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February 27, 2017

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

FROM: Mike White
Council Chair 

SUBJECT: **HEARING OF MARCH 1, 2017; TESTIMONY OFFERING COMMENTS ON SB 312, SD 1 RELATING TO OPEN GOVERNMENT**

Thank you for the opportunity to testify and offer comments on this measure. The purpose of this measure is to authorize the electronic mailing of meeting notices and provide other requirements for the posting and availability of agenda packets to the public.

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 Maui County Council.

In the bill, Section 2.92-3 is amended to read:

“The boards shall also afford all interested persons an opportunity to present oral testimony on any agenda item[.]; provided that oral testimony shall be allowed for each agenda item separately and at the time the item is first brought up for discussion at the meeting. The boards may provide for reasonable administration of oral testimony by rule.”

While I appreciate the intent of the measure, the **added language under this section is not needed** and will cause unnecessary restriction to boards, such as county councils, in the conduct of their business.

For the Maui County Council, testimony on any or all agenda items is permitted at the start of each meeting with time allotted separately for each item. This offers convenience as testifiers avoid waiting through the board’s discussions. The amendment may cause an unintended consequence of discouraging public participation and testimony due to time restraints.

On the Maui County Council’s February 17, 2017 agenda, 44 separate items were posted for discussion. If this requirement was to be implemented, the council would be required to stop and ask for testimony before all 44 items.

It is best to leave the administration of oral testimony entirely to the board, who has authority and knowledge of anticipated number of testifiers and length of time needed to cover all agenda items. If necessary, boards already have the option to take testimony item by item. However, forcing such a restriction would cause frustration and unnecessary hardship.

Mahalo for your consideration.