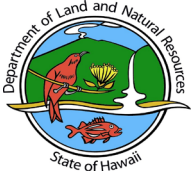


DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE CASE  
Chairperson**

**Before the House Committee on  
GOVERNMENT REFORM**

**Wednesday, March 23, 2022  
9:30 AM**

**State Capitol, Conference Room 309 and Via Videoconference**

**In consideration of  
SENATE BILL 3172, SENATE DRAFT 1  
RELATING TO PUBLIC AGENCY MEETINGS**

Senate Bill 3172, Senate Draft 1 proposes to amend Section 92-9, Hawaii Revised Statutes (HRS), to clarify that recordings of public agency meetings cannot be provided in lieu of written minutes. It also removes the requirement to provide a written summary of any minutes posted in a recorded format. The **Department of Land and Natural Resources (Department)** respectfully opposes this bill and offers the following comments and concerns.

The Department expresses its concern that requiring “complete minutes” of a meeting will significantly delay posting of meeting results and will impair public transparency of government processes. The Department strongly suggests that a written summary plus a recording of the meeting be an allowable option in lieu of complete minutes.

Section 92-9, HRS, was amended by Act 64, Session Laws of Hawaii 2017, to address the fact that many boards and commissions were not meeting the requirement to have minutes posted within 30 days and constituents were frustrated. The committee report of 2017 notes:

Your Committee finds that current law requires boards and commissions to keep written minutes of all meetings. Allowing boards and commissions the flexibility to make their minutes available through analog or digital means may reduce some expense for boards and commissions to comply with the law for public agency meetings. In addition, your Committee finds that allowing minutes to be kept by analog or digital means will enhance the public's ability to access board minutes.

The Board of Land and Natural Resources (Board) was among those boards and commissions that had trouble meeting the statutory deadlines, particularly due to its full agendas and frequent

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

and long meetings. The ability to post a written summary plus recordings of the meetings in lieu of minutes has allowed the Board to meet the statutory requirements for meetings without having to add additional staffing for the Board.

The Department notes that the summaries provide most of the information required in the minutes and respectfully requests that this bill be held in committee.

Thank you for this opportunity to comment on this measure.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committee on Government Reform

From: Cheryl Kakazu Park, Director

Date: March 23, 2022, 9:30 a.m.  
State Capitol, Conference Room 309 and Via Videoconference

Re: Testimony on S.B. No. 3172, S.D. 1  
Relating to Public Agency Meetings

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Thank you for the opportunity to submit testimony on this bill, which would amend the Sunshine Law, part I of chapter 92, to (1) eliminate the option for boards to keep recorded minutes in the form of a recording accompanied by a written summary and instead require written minutes for every meeting, and (2) require a board that records its meeting for any reason to keep the recording indefinitely. The Office of Information Practices (**OIP**) **has concerns about the unintended consequences of this proposal, and recommends an amendment** if this Committee wishes to simply return to the Sunshine Law's pre-2017 minutes requirement of full written minutes of every meeting.

For many years, the Sunshine Law required detailed written minutes for all meetings. But the law was changed in 2017 to allow boards to use recordings of its meetings with a written summary, in lieu of keeping detailed written minutes. Thus, **section 92-9, HRS, currently gives a board two separate options for how to keep its minutes:** it can keep traditional **written minutes**, or it can keep **recorded minutes** consisting of an audio or video recording of the meeting and a

written summary of key meeting information plus time stamps for each agenda item, motion, and vote.

While there are common elements in written minutes and recorded minutes with written summaries (such as the meeting date, time, and place, members present or absent, and a record of votes), there are notable differences. **Written minutes** are required to include the “substance of all matters proposed, discussed, or decided” and any other information a member requests to be included in the minutes, which does not require a transcript, but does require at least a **detailed paraphrase of the discussion** that includes which members spoke and the gist of what they said. **Recorded minutes**, on the other hand, are not required to include this detailed paraphrase of the discussion, but the **written summary must instead have the time stamps** (which written minutes do not) pointing the public to where in the recording to find the discussion of each agenda item as well as each motion and vote.

A board is not required to keep a recording of a meeting as a **general rule** (with the exception of a recording of a remote online meeting, which must be posted online until replaced by the meeting minutes). Thus, a board that records its meeting can currently choose to either (1) use the recording to do traditional written minutes, in which case it is under no obligation to keep or post the recording; or (2) use the recording as the basis for recorded minutes, in which case it must post the recording and the written summary online.

