

April 20, 2020

Committee on Zoning,
Planning and Housing
City and County of Honolulu
530 S. King Street
Honolulu, HI. 96813

Re: April 23, 2020 Committee on Zoning, Planning and Housing Agenda

Dear Chair Menor, Vice Chair Waters, and Members of the Committee:

Common Cause Hawaii is a nonpartisan, nonprofit, grassroots organization dedicated to upholding the core values of American democracy. Transparency in government is key to a healthy and strong democracy. Common Cause Hawaii provides the below comments regarding the April 23, 2020 Committee on Zoning, Planning and Housing Agenda.

Due to the COVID-19 crisis, the entire State is under a stay-at-home, work-from-home order, according to Governor Ige's Third Supplemental Emergency Proclamation dated March 23, 2020, and the City and County of Oahu is under a stay-at-home, work-from-home order, pursuant to Mayor Caldwell's Emergency Order No. 2020-02 dated March 22, 2020, both with certain exceptions.

By Gov. Ige's Supplemental Emergency Proclamation dated March 16, 2020, the open meetings law was suspended. "Boards[, however,] shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing submission of written testimony on agenda items, live streaming meetings, and posting minutes of meetings online." See Governor Ige's March 16, 2020 Supplemental Emergency Proclamation https://governor.hawaii.gov/wp-content/uploads/2020/03/2003109-ATG_COVID-19-Supplementary-Proclamation-signed.pdf at pg. 3.

Your Committee's April 23, 2020 Agenda provides that the public may submit written testimony in advance of the April 23, 2020 hearing and provide oral **in-person** testimony at the April 23, 2020 hearing. The public, however, is **not** allowed to provide remote oral testimony at the April 23, 2020 hearing.

Not providing the public with the option to testify via remote access at the April 23, 2020 hearing is illogical, especially when your Committee's April 23, 2020 Agenda specifically provides that "[s]ome committee members may be participating in the meeting by interactive conference technology from remote locations." More than illogical, the Committee is endangering the health and safety of the public by having the public attend in-person your Committee hearing. The people should not have to decide between their personal welfare and civic engagement. Your Committee (and the entire Council) should value transparency, ethics, and public participation and the health, safety, and welfare of your constituents and our community. As your Committee permits its members to participate remotely in the April 23, 2020

meeting, the Committee obviously values its own members' health and safety; it needs to value the public's to a similar extent.

For those who may reason that the public are not required to testify in-person and prior written testimony may be submitted, please know that certain matters may arise during discussions between the Committee members at the April 23, 2020 meeting, which were not contemplated by a prewritten public testimony. This is why public, oral, remote, real-time participation (for the health and safety of everyone) at meetings is so vitally important. Public, oral, real-time, and remote participation – interacting and having an exchange with our elected and government officials – is the cornerstone of our democracy. The public should be allowed to participate remotely at government meetings during this time of public health crisis. There are many proven technologies – Zoom, Cisco WebEx, GoToMeeting, BlueJeans, etc. – which will permit remote access by the public.

Further, the Committee's April 23, 2020 Agenda states that meeting materials ("board packet" under HRS Section 92-7.5) are only available for public inspection on the bookshelf in the hallway next to the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.). This limitation as to the availability of the board packet requires people to traverse to Honolulu Hale to participate fully in the Committee's April 23, 2020 meeting. The public cannot even meaningfully submit prewritten testimony without reviewing the board packet, which is only physically available at Honolulu Hale. For the public's safety, the board packet should be made available online at the same time the agenda is noticed.

Common Cause Hawaii recommends the following guidelines to allow for true public participation and ensure governmental transparency:

- Postpone routine, non-priority government action until the state of emergency has ended.
- Provide widespread public notice of scheduled government proceedings.
- Provide public with remote, online access to government meeting materials.
- Provide public access to observe government proceedings via live and recorded video available on government websites.
- Provide public ability to participate in government proceedings via videoconference where possible and, at a minimum, via telephone and submission of written testimony.
- Require all members of the public participating in a meeting or proceeding to be clearly audible and visible at all times, including to the public.
- At the start of the meeting, require the chair to announce the names of any members of the public body participating remotely.
- In the event audio or video coverage of a proceeding or meeting is interrupted, require the presiding official to suspend discussion until audio/video is restored.
- Require all votes to be roll call votes.
- 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.
- Record all open sessions of meetings and make such recordings available to the public via a government website.

Common Cause Hawaii respectfully requests that: (1) the Committee on Zoning, Planning and Housing amends its April 23, 2020 Agenda notice, as requested herein; (2) the board packet be made available online at the same time the agenda is noticed; and (3) the Committee follow the suggested guidance provided by Common Cause Hawaii. We stand ready to support in promoting accountability, transparency, and ethics in our government institutions. Democracy and transparency matter even more in times of crisis.

Very respectfully yours,

Sandy Ma
Executive Director
Common Cause Hawaii

