advance of the meeting, unless the date, time, and place of the special meeting was announced prior to the adjournment of a regular meeting. Notice of any special meeting shall be conspicuously posted on the bulletin board of the Hawaii County Building. A brief resume of the principal business to be taken up at such

meeting shall be stated in the posted notice as well as in the notice released to the news media.

- c. The Action Committee shall not add items to the agenda, once filed, without eight (8) affirmative votes, provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the Committee will affect a significant number of persons.
- d. The Action Committee shall maintain a list of names and addresses of persons who request notification of meetings and shall mail a copy of the notice to such persons at their last recorded address no later than the time the agenda is filed.

X. QUORUM AND TRANSACTION OF BUSINESS

- a. A majority (five (5)) of all members to which the Action Committee is entitled shall constitute a quorum to transact business.
- b. The affirmative vote of a majority of those members present shall be necessary to take any action.
- c. Members shall inform the Chair and Vice Chair when they are unable to attend a scheduled meeting at their earliest convenience to ensure that there will be a quorum to conduct a meeting.

XI. PUBLIC STATEMENTS

- a. Public participation shall be encouraged. The Action Committee shall afford all interested persons an opportunity to submit data, views, or written testimony on any agenda item. It is recommended that ten (10) copies of any written information or testimony be submitted to the Action Committee at, or prior to, the meeting.
- b. The Action Committee shall afford all interested persons an opportunity to speak on any agenda item. Oral testimony shall be limited to three (3) minutes in length per agenda item, subject to the discretion of the Chair. The Chair may also give members of the public the opportunity to make comments at the beginning of the meeting if it would be inconvenient for them to wait for the agenda item to come up.

XII. PUBLIC INFORMATION

- a. The Action Committee shall direct the Planning Department to publish information about its activities on a website.
- b. All public records shall be available for inspection and copying by any person during established office hours within reasonable timelines unless public inspection of such records is in violation of any other state or county law.
- c. Any person may obtain information, make submittals to the Action Committee or request information in person or by writing to the Planning Director at 101 Pauahi Street, Suite 3, Hilo, HI 96720 or 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, HI 96740.

- d. Copies of public records printed or reproduced for persons other than government agencies shall be given to any person provided that applicable fees or costs for reproduction and postage are applied.

XIII. MINUTES

- a. The Action Committee shall keep written minutes of all meetings. Neither a full transcript nor a recording of the meeting is required, but the written minutes shall provide a true reflection of the matters discussed and action taken. The minutes shall include, but need not be limited to:
 - i. The date, time, and place of the meeting;
 - ii. The members of the Action Committee recorded as either present, absent, or excused;
 - iii. The substance of all matters proposed, discussed, or decided and a record, by individual member, of any votes taken; and
 - iv. Any other information that any member of the Action Committee requests be included or reflected in the minutes.
 - v. The minutes shall be public records and shall be available within thirty days (30) after the meeting except where such disclosure would be inconsistent with Section 92-5, Hawai`i Revised Statutes, or Section 13-20 of the County of Hawai`i Charter, provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meetings but no longer.

XIV. STAFF SUPPORT

- a. Administrative. The Planning Department will provide administrative support such as preparation and distribution of agenda, meeting notice requirements, lists, meeting logistics, correspondence, annual reports, website publications and recording/preparation of minutes.
- b. Technical. Depending on the agenda, the Planning Department will arrange to have relevant agency representatives attend Action Committee meetings, as needed.

XV. CONFLICTS OF INTEREST

- a. The Action Committee members shall act at all times in the best interests of the people of Hawaii County. Whenever a member has a financial or professional interest in any matter coming before the Action Committee, the affected person shall (1) fully disclose the nature of the interest and (2) withdraw from discussion and voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested members determine that it is in the best interest of the people of Hawaii County to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for approval. Disclosure shall be directed to the Action Committee via the Planning Director or his/her authorized

representative(s) and shall include an understandable description of all relevant facts.

