

REPORT OF THE COMMITTEE ON PUBLIC INFRASTRUCTURE AND TECHNOLOGY

Voting Members:

Carol Fukunaga, Chair; Andria Tupola, Vice-Chair;
Brandon J.C. Elefante, Heidi Tsuneyoshi

Committee Meeting Held
February 10, 2021

Honorable Tommy Waters
Council Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Infrastructure and Technology, which considered Resolution 21-34 entitled:

"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,"

introduced on January 28, 2021, reports as follows:

The purpose of this resolution is to urge increased flexibility for electronic participation in and public access to meetings of City boards and commissions, the City Council, and other City agencies to increase and assure effective citizen participation in local government. The resolution solicits further recommendations on means to enhance public participation in City government through the use of interactive conference technology.

At the February 3, 2021, Public Infrastructure and Technology committee meeting, Neighborhood Commission Executive Secretary Designate Lloyd Yonenaka testified in strong support of the resolution. Mr. Yonenaka stated that allowing neighborhood boards to conduct meetings using videoconferencing technology has resulted in more members of the public participating in the meetings who otherwise would not have participated if the meeting was conducted in person.

At your Committee's meetings on February 3rd and 10th, 2021, Michael Golojuch, Jr., representing Common Cause Hawaii, and Robert Finley testified in support of the Resolution.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **FEB 17 2021**

COMMITTEE REPORT NO. **57**

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Your Committee received written testimony in support of the Resolution from the Outdoor Circle, Board of Water Supply, and Department of Community Services, and four individuals and one individual submitted comments on the Resolution.

Your Committee considered a proposed hand-carried CD1 that makes the following amendment(s):

- A. Adds information on the 2021 Hawaii State Legislature's new procedures designed to enhance electronic participation in and public access to committee meetings and floor sessions.
- B. Includes the rationale for implementing procedural changes to enhance public participation and government transparency.
- C. Makes miscellaneous technical and nonsubstantive amendments.

The focus of the proposed hand-carried CD1 is to support neighborhood boards, City boards and commissions, and the City Council in implementing electronic technology enhancements to enable more members of the public to participate remotely and to more easily access online information.

After discussion and consideration, your Committee further amended the proposed handcarried CD1 by amending the first BE IT FURTHER RESOLVED clause to read:

BE IT FURTHER RESOLVED by the Council that it supports greater flexibility in the requirements for electronic participation among neighborhood board members and the public in neighborhood board meetings to enhance participation by neighborhood board members and staff, members of the public, and public officials in neighborhood board meetings and to adopt appropriate amendments to the Neighborhood Plan;

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Your Committee notes that the Honolulu City Council, neighborhood boards, and other City boards and commissions will likely continue their operations under COVID-19 safe-distancing restrictions in 2021. Your committee therefore acknowledges that 2021 may be a very appropriate year in which to evaluate and improve upon Sunshine Law requirements governing remote conferencing and citizen participation in government meetings. With state legislative proposals from the Hawaii State Association of Counties' and the Governor's legislative packages proposing modifications to the Hawaii Sunshine Law that allows remote electronic participation by members of boards, commissions, and county councils, these public discussions provide the impetus for using online technology to enhance access to public information as well.

Your Committee on Public Infrastructure and Technology is in accord with the intent and purpose of Resolution 21-34 as amended herein and recommends its adoption in the form attached hereto as Resolution 21-34, CD1. (Ayes: Elefante, Fukunaga, Tsuneyoshi, - 3; Noes: None; Excused: Tupola - 1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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ADOPTED ON **FEB 17 2021**

COMMITTEE REPORT NO. **57**



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-34, CD1

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, 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:

- 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, as part of Governor David Ige's legislative package, House Bill 880 and Senate Bill 1034 have been introduced at the 2021 Legislative Session to 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



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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 to clarify laws regarding public meetings held by interactive conference technology; and

WHEREAS, the 2021 Hawaii State Legislature has adopted new procedures to enable committee hearings to be conducted virtually using Zoom, with all Senate and House committee meetings and floor sessions to be streamed live on the YouTube platform (in addition to broadcasts of selected committee hearings and floor sessions on public access cable television channels) and State legislative standing committees to accept both written testimony and remote testimony via Zoom during the Legislative Session; and

WHEREAS, such procedural changes can enhance public participation and government transparency by:

- Providing widespread public notice of scheduled government proceedings;
- Providing public access to government proceedings via live and recorded video available on government websites;
- Providing to members of the public the ability to participate in government proceedings via interactive conference or telephonic technology;
- Allowing members of the public who participate in meetings to be clearly audible and visible at all times;
- Recording all open sessions of meetings and making such recordings available to the public via a government or public website; and
- Establishing specific procedures to enhance public participation in electronic hearings and floor sessions; 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



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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; 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 neighborhood boards, the Honolulu City Council, and other City boards and commissions to increase and assure effective citizen participation in local government; and

BE IT FURTHER RESOLVED by the Council that it supports greater flexibility in the requirements for electronic participation among neighborhood board members and the public in neighborhood board meetings to enhance participation by neighborhood board members and staff, members of the public, and public officials in neighborhood board meetings and to adopt appropriate amendments to the Neighborhood Plan; and

BE IT FURTHER RESOLVED by the Council that it supports recommendations that expand public participation in Council committee meetings and Council proceedings through more flexible use of interactive conference technology and online services; and



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HONOLULU, HAWAII

No. 21-34, CD1

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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:

Carol Fukunaga

DATE OF INTRODUCTION:

January 28, 2021
Honolulu, Hawaii

Councilmembers