

RESOLUTION

URGING INCREASED FLEXIBILITY FOR ELECTRONIC PARTICIPATION IN AND PUBLIC ACCESS TO MEETINGS OF CITY AND COUNTY OF HONOLULU BOARDS AND COMMISSIONS, CITY COUNCIL, AND OTHER CITY AGENCIES TO INCREASE AND ASSURE EFFECTIVE CITIZEN PARTICIPATION.

WHEREAS, since March 2020, the City and its residents have experienced unprecedented government shutdowns of traditional economic activity – affecting businesses, schools and institutions, theatres, restaurants, and many levels of government programs -- as a result of the global COVID-19 pandemic; and

WHEREAS, pursuant to Section 14-101 of the Revised Charter of Honolulu 1973 (2017 Edition), as amended ("Charter"), the City's neighborhood boards have functioned for decades to increase and assure effective citizen participation in the decisions of government; and

WHEREAS, Chapter 14 of the Neighborhood Plan ("Rules of the Neighborhood Boards") establishes rules for the neighborhood boards, including rules related to neighborhood board meetings and neighborhood board member attendance; and

WHEREAS, neighborhood board meetings must be conducted in accordance with the Sunshine Law, Chapter 92, Part I, Hawaii Revised Statutes ("HRS"), with provisions applicable only to neighborhood boards being set forth in HRS Chapter 92, Part VII; and

WHEREAS, as part of Governor David Ige's legislative package, House Bill 880 and Senate Bill 1034 have been introduced at the 2021 Legislative Session, which would expand board and public participation by giving boards the option, in conjunction with in-person meetings, to use interactive conference technology to remotely conduct public meetings under the Sunshine Law, even when no emergency has been declared by government authorities; and

WHEREAS, as part of the Hawaii State Association of Counties' legislative package for the 2021 Legislative Session, House Bill 166 and Senate Bill 439 have been introduced, which would clarify laws regarding public meetings held by interactive conference technology; and

WHEREAS, the Office of Information Practices, the State agency tasked with administering the Sunshine Law, states in its *Guide to the "Sunshine Law" for State and County Boards* (July 2019) that a board may allow testifiers, presenters, and other members of the public to watch, testify, or otherwise participate in a meeting by:



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- Allowing testifiers to call in from home;
- Allowing their participation via audio- or videoconferencing from a location not listed on the meeting notice; and
- Setting up audio- or videoconferencing at a location where no board member will be present; and

WHEREAS, to minimize in-person interactions in light of physical distancing requirements imposed due to the COVID-19 pandemic, efforts have been made to facilitate public participation and preserve public access to certain government operations by means of electronic conference technology; and

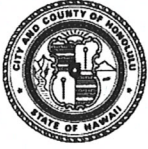
WHEREAS, HRS Section 92-3.5 allows State or county boards, including neighborhood boards, to hold meetings by "interactive conference technology," which includes teleconference, Skype, Webex, Zoom, videoconference, or voice over internet protocol (VoIP), provided that certain requirements are met; and

WHEREAS, the City Council has made efforts to increase remote public participation by conducting committee and Council meetings using interactive conference technology; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges increased flexibility for electronic participation in and public access to meetings of City and County of Honolulu boards and commissions, City Council, and other City agencies to increase and assure effective citizen participation in local government; and

BE IT FURTHER RESOLVED by the Council of the City and County of Honolulu that it solicits further recommendations on means to enhance public participation in City government through the use of interactive conference technology; and

BE IT FURTHER RESOLVED that increased flexibility in the requirements for electronic participation among neighborhood board members and the public in neighborhood board meetings will make it easier for neighborhood board members and staff, members of the public, and public officials to participate in neighborhood board meetings, and such flexibility for other county boards, commissions, and county councils, will make it easier for their members, the public, and other public officials to participate in their meetings, all of which is in the best interest of the City and its residents; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-34

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, and the Executive Secretary of the Neighborhood Commission.

INTRODUCED BY:

Don Fujiwara

DATE OF INTRODUCTION:

JAN 28 2021

Honolulu, Hawaii

Councilmembers