- b. Upon notification by a concerned party of a perceived conflict of interest, the Planning Director or his/her authorized representative(s) shall inform the Action Committee members of the issue and the Action Committee shall resolve the issue prior to a discussion of the matter.

XVI. AMENDMENT OF THE RULES OF PRACTICE AND PROCEDURE

- a. Amendment of the Rules of Practice and Procedure may be approved by at least two thirds (2/3) majority vote of the Action Committee or by the Planning Director or his/her authorized representative(s). However, amendments may not be made to rules deemed to be required under State or County law.

Comments on Operating Guidelines

IV (f): What is an FY report? When is it due?

IV (k) and (l): both clearly say that information will be provided when requested. How do we make such a request? Will a simple letter suffice?

IV (n) and (p): regard recommendation for amendment and amendment to the CDP and the General Plan. Who do we make those recommendations to? When? How? Is there some part of the plan that I glossed over that details amendment?

IV.e - Annual Town Meeting - consider holding four such meetings quarterly, one in each of the four communities comprising South Kohala (i.e., Waimea, Waikoloa, Puako and Kawaihae)

IV.i - What assistance can the Planning Commission give the SK AC in the way of information regarding state-wide objectives and legislation? What other resources are available to the SK AC to obtain such information?

IV.k - Realistically, how often can the SK AC request and receive such briefings? Are monthly briefings reasonable? Quarterly? Annual? If on an "as needed" basis, how will the SK AC know when to request a briefing because one is needed?

IV.l - same as IV.k

V.a - The SK AC membership should reflect a cross section of the area covered - but the SK AC has six members from Waimea and hardly reflects a cross section that includes Kawaihae and Puako and it fails to represent Waikoloa proportionately to the population compared to Waimea

V.j - Replacement of SK AC members is to come from the referenced pool but it appears that this is not the case in identifying the ninth member who will replace the original nominee. This also states that the SK AC may act to fill a vacancy but the SK AC is not being offered that opportunity regarding the ninth member. Who decides whether the SK AC will act to fill SK AC vacancies?

VI(a)(4) - omitted - I would to see what appeared there

VI(a)(10) - same as VI(a)(4)

VII - Rules comparable to those applicable to the SK AC should be set forth in the operating guidelines for subcommittees (e.g., subcommittees should (1) provide oral and written reports to the SK AC at the regular monthly SK AC meetings; (2) provide notice of meetings, agendas, minutes, etc. in the same

fashion as the SK AC; (3) public statements should be invited at subcommittee meetings; (4) conflicts of interest must be handled at the subcommittee level in the same manner and subject to the same standards as at the SK AC level; and (5) all subcommittee action should be subject to approval or ratification by the SK AC).

VIII.b - How are ground rules different than Roberts Rules (in other words, what ground rules are needed to supplement Roberts Rules, which to my experience is a full set of guides for the management of a meeting)?

VIII.c - Modify to reflect the SK AC as to time and place of regular meetings.

VIII.d - Who will be responsible (as a practical matter) for compliance with the notice requirement?

IX.a - same as VIII.d

IX.b - same as VI(a)(4)

IX.d - Delete last sentence referring to Larry. I agree with the provision even though maintenance of such a list is not mandatory.

X.a - If the SK AC should have two vacancies for any reason at some point, this might be a problem. Perhaps the rule should provide that a majority of the number of SK AC members then serving on the SK AC shall constitute a quorum.

XII.a - The wording "shall make every effort to request" is a little nonsensical. What other effort is there that this refers to besides the actual effort of making the request? Perhaps it should say "shall request" or (if the effort is to be qualified in some fashion) "to the extent it deems appropriate shall request" or something along these lines.

XII.b - What public records will the SK AC possess (that it could make public or withhold from the public) besides minutes and agendas from SK AC meetings?

XII.c - Will the Planning Department notify the SK AC if the Planning Department receives such a request regarding the SK AC?

XII.d - Who will provide this service? Will the SK AC have a staff to do this?

XIV.a - These are operating guidelines to be adopted by the SK AC. How can the SK AC commit the Planning Department to provide such support? We need something from the Planning Department explaining (in detail to the fullest extent possible) what level of support the Planning Department is willing to provide to the SK AC rather than making a statement like this in the SK AC operating guidelines. Only then can we state with any confidence what the Planning

Department will do to support the SK AC.

XV.a - If an SK AC member discloses the existence of a conflict of interest regarding a given matter, is that member required by applicable law to withdraw from discussions concerning the matter? In many situations, the member with the conflict also has greater knowledge of the subject matter because of the conflicted member's proximity to the issue, and allowing the member to offer information in the course of the discussion is frequently quite helpful if the information is offered objectively and without an effort to influence the outcome of the discussion. The other members are aware of the conflict and can use their judgment in weighing the input from the conflicted member (if it appears that the conflicted member is trying to influence the outcome of the discussion) or can ask the conflicted member to refrain from participating in the discussion if they feel that is desirable. However, having an absolute prohibition against any discussion by the conflicted member may preclude the conflicted member from offering important information or insights regarding the subject matter, even if such information or insight is offered in good faith and without an effort to influence the outcome of the discussion. In some jurisdictions, conflicted members of governing bodies are allowed to vote on the matter as long as the conflict is disclosed. I am not in favor of such a rule here but point this out merely as evidence that there is a range of ways of dealing with conflicts of interest.

I also question why the disclosure is to be directed via the Planning Director rather than to the SK AC with a copy of such disclosure to the Planning Director.

XV.b contemplates that the SK AC will resolve any questions regarding whether a conflict actually does exist so the need to have the Planning Director in the middle of the communication seems unnecessary.

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Additional comments on the proposed SKCDP Operating guidelines:

IV.e) I'm not sure if we need to do this annually, possibly bi-annually. Also, I think one meeting for the district would be enough, probably on the north side of Waimea due to the population distribution of the district.

V. i) Would suggest deleting the second sentence that reads: Members whose terms expire may not be reappointed for at least two years, except that members appointed for one year or less may be reappointed for an additional term without the passage of two years' time. I think if a member is willing to serve again, and has been productive and well respected during their tenure; the appointing authority should have the option to reappoint that person. There may be difficulty in finding people who are willing and qualified to serve.

V. j) Has there been a selection of nine (or any number of) alternative candidates

to be considered for replacement? If so, it would seem that we would have used this pool to appoint the vacancy by now. I think we should get a list established now during this last selection process so that we have a “bench” to appoint from when future vacancies occur.

VIII. a) Are the Ground Rules we established at our April 14, 2010 retreat considered the modifications to Roberts Rules?

VIII. c) Since the majority of the population and the AC members are in Waimea, I would support establishing the regular meeting time and place there, with the idea that perhaps occasionally – maybe 3-4 times a year we hold the meeting in Waikoloa Village in order for that community to more easily attend from time to time. Since Puako, Kawaihae and the resorts have such small populations, I don't think it seems fair to the majority of the district to schedule meetings there, unless there is an issue that is specific enough, and has public concern expressed to hold a meeting or a special meeting in one of those places.

IX. d) I would support deleting this section. The information is available on line or someone could call the Planning Department if they wanted notification.

X. a) It would be more practical for this to read “A majority” and delete (five).

XI. b) In keeping with the Ground rules we discussed and agreed on at our April 14, 2010 retreat, we established that public statements would be limited to a TOTAL OF 3 MINUTES with instruction that we allow members to submit written statement to go to the committee to read and file prior to the meeting. Given the leniency on this we have given at meetings to date, it might be a good idea to announce this at the meetings (at least the next few) and also post it on the website.

XII. d) Someone brought up that we had not established who would provide this service. Good question.

XV. a) I agree with previous stated concerns that someone who may be required to abstain from a vote could possibly be very valuable in a discussion and that we are capable with dealing with this as an Action Committee without action from the Planning Director. I would suggest deleting the word discussion from the second sentence (section 2), and deleting the last sentence in the paragraph.