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March 2, 2015

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

FROM: Mike White
Council Chair

A handwritten signature in black ink, appearing to read "Mike White", is written over the name and title in the "FROM:" field.

SUBJECT: **HEARING OF MARCH 3, 2015; TESTIMONY IN SUPPORT OF SB 1210,
RELATING TO PUBLIC AGENCY MEETINGS**

Thank you for the opportunity to testify in **support** of to this important measure. The purpose of this bill is to allow more than two members of a board to discuss official board business as long as no commitment to vote is made and the number of members do not constitute a quorum.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Council.

I support this measure for the following reasons:

1. This measure would improve councilmembers' ability to engage with the public and be informed about issues facing their district and their county. It is particularly important in Maui County, where all nine councilmembers are elected "**at large**" and represent **ALL** residents of the islands of Lanai, Maui and Molokai, rather than representing only a single district. Similarly, Kauai County councilmembers also represent all districts of the island of Kauai.

Because Maui County councilmembers represent the entire county, not just their district, 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 the county. Compliance with state law has required councilmembers to leave community meetings or decline invitations.

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.

2. County councils have been severely inhibited in the administration of their standing committees by the Sunshine Law's prohibition against more than two members discussing official board business among themselves outside

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of a board meeting. The constraint has resulted in the inability of committee chairs to meet with multiple members on administrative matters such as scheduling meetings for fear that committee members would be subject to a Sunshine Law violation, or give the appearance of inappropriate communication. This measure represents a valuable step toward enabling county councils to carry out their duties more efficiently, as it would reduce unintended administrative challenges and help boards operate more effectively, without having an effect of reducing the openness of board deliberations.

3. Amending HRS Section 92-2.5(a) to allow more than two members to discuss board business would be make the section consistent with other provisions of the chapter, such as when a Temporary Investigative Group is formed, and where the resulting findings and recommendations are presented to the board at the next official scheduled meeting. Making the sections consistent would have the effect of reducing the complexity of the statute.

For the foregoing reasons, I **support** this measure.

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