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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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

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 21-34, CD1

Introduced:	01/28/21	By:	CAROL FUKUNAGA	Committee:	PUBLIC INFRASTRUCTURE AND TECHNOLOGY (PIT)

Title: 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.

Voting Legend: * = Aye w/Reservations

01/28/21	INTRO	Introduced.
02/03/21	PIT	Postponed to a date and time to be determined by the Committee Chair. 4 AYES: ELEFANTE, FUKUNAGA, TSUNEYOSHI, TUPOLA
02/10/21	PIT	Reported out for adoption as amended in CD1 form. CR-57 3 AYES: ELEFANTE, FUKUNAGA, TSUNEYOSHI 1 EXCUSED: TUPOLA
02/17/21	CCL	Committee report and Resolution as amended were adopted. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS 1 ABSENT: TSUNEYOSHI

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER