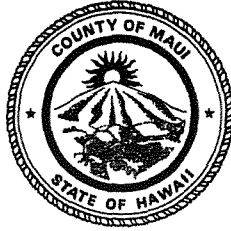


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel


EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

February 18, 2014

MEMO TO: Robert Carroll, Council Member

FROM: Linden H. Joesting, Deputy Corporation Counsel 

SUBJECT: RULES OF ADJOURNMENT

This memorandum is in response to your letter dated September 18, 2013 requesting answers to the following questions:

I. QUESTIONS PRESENTED

1. Consistent with Robert's Rules of Order, is it necessary that the Council and its Committees entertain a motion to adjourn?
2. Is it necessary to require the chair to state that if there is no other business, the meeting is adjourned prior to ending the meeting?
3. Should the Council consider including the adjournment procedures within our Rules of the Council?

II. SHORT ANSWER

1. Yes, Robert's Rules of Order requires a motion to adjourn before the meeting adjourns.

MEMO TO: Robert Carroll, Council Member

February 18, 2014

Page 2

2. It is not necessary, under the Sunshine Law or parliamentary law, for a Maui County Council Chair to state or ask if there is no other business before ending a meeting.
3. We do not recommend the Council amend its Rules to change the adjournment procedure unless the omission of a motion to adjourn happens frequently.

III. ANALYSIS

As you know, Robert's Rules of Order (Robert's Rules) sets out parliamentary procedures to ensure uniformity and promote collegial relationships in committees and organization meetings. Robert's Rules are meant to coexist with, rather than override, any specific rules that might also be adopted by these organizations.

In researching this matter, I inquired with a Certified Parliamentarian credentialed by the American Institute of Parliamentarians ("AIP") and posed the following question: "Must a chair first ask or state "if there is no other business," before the meeting is adjourned or before ending the meeting?" The AIP responded as follows:

"...Since I have not read your organization's governing documents, this reply is based solely on the information given in your email message...

No, the phrase "if there is no other business" is not a statement that is required prior to adjourning a regular meeting of an organization; however, it is the responsibility of the presiding officer to make sure that all known business has been addressed. In most organizations the last item of business on an agenda is "New Business." It is correct for the presiding

MEMO TO: Robert Carroll, Council Member
February 18, 2014
Page 3

officer to ask if there is any new business. When there is no response, the presiding officer senses that the members are ready to adjourn, he can suggest unanimous consent as follows: "If there is no objection, the meeting will be adjourned. [Pause.] Since there is no objection, the meeting is adjourned.""

Specific rules were created by the Hawaii State Legislature for Boards and Commissions and codified as what is commonly called the Sunshine Law. These two sets of rules must work together to meet the combined goals of having certain deliberative bodies address issues openly, yet efficiently and collegially. These two systems of administering meetings are addressed below.

1. Robert's Rules of Order

You correctly noted in your memo to our office that Robert's Rules permits a body to adjourn without a motion. Robert's Rules separates all motions to adjourn into two types: privileged and non-privileged. A privileged motion to adjourn closes the meeting immediately when another meeting is planned, and when no specific time to adjourn has already been set. Where provision for another meeting has been made, and no time was set to adjourn, a motion to adjourn may interrupt pending business and if adopted, close the meeting. Robert's Rules, pp 233-34.

The Maui County Council has a schedule for meetings set by the County Charter. County Charter, Section 3-5. It has provisions for other meetings to take place pursuant to the Charter. Additionally, if the meeting at which you were present had no set time to adjourn, then the motion to adjourn could interrupt pending business and once adopted, close the meeting.

MEMO TO: Robert Carroll, Council Member
February 18, 2014
Page 4

2. The Sunshine Law

The Sunshine Law does not mention how a body should close its meeting. The Sunshine Law is therefore silent on as to how and when a Board should adjourn.

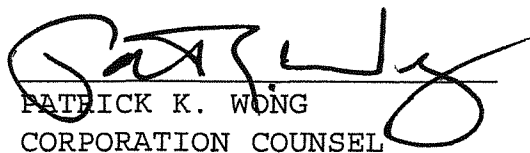
IV. CONCLUSION

Under Robert's Rules, since Maui County Council meetings are scheduled pursuant to the Charter, and if the meeting you attended did not have a preset time to adjourn, a motion to adjourn could end the meeting without completing pending business.

Since Robert's Rules already provide for methods to adjourn a meeting, I do not recommend adding more rules to address adjournments unless there is some continuous problem that can only be resolved by specific rules for the Council.

Please let me know if you have further questions or need other assistance.

APPROVED FOR TRANSMITTAL:


PATRICK K. WONG
CORPORATION COUNSEL

S:\ALL\LHJ\Assignments\2013-2763 Bob Carrol Adv Request re Rules of Adjournment\2014-2-18 Carroll memo.doc