

COUNTY OF KAUAI  
MAYOR'S ADVISORY COMMITTEE FOR EQUAL ACCESS

POLICY  
for the  
MACFEA  
MEETINGS

(Adopted June 21, 2005)

Amended Policy Approved by MACFEA  
On  
July 21, 2009

## GENERAL PROVISIONS

### Purpose

This policy governs practice and procedure for the County of Kaua'i Mayor's Advisory Committee for Equal Access (MACFEA).

### Construction

This policy shall be construed to secure the just and efficient determination of every matter before Mayor's Advisory Committee for Equal Access (MACFEA).

### Definitions

For the purpose of this policy, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

“MACFEA” means Mayor's Advisory Committee for Equal Access.

“County” means the County of Kauai.

“Meeting” means the convening of the MACFEA for which a quorum is required in order to make a decision or deliberate toward a decision upon a matter over which the MACFEA has supervision, control, jurisdiction, or advisory power.

“Person” means an individual, partnership, firm, association, trust, estate, private corporation, or other legal entity, whether or not incorporated, including governmental agencies.

## Communications

Unless otherwise specified, all communications to MACFEA should be directed to the Office of the Mayor, Mayor's Advisory Committee for Equal Access (MACFEA), 4444 Rice Street, Suite 150, Lihue, Kaua'i, HI 96766.

## Organization

- (a) The committee will be composed of thirteen (13) voting members. A majority (51%) of the members shall be individuals with disabilities and/or family members of individuals with disabilities. Other members shall be advocates or representatives of agencies who work with and support individuals with disabilities. There shall be one non-voting representative from the Mayor's Office at each meeting.
- (b) The Mayor will have final approval of candidate selection. The committee shall elect a chairperson and vice-chairperson from its members and advise the Mayor accordingly. The appointed members and elected chairs will serve coterminous with the Mayor's term.
- (c) The chairperson shall be the presiding officer of MACFEA. The vice-chairperson shall serve as the presiding officer during the temporary absence, illness, or disqualification of the chairperson.

The presiding officer shall:

- (1) Open all meetings of the committee at the appointed time and call the meeting to order.
  - (2) Call for the approval of the minutes of any preceding meeting.
  - (3) Maintain order and proper decorum.
  - (4) Announce all matters properly brought before MACFEA.
  - (5) Review all matters properly brought before MACFEA, and when appropriate, call for votes upon such matters and announce the results.
  - (6) Authenticate by signature all acts of the committee as may be required by law, unless delegated to another.
  - (7) Do and perform such other duties as may be required by law.
  - (8) Attend meetings or public hearings when requested to do so to represent the committee.
  - (9) Make known all rules of order when so requested, and to decide all questions of order.
- (d) In the absence of the chairperson and vice-chairperson, the committee shall elect a chairperson pro tempore, who shall preside at the meeting.

### Meetings

- (a) All meetings of MACFEA shall be held in a county building or other publicly owned place. In the event that a publicly owned building is not available or appropriate for the meeting, the meeting can be held in another facility that is accessible to the public.

- (b) The committee shall conduct its meetings in accordance with Robert's Rules of Order, Newly Revised, as amended. The policy of MACFEA shall govern in the event of a conflict between the rules of the committee and Robert's Rules of Order, Newly Revised, as amended.
- (c) MACFEA shall comply with Chapter 92, Hawaii Revised Statutes, as amended, pertaining to public agency meetings and records, and commonly known as and referred to as the "Sunshine Law".
- (d) Special meetings may be called by the chairperson or a majority of MACFEA members.
- (e) Social, informal gatherings of two or more members of MACFEA where official business is not discussed shall be considered chance meetings and not subject to this policy.

MACFEA shall allow all interested persons an opportunity to submit data, views, arguments or testimony on any agenda item in an open meeting. MACFEA may remove any person who willfully disrupts a meeting so as to prevent and compromise the conduct of the meeting. MACFEA may ask for the recordation of the individuals name and testimony and may place a reasonable time limit on such testimony, which in any event shall be not less than three minutes per person. Testimony should be presented in a written format. Any oral testimony presented should be followed up in a written format by the person testifying or their representative.

#### Quorum

51% of MACFEA members constitute a quorum to transact business and take action.

## Minutes

(a) MACFEA shall keep written minutes and may provide for the audio recording of meetings and may provide for the written recording of meetings. The minutes shall give a true reflection of the matters discussed at the meeting. The minutes shall include, but not be limited to:

1. The date, time, and place of the meeting;
2. The members of MACFEA recorded as either present or excused;
3. The substance for all matters proposed, discussed, decided or actions taken; and a record, by individual member, of any votes taken.
4. Any member of MACFEA can request to include information to be reflected in the minutes.

(b) The written minutes shall be public records and shall be available within thirty days after the meeting except where such disclosure would be inconsistent with section 92-5, Hawaii Revised Statutes, pertaining to executive meetings. MACFEA will provide a text transcript of the meeting or an audio recording of the meeting if requested for purposes of rehearing or court review. Any person requesting a text transcript or audio recording shall pay the costs incurred in the preparation of the record.

(c) All or any part of a meeting of MACFEA may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction, except when a meeting is closed pursuant to section 92-4, Hawaii

Revised Statutes; provided the recording does not actively interfere with the conduct of the meeting.

