

March 31, 2020

The Honorable David Y. Ige
Executive Chambers
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

Hawai'i State Legislators
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

The Honorable Harry Kim
Mayor of Hawai'i
25 Aupuni Street
Hilo, HI 96720

Council of the County of Hawai'i
Council Chambers – Room 1401
County Building
25 Aupuni Street
Hilo, HI 96820

The Honorable Michael Victorino
Mayor of Maui
200 S. High Street
Wailuku, HI 96793

Council of the County of Maui
200 South High Street
Wailuku, HI 96793

The Honorable Kirk Caldwell
City and County of Honolulu Mayor
530 South King Street, Room 200
Honolulu, HI 96813

Council of the City and County of Honolulu
530 South King Street, Room 300
Honolulu, HI 96813

The Honorable Derek S.K. Kawakami
Mayor of Kauai
4444 Rice St., Suite 235
Lihue, HI 96766

Council of the County of Kauai
4396 Rice Street, Suite 209
Lihue, HI 96766

Re: Transparency and Democracy In Times of Crisis

Dear Governor Ige, Mayors, and Lawmakers:

We commend our Hawai'i elected leaders for recognizing the seriousness of the COVID-19 pandemic and taking action to protect the health, safety, and well-being of the people of Hawai'i.

In times of emergency the Constitution is not suspended, in fact, it is needed even more for transparency and accountability.

While the Legislature may have recessed and the entire State is under a stay at home, work from home order, government still continues to operate and function, as it should. As government continues to function, democracy demands that the public be kept informed of government proceedings. This is despite the suspension of the open meetings law by Governor Ige's Supplemental Emergency Proclamation dated March 16, 2020.

The public needs to be able to participate in government in order for democracy to continue to function. Government transparency and support of the public's right to know are more, not less, critical during emergency situations.

We, therefore, respectfully ask, that all legislative committee meetings and all meetings of executive department public bodies (e.g., commissions, boards, committees, and task forces), which originally were to be publicly held, continue to be publicly held by remote access through audio or video means. We provide the following guidelines to ensure public participation:

- Postpone routine, non-priority government action until the state of emergency has ended.
- Should a public body continue to meet, it should provide adequate notice of the meeting and the public the ability to participate in the proceedings via videoconference, where possible, and, at a minimum, via telephone and submission of written testimony, as appropriate.
- In the event audio or video coverage of a proceeding or meeting is interrupted, the presiding official shall suspend the discussion until the audio or video is restored. When operating remote meetings by video conference, all participating members of the public body should be clearly visible and audible to the public at all times. The intent is to ensure that the connection and platform are appropriate and stable in order to make public officials clearly audible and visible by participants.
- At the start of the meeting, the presiding official should be required to announce the names of any members of the public body participating remotely. During a meeting for which only audio is being provided, anyone speaking should repeat their name prior to making their remarks.
- All votes should be conducted by roll call so that those following by video or audio are aware of how each member of the public body voted.

- Any documents presented to the public body at the public meeting should, if possible, be put on the website of the public body prior to the start of the public meeting.
- At the beginning of any executive session, require all members of the public body to state that no other person is present or can hear them.
- The public body should record all meetings and make the recording available on a public website on a timely basis.

Public participation in government will safeguard and ensure the preservation of our democratic values. Moreover, it is important at this time for all people of Hawai'i to trust what government is doing to protect them. Taking the steps proposed above to ensure that the government continues to act in a transparent manner is critical to maintaining that trust.

We again thank you for your actions to protect us. We cannot stress enough that we must not sacrifice our democratic values in these times of crisis. We must be extra vigilant to ensure we are acting in the public interest and in a way that is fully transparent and democratic.

Very respectfully yours,

Signers

350Hawaii.org

ACLU of Hawai'i

AF3IRM Hawai'i

Keli'i Akina, Ph.D., Trustee-at-Large, Office of Hawaiian Affairs

Breastfeeding Hawai'i

Chinatown Gateway Plaza Tenant Association

Civil Beat Law Center for the Public Interest

Lance Collins, Ph.D., Esq.

Code for Hawai'i

Common Cause Hawai'i

Community Alliance on Prisons

Drug Policy Forum of Hawai'i

Faith Action for Community Equity

Grassroot Institute of Hawai'i

Hawai'i Alliance for Community-Based Economic Development

H.A.P.A Hawai'i Alliance for Progressive Action

Hawai'i Appleseed Center for Law and Economic Justice
Hawai'i Children's Action Network
Hawai'i Community Lending
Hawai'i Health & Harm Reduction Center
Hawaii's Thousand Friends
Health Committee of the Democratic Party of Hawai'i
Hep Free Hawai'i
**Human Environmental Impacts Committee, Environmental Caucus of the
Democratic Party of Hawai'i**
Indivisible Hawai'i
Kim Coco Iwamoto
KAHEA: The Hawaiian-Environmental Alliance
LGBT Caucus Democratic Party of Hawai'i
Libertarian Party of Hawai'i
Life of the Land
Midwives Alliance of Hawai'i
Media Council Hawai'i
Na Papa'i Wawae 'Ula'ula
National Association of Social Workers- Hawai'i
Ryan Ozawa
Pono Hawai'i Initiative
Pride at Work Hawai'i
Society of Professional Journalists, Hawai'i Professional Chapter
Transform Hawai'i Government
Dawn Morais Webster, Ph.D.
West Maui Preservation Association
West Maui Taxpayers Association
Young Progressives Demanding Action