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To: House Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: March 29, 2016, 2:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 2121, S.D. 1
Relating to Public Agency Meetings and Records

Thank you for the opportunity to submit testimony on this bill, which in its current form would eliminate the sunset date for and thus make permanent a Sunshine Law provision allowing members of county councils to attend community or other board meetings by noticing them as guest meetings, which are not subject to the requirements to meet quorum, specify matters to be discussed on the agenda, or take public testimony, but are subject to other Sunshine Law requirements as well as specified restrictions.

OIP opposed the original form of this bill, which would have allowed all members of a county council to jointly attend community meetings or presentations without the requirements and limitations of the guest meeting provision. However, **OIP supports the current form of this bill**, which would remove the sunset date from the existing guest meeting provision and thus make it permanent.

In 2014, county council members expressed concerns that the Sunshine Law did not provide them a workable method to attend community meetings or presentations that any number of council members might want to attend and at which a variety of board topics might be raised, and where it would not be practical

to follow a set agenda or take public testimony. Consequently, the Legislature passed H.B. 2139, H.D. 1, S.D. 1, C.D. 1, which was signed into law as Act 221, SLH 2014, and created a new type of limited meeting in section 92-3.1, HRS, that allows any number of county council members to attend a meeting open to the public as the guest of a board or community group. Under this guest meeting provision, the council's notice of the limited meeting is not required to include an agenda, and unless the hosting community group is itself a Sunshine Law board, there is no requirement to take oral testimony at the meeting. **The Legislature included safeguards** such as the requirement that no limited meeting of this sort be held outside Hawaii, that only one such meeting per community group per month be held, and that no decisions be made at the meeting. In addition, the videotaping requirement applicable to all limited meetings applies to guest meetings as well, unless waived by OIP. **The Legislature included a sunset date of June 30, 2016**, for the guest meeting provision.

The S.D. 1 version of this bill replaced its original contents with an **amendment to section 92-3.1 to extend Act 221's sunset period beyond June 30, 2016. OIP supports the S.D. 1 version of this bill.**

Thank you for the opportunity to testify.

Hawai`i State Association of Counties (HSAC)

Counties of Kaua`i, Maui, Hawai`i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

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March 29, 2016

LATE

TO: The Honorable Karl Rhoads, Chair
House Committee on Judiciary

FROM: Michael P. Victorino
HSAC President

SUBJECT: **HEARING OF MARCH 29, 2016; TESTIMONY OFFERING COMMENTS FOR SB 2121, SD 1, RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS**

Thank you for the opportunity to offer comments on this measure on behalf of the Hawaii State Association of Counties. In its original form, this measure is part of the HSAC Legislative Package. The original purpose of this measure is to permit two or more members of a county council to jointly attend and speak at a community, educational, or informational meeting or presentation, provided the meeting or presentation is open to the public. On HSAC's behalf, I respectfully urge this committee to pass this measure in its original form.

HSAC supports this measure in its original form for the following reasons:

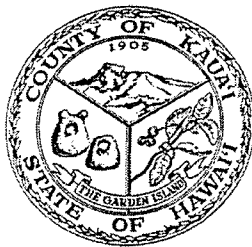
1. This measure, as originally introduced, would enhance councilmembers' ability to engage with the public and be informed about issues facing their county. This capability is particularly important in Maui County and Kauai County, where councilmembers are elected at large and represent all county residents.
2. Councilmembers must be informed and able to weigh impacts of policy decisions on areas throughout the county. For this reason, all councilmembers have a valid interest in attending community group meetings throughout their county. Compliance with State law has required councilmembers to leave or decline invitations to community meetings.
3. Attending these public meetings will not jeopardize openness in government because councilmembers do not have control over agendas, discussions, or outcomes of meetings conducted by non-councilmembers. To the contrary, open participation in such meetings by elected officials will increase transparency and help to ensure responsiveness of councilmembers to the public they serve.

Mahalo for your consideration.

HSAC:FY2016:16Testimony:SB2121b_mkz

COUNTY COUNCIL

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

March 28, 2016

**TESTIMONY OF MEL RAPOZO
COUNCIL CHAIR, KAUAI COUNTY COUNCIL
ON**

SB 2121, SD1, RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS
House Committee on Judiciary
Tuesday, March 29, 2016
2:00 p.m.
Conference Room 325

Dear Chair Rhoads and Members of the Committee:

Thank you for this opportunity to provide testimony in support of SB 2121, SD1, Relating to Public Agency Meetings and Records. My testimony is submitted in my individual capacity as Chair of the Kaua'i County Council and as Secretary of the Hawai'i State Association of Counties.

This measure is included in the 2016 Hawai'i State Association of Counties Legislative Package and makes permanent Act 221, SLH 2014, which allows county councils to hold limited meetings for the purpose of attending the meetings of other boards or community groups within the State, while also keeping in compliance with Chapter 92, Hawai'i Revised Statutes. SB 2121, SD1, will allow each member of the respective county councils the ability to participate and receive information firsthand, which is vital for making informed decisions that affect the community.

For the reasons stated above, I urge the House Committee on Judiciary to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

MEL RAPOZO
Council Chair, Kaua'i County Council

AMK:aa

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 29, 2016 1:51 PM
To: JUDtestimony
Cc: robert.carroll@mauicounty.us
Subject: Submitted testimony for SB2121 on Mar 29, 2016 14:00PM

SB2121

Submitted on: 3/29/2016
Testimony for JUD on Mar 29, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
robert carroll	Individual	Support	No

Comments: I support this measure as mentioned in testimony submitted by HSAC President Mike Victorino. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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