### Agendas

(a) MACFEA shall give written public notice of any regular, special, 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 and, in the case of an executive meeting, the purpose of the executive meeting.

(b) MACFEA shall file the notice in the office of the county clerk at least six calendar days before the meeting. The notice shall also be posted at the site of the meeting. MACFEA shall not change the agenda, once filed, by adding items thereto without a 51% recorded vote of all members to which MACFEA is entitled provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by MACFEA 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 date and time.

(c) MACFEA 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 under subsection (b).

### MACFEA records

Records will be kept in the Office of the Mayor with the ADA Coordinator. MACFEA records are “government records”, as defined in Chapter 92F (“Uniform Information Practices Act”), Hawaii Revised Statutes, as amended, and shall be disclosed according to the provisions of that chapter. All costs required by any law, rule, or ordinance shall be paid by the requesting party.

### Computation of time

In computing any period of time under these rules, the time begins with the date following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.

### Disclosure of conflict

A MACFEA member shall promptly make full disclosure to the committee of any conflict of interest that exists concerning any matter that may be affected by an action of MACFEA. The member with a conflict of interest shall be disqualified from discussion and voting in all actions relating to the subject.

### Attendance

No member shall be absent from the service of MACFEA, unless the member is sick or otherwise unable to attend and has so advised the MACFEA Chair at least twenty-four hours prior to the meeting. If a member has two unexcused

absences, the chairperson shall, promptly after the second unexcused absence, issue a letter to the member requesting an explanation for the absences. If a member has three unexcused absences within a fiscal year, the chairperson shall, promptly issue a letter to the Mayor notifying the Mayor of the member's termination.

#### Petitions for adoption, amendment, or repeal of policy

Any interested person may petition MACFEA for the adoption, amendment, or repeal of MACFEA's policy. The petition shall be in writing, describe and state the reasons for the proposed change with particularity, and be submitted to MACFEA. Within thirty days after reviewing the petition, MACFEA shall either deny the petition in writing, stating its reasons for the denial, or initiate proceedings in accordance with section 91-3, Hawaii Revised Statutes.

#### Declaratory rulings

(a) Any interested person may petition MACFEA for a declaratory order as to the applicability of any provision or any procedure of MACFEA.

(b) A person seeking declaratory ruling shall file the petition with the MACFEA.

The petition shall include:

- (1) The name, address, and telephone number of the petitioner.
- (2) A statement of the nature of petitioner's interest, including reasons for the submission of the petition.
- (3) A designation of the specific provision or procedure in question.

- (4) A complete statement of facts.
- (5) A statement of the position or contention of the applicant.
- (6) A memorandum fully discussing the reasons for such position or contention.

(c) The committee may refuse to issue a declaratory ruling where:

- (1) The question is speculative or purely hypothetical and does not involve existing facts or facts that can reasonably be expected to exist in the near future.
- (2) The petitioner's interest is not of the type that would give petitioner standing to maintain an action if the petitioner were to seek judicial relief.
- (3) The declaratory ruling concerns matters in litigation or matters which are reasonably expected to arise in litigation.
- (4) The matter is not within the jurisdiction of MACFEA.

(d) Where any question of the law is involved, MACFEA may refer the petition to the corporation counsel. MACFEA may also refer the petition to other agencies when necessary or desirable.

(e) MACFEA shall promptly notify the applicant of the disposition of the petition.

ADOPTED this 21<sup>st</sup> day of July 2009, at Lihue, Kauai, Hawaii.

Policy, Practice and Procedure for the Mayor’s Advisory Committee for Equal Access (MACFEA).

\_\_\_\_\_  
Elena Costales  
Chairperson

Mayor’s Advisory Committee for  
Equal Access

\_\_\_\_\_  
Bernard P. Carvalho, Jr.  
Mayor, County of Kauai

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

APPROVED AS TO FORM  
AND LEGALITY:

Received this \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

\_\_\_\_\_  
Amy Esaki  
Deputy Corporation Counsel  
County of Kauai

\_\_\_\_\_  
Peter Nakamura  
County Clerk, County of Kauai

Received this \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

**CERTIFICATION**

I hereby certify that the Mayor’s Advisory Committee for Equal Access of the County of Kaua’i adopted the foregoing Policy for the MACFEA Meeting on July 21, 2009, under authority of chapter 91, Haw. Rev. Stat., as amended, and that the provisions of Sec. 91-3, Haw. Rev. Stat., as amended, have been satisfied, including the **holding of a public hearing on July 21, 2009**, and the giving of proper notice for

the public hearing, which notice was advertised in *The Garden Island* on **June 17, 2009.**

Dated at Līhu'e, Kaua'i, this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Barbara Davis,  
Secretary, **Mayor's Advisory Committee for Equal Access, County of Kaua'i**

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**CERTIFICATION OF COUNTY CLERK**

I hereby certify that on \_\_\_\_\_, 2009, I accepted for filing from the Mayor's Advisory Committee for Equal Access of the County of Kaua'i the foregoing Policy for the MACFEA Meeting adopted on \_\_\_\_\_, 2009.

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Peter Nakamura, County Clerk,  
County of Kauai