**This bill would eliminate the option of recorded minutes but would require any board that records its meeting to keep the recording indefinitely. A board that records its meetings for temporary use in preparing written minutes and discards the recordings afterward (many boards use a voice recorder to create such a temporary recording) would**

**now be required to keep each recording indefinitely and figure out how to address storage and retrieval issues and the increased cost of supplies.** A board that does not record its meetings would be unaffected by this bill as it could continue to prepare written minutes and not make or keep recordings of its meetings.

A board that currently records its meeting with the intent to post both the recording and a written summary online as recorded minutes would be required by the bill to prepare full written minutes of every meeting, and would not need to make and post a recording of its meeting as part of its minutes. **This bill thus (1) removes the incentive for boards to record meetings, because they must still prepare detailed written minutes and can no longer use the recording with a less detailed written summary as their recorded minutes; and (2) creates a potential disincentive for boards to record meetings, since doing so triggers a requirement to keep the recording indefinitely.**

OIP notes that the purpose clause suggests this measure stems from a belief that recorded format minutes are too challenging for some members of the public to use, even with the availability of timestamps indicating when in the recording discussion began for each agenda item, vote, or motion. It is a policy question for the Legislature to decide whether recorded minutes do not serve the public as well as traditional written minutes such that the Sunshine Law should be amended to return to traditional written minutes. **If the Legislature would like to return to traditional written minutes without also creating a potential disincentive for boards to record meetings, OIP has appended to its testimony language to amend subsections 92-9(a) and (b) to provide the same minutes format requirements that applied prior to the 2017 amendment, while retaining the requirement to post minutes online that was also added at that time.**

House Committee on Government Reform  
March 18, 2022  
Page 4 of 5

**This amendment would eliminate the option of recorded minutes and require traditional written minutes for all meetings, if that is the Committee's intent.**

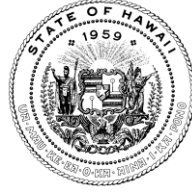
Thank you for considering OIP's testimony.

(a) The board shall keep written ~~[or recorded]~~ minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants. The minutes shall include, but need not be limited to:

- (1) The date, time and place of the meeting;
- (2) The members of the board recorded as either present or absent;
- (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and
- (4) Any other information that any member of the board requests be included or reflected in the minutes.

(b) The minutes shall be made available to the public by posting on the board's website or, if the board does not have a website, on an appropriate state or county website within forty days after the meeting except where such disclosure would be inconsistent with section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer. ~~[A written summary shall accompany any minutes that are posted in a digital or analog recording format and shall include:~~

- ~~(1) The date, time, and place of the meeting;~~
- ~~(2) The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;~~
- ~~(3) A record, by individual member, of motions and votes made by the board; and~~
- ~~(4) A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.]~~



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LT. GOVERNOR

**STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310  
P.O. BOX 541  
HONOLULU, HAWAII 96809  
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CATHERINE P. AWAKUNI COLÓN  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
House Committee on Government Reform  
Wednesday, March 23, 2022  
9:30 a.m.  
Via Videoconference**

**On the following measure:  
S.B. 3172, S.D. 1, RELATING TO PUBLIC AGENCY MEETINGS**

**WRITTEN TESTIMONY ONLY**

Chair McKelvey and Members of the Committee:

My name is Ahlani Quiogue, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. I apologize for not being able to attend this hearing. The Department offers comments on this bill.

The purposes of this bill are to: (1) provide that an electronic audio or visual recording a board meeting shall be maintained as public record; and (2) clarify that complete minutes of the meetings are still required.

The Department's Professional and Vocational Licensing Division (PVL) has, on average, 25 board, committee, or commission publicly noticed meetings a month. The requirement to maintain, for an indefinite period of time, an audio or visual recording as a public record for all meetings is unreasonable. PVL would have to maintain on



average 300 or more recordings for public record annually. This would cause significant issues with storage on our server.

In general, PVL also finds that the recording of board, commission, or committee meetings have had a chilling effect on discussion amongst members. Many members have expressed their hesitancy in speaking freely or engaging in board discussion.

Thank you for the opportunity to testify on this bill.



HOUSE COMMITTEE ON GOVERNMENT REFORM  
Wenesday, March 23, 2022, 9:30 am, State Capitol Room 309 & Videoconference  
SB 3172, SD1  
Relating to Public Agency Meetings  
**TESTIMONY**  
Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair McKelvey and Committee Members:

**The League of Women Voters of Hawaii supports SB 3172, SD1.** Lengthy recordings of disorganized, garbled conversations at board meetings are not an adequate substitute for properly written board meeting minutes.

Thank you for the opportunity to submit testimony.

THE CIVIL BEAT  
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701  
Honolulu, HI 96813

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info@civilbeatlawcenter.org

House Committee on Government Operations  
Honorable Angus L.K. McKelvey, Chair  
Honorable Tina Wildberger, Vice Chair

**RE: Testimony Supporting S.B. 3172 S.D. 1, Relating to Public Agency Meetings**  
Hearing: March 23, 2022 at 9:30 a.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony **supporting** S.B. 3172 S.D. 1.

Audio or video recordings are helpful for the public, but are not a substitute for proper written minutes. The public should not be required to spend excessive time listening to recordings simply to understand the basic substance of the discussion that occurred at a public meeting.

We would ask that the Committee consider requiring that written minutes include a time stamp for discussions of each agenda item and motions and votes when a recording is made. Such an amendment would ensure that recordings can continue to be useful for the public without requiring individuals to watch hours of video for a single discussion.

Proposal

Add the following language as a new (5) to HRS § 92-9(a):

A time stamp or other reference, when the board has a recording of the meeting, indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.

Thank you again for the opportunity to testify in **support** of S.B. 3172 S.D. 1.

**Hawaii**  
*Holding Power Accountable*

Statement Before The  
**HOUSE COMMITTEE ON GOVERNMENT REFORM**  
Wednesday, March 23, 2022  
9:30 AM  
Via Videoconference and Conference Room 309

in consideration of  
**SB 3172, SD1**  
**RELATING TO PUBLIC AGENCY MEETINGS.**

Chair McKELVEY, Vice Chair WILDBERGER, and Members of the House Government Reform Committee

Common Cause Hawaii supports SB 3172, SD1, which provides that any electronic audio or visual recording of a board meeting shall be maintained as public record.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy through promoting ethics, accountability, and transparency in our democratic form of government.

Common Cause Hawaii agrees that, for the public, having the ability to review recorded meetings, whether via audio recordings or visual recordings, is an important convenience for transparency and accountability and good government. Complete minutes of meetings further enhances public transparency and accountability and good government. Thus, Common Cause Hawaii supports SB 3172, SD1, which requires that only one version of any electronic audio or visual recording of a board meeting must be maintained as public record and that written minutes must also be kept.

Common Cause Hawaii also suggests that all boards under part I of chapter 92, Hawaii Revised Statutes be required to livestream using audiovisual or audio technology their meetings. The recording of each meeting should be archived and made available to the public on the board's website or, if the board does not have a website, on an appropriate state or county website immediately after the meeting. The livestreaming of meetings will provide for more participation and greater governmental accountability and transparency.

Thank you for the opportunity to testify in support of SB 3172, SD1. If you have questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii



March 23, 2022

Rep. Angus McKelvey  
House Government Reform Committee  
State Capitol  
Honolulu, HI 96813

Re: SB 3172 SD1

Chair McKelvey and Committee Members:

We support this measure.

Detailed written minutes should be kept for the public to read, and video or audio recordings of meetings should supplement the minutes, not replace them.

The public does not have the time to sit through video or audio recordings.

Thank you for your time and attention,

Stirling Morita  
President  
Hawaii Chapter of the Society of Professional Journalists

**SB-3172-SD-1**

Submitted on: 3/19/2022 9:52:08 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Anderson	Individual	Support	Written Testimony Only

Comments:

Having the ability to review recorded meetings, whether via audio recordings or visual recordings, is an important for transparency and accountability and good government.

Having complete minutes of meetings further enhances public transparency and accountability and good government.

Thus, I support SB 3172, SD1, which requires that only one version of any electronic audio or visual recording of a board meeting must be maintained as public record and that written minutes must also be kept.

It is also suggested that all boards under part I of chapter 92, Hawaii Revised Statutes be required to livestream using audiovisual or audio technology their meetings. The recording of each meeting should be archived and made available to the public on the board's website or, if the board does not have a website, on an appropriate state or county website immediately after the meeting. The livestreaming of meetings will provide for more participation and greater governmental accountability and transparency.

Thank you for the opportunity to submit testimony in support of this bill.

**SB-3172-SD-1**

Submitted on: 3/20/2022 9:31:23 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
tlaloc tokuda	Individual	Support	Written Testimony Only

Comments:

Aloha GVR Chair, Vice Chair & Committee,

I am a volunteer for Common Cause HI and I often agree with their well thought out rationale for supporting or objecting to various bills. Bill HB3172 SD1 is a great bill because it tries to build in transparency within the democratic process. Any bill that seeks to this is a great bill. I agree with them that having the ability to review recorded meetings, whether via audio recordings or visual recordings, is an important for transparency and accountability and good government.

Its also a great idea to have complete minutes of meetings because it enhances public transparency and accountability and good government.

Common Cause Hawaii also suggest that all boards under part I of chapter 92, Hawaii Revised Statutes be required to livestream using audiovisual or audio technology their meetings. The recording of each meeting should be archived and made available to the public on the board's website or, if the board does not have a website, on an appropriate state or county website immediately after the meeting. The live streaming of meetings will provide for more participation and greater governmental accountability and transparency and i agree.

Mahalo for your consideration,

Tlaloc Tokuda

Kailua Kona HI 96740

**SB-3172-SD-1**

Submitted on: 3/20/2022 11:14:45 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
laurie boyle	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support SB3172 for the simple reason that all discourse and presentations should be included in the record of all public meetings for many different reasons, but the main reason is that recordings are of public record and should be maintained for the public.

Mahalo for your time.



## House Committee on Government Reform

March 23, 2022 Public Hearing  
9:30 AM

### SENATE BILL 3172, SD1 Relating to Public Agency Meetings

#### Testimony in Full Support with Recommendations

Aloha Chair McKelvey, Vice Chair Wildberger and Committee Members,

I have been an elected member of the Diamond Head/Kapahulu St. Louis Heights Neighborhood Board for many years, serving Diamond Head Sub-District 3 and the larger community district in the capacities of Board member, chairperson, vice chairperson, and more recently secretary. Today I offer the following testimony in support of Senate Bill 3172, SD1 as an individual community member and public interest advocate.

Senate Bill 3172, SD1 provides that any electronic audio or visual recording of a public board meeting shall be maintained as an accessible public record, and clarifies that *complete* minutes of the meetings remain required.

The clarifications provided by this measure are important given the necessary advent of online teleconferencing and access to public meetings via Webex and Zoom platforms, from which audio and visual recordings of the meetings can be easily provided to the interested and affected public. Notably, the recently-implemented electronic platforms have facilitated more efficient access to public agency meetings, with increased public participation.

Coupled with *complete* meeting minutes, as required under HRS 92-9 to provide “a true reflection of the matters discussed at the meeting and the views of the participants” and the “substance of all matters proposed, discussed, or decided,” the board meeting recordings provide true transparency and full public understanding of the presentations, discussions, deliberations and decisions made by the public agencies that benefit the public interest.

Together with full support of Senate Bill 3172, SD1, the following additions are suggested to enable public ease of access and efficient reference and review of the specific agenda subjects of public interest discussed and deliberated during the public meetings:

- An electronic link to the meeting recording provided at the beginning of the meeting minutes, to facilitate efficient access to the meeting recording as needed and desired by the interested and affected public.
- A timestamp following each subject heading in the meeting minutes noting the time increment shown on the meeting recording when discussion commences on each subject listed on the meeting agenda.
- The board’s approved and adopted *complete* meeting minutes, not incomplete drafts, publicly posted on the public agency’s web site together with the respective meeting recordings and any adopted meeting documents.

And in view of previous testimony, the interested and affected public should have some recourse in accordance with HRS 92F-42, as may be necessary to protect the public interest should internal administrative directives deviate from statutory requirements.

Thank you for providing this opportunity to support Senate Bill 3172, SD1, and for your consideration of the above suggestions.

Most sincerely and respectfully,  
Michelle S. Matson

**SB-3172-SD-1**

Submitted on: 3/20/2022 3:05:15 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathleen M Pahinui	Individual	Support	Written Testimony Only

Comments:

Aloha -

Please support this bill for more transparency and openness for board meetings. Additional points to consider:

Provide an active link to the meeting recording at the beginning of the meeting minutes

- Provide a timestamp following each subject heading in the minutes noting the time on the meeting recording

when the subject begins.

- Post the board's meeting recording and any adopted meeting documents on the board's website together

with the board's approved and adopted complete meeting minutes.

Mahalo,

Kathleen Pahinui

**SB-3172-SD-1**

Submitted on: 3/20/2022 7:09:49 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathy Jaycox	Individual	Support	Written Testimony Only

Comments:

I support the maintenace of meeting records.

**SB-3172-SD-1**

Submitted on: 3/20/2022 11:05:02 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John David Beutel	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair McKelvey, Vice Chair Wildberger, and Government Reform Committee Members,

I write in opposition to SB3172 SD1, because it would backfire, reducing the transparency of board meetings, and impose an undue burden on Neighborhood Boards. I am the current secretary of the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board, testifying as an individual.

In a perfect world, all boards could produce written minutes that conform to HRS 92-9, giving "a true reflection of the matters discussed at the meeting and the views of the participants." However, in the real world, some written minutes do not meet that high standard. Furthermore, some boards can only conform to HRS 92-9 by using recorded minutes (with a written summary with timestamps for quick access), which is the better option for transparency and accuracy. This bill eliminates that option.

The video recording is the only option that everyone can agree is an unbiased, accurate, and complete record of the views expressed at the meeting. The more that is paraphrased into written minutes, the more contention there is, with some participants perceiving their views as misrepresented. It would be unfair to the public, to force the board to paraphrase all of the oral testimony, instead of having those interested hear the participants speak for themselves on the recording. It would be like requiring all of the written testimony to be paraphrased into the minutes, too.

The bill would eliminate an incentive for a board to record its meetings and publish those recordings (with a written summary with timestamps). Will a board take on that expense, if it is required to produce written minutes anyway, which could be contradicted by the recording? This bill would curtail the public's access to the true record, and increase the contentious interpretation of that, instead.

Thank you for this opportunity to testify in opposition to SB3172 SD1.

Respectfully yours,  
J. David Beutel

**SB-3172-SD-1**

Submitted on: 3/21/2022 7:42:06 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Linda Morgan	Individual	Support	Written Testimony Only

Comments:

I support SB3172 SD1.

Being able to review recorded meetings, whether via audio recordings or visual recordings, is important for transparency and accountability and good government.

Having complete minutes of meetings further enhances public transparency and accountability and good government.

I approve of SB 3172, SD1, which requires that only one version of any electronic audio or visual recording of a board meeting must be maintained as public record and that written minutes must also be kept.

I also suggest that all boards under part I of chapter 92, Hawaii Revised Statutes be required to livestream using audiovisual or audio technology their meetings. The recording of each meeting should be archived and made available to the public on the board's website or, if the board does not have a website, on an appropriate state or county website immediately after the meeting. The livestreaming of meetings will provide for more participation and greater governmental accountability and transparency.

**SB-3172-SD-1**

Submitted on: 3/21/2022 11:08:17 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donna Ambrose	Individual	Support	Written Testimony Only

Comments:

I support maintaining audio or visual recordings of board meetings as public records, in addition to keeping complete minutes of the proceedings. Further, all boards should be required to livestream meetings. Both measures are important for transparency and to increase the public's opportunity to participate. Mahalo.

**SB-3172-SD-1**

Submitted on: 3/21/2022 11:31:54 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bill Hicks	Individual	Support	Written Testimony Only

Comments:

I am testifying in strong support of SB 3172. I am the Chairman of the Kailua Neighborhood Board, but am testifying as an individual.

SB 3172 would require that complete published minutes of public board meetings shall be maintained even when a video recording is available.

While I also support maintaining a video recording of a meeting where possible, a video recording by itself cannot function as a substitute for maintaining published minutes.

Published minutes must include essential information, including: (1) The date, time, and place of the meeting; (2) The members of the board recorded as either present or absent; (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and (4) Any other information that any member of the board requests be included or reflected in the minutes.

The posting of such published minutes allows interested citizens to quickly find relevant information regarding an issue.

A video recording by itself cannot substitute for complete minutes. Even when you attend and participate in a public board meeting and know that key testimony exists, it is often difficult to search the video recording and find that particular statement. A citizen who did not actually observe the meeting would have an overwhelming search challenge and be very hard pressed to find relevant information without the guidance of the published minutes.

SB 3172 is a straightforward common sense initiative to preserve existing practices for maintaining complete published minutes in the service of a public that deserves to know how decisions are made.

I urge the passage of SB 3172.

**SB-3172-SD-1**

Submitted on: 3/21/2022 2:07:35 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mo Radke	Individual	Support	Written Testimony Only

Comments:

I am testifying in strong support of SB 3172. I am the Chairman of the Kaneohe Neighborhood Board, but am testifying as an individual.

SB 3172 would require that complete published minutes of public board meetings shall be maintained even when a video recording is available.

While I also support maintaining a video recording of a meeting where possible, a video recording by itself cannot function as a substitute for maintaining published minutes.

Published minutes must include essential information, including: (1) The date, time, and place of the meeting; (2) The members of the board recorded as either present or absent; (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and (4) Any other information that any member of the board requests be included or reflected in the minutes.

The posting of such published minutes allows interested citizens to quickly find relevant information regarding an issue.

A video recording by itself cannot substitute for complete minutes. Even when you attend and participate in a public board meeting and know that key testimony exists, it is often difficult to search the video recording and find that particular statement. A citizen who did not actually observe the meeting would have an overwhelming search challenge and be very hard pressed to find relevant information without the guidance of the published minutes.

SB 3172 is a straightforward common sense initiative to preserve existing practices for maintaining complete published minutes in the service of a public that deserves to know how decisions are made.

I strongly urge the passage of SB 3172.



**SB-3172-SD-1**

Submitted on: 3/21/2022 5:34:54 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrea Quinn	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Committee Members:

Please support SB 741.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

**SB-3172-SD-1**

Submitted on: 3/21/2022 8:07:30 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeannine Johnson	Individual	Support	Written Testimony Only

Comments:

I strongly support SB3172, SD1 to strengthen the Sunshine Law and clarify neighborhood board meeting records requirements. As Secretary to the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2, I would additionally recommend:

- Providing an active link to the meeting recording at the beginning of the meeting minutes
- Providing a timestamp following each subject heading in the minutes noting the time on the meeting recording when the subject begins.
- Posting the board's meeting recording and any adopted meeting documents on the board's website together with the board's approved and adopted complete meeting minutes.

Mahalo for your support of our communities.

**SB-3172-SD-1**

Submitted on: 3/21/2022 11:15:13 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

Aloha Nui Kākou,

Kimeona Kane, Chair of the Waimānalo Neighborhood Board, and submitting this written testimony in my individual capacity as a lifelong resident of Waimānalo, with hopes to take an official stance on this item in the near future with the Waimānalo Neighborhood Board.

In this day and age of technology, I love that digital copies of the recordings are available where possible and understand fully that a video recording by itself cannot function as a substitute for maintaining published minutes for participating members.

Published minutes must include essential information, including: (1) The date, time, and place of the meeting; (2) The members of the board recorded as either present or absent; (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and (4) Any other information that any member of the board requests be included or reflected in the minutes, and personally, honor the use of Hawaiian words to the best of the abilities, including appropriate diacritical markings.

In my experiences participating at various meetings, I found it very difficult and often cumbersome to do additional research in video captures, particularly as there are no references expected that would allow me to track certain sections of the agenda in the video. Written minutes that reference video time stamps would be helpful and also if there were something along the lines in the video descriptions to reference areas of the agenda, that would be great. But back to written minutes, I strongly support the need to maintain and include them.

I strongly urge the passage of SB 3172.

Mahalo nui,

Kimeona Kane

**SB-3172-SD-1**

Submitted on: 3/22/2022 2:28:37 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dylan P. Armstrong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair McKelvey, to Vice Chair Wildberger, and to the Members of the Committee on Government Reform:

I write you in support of Senate Bill 3172, relating to Public Agency Meetings. This senate draft, as currently written, "provides that any electronic audio or visual recording of a board meeting shall be maintained as public record and clarifies that complete minutes of the meetings are still required."

As an O‘ahu neighborhood board chair, (I write in my individual capacity), I know that this bill is needed, because board meetings have been hampered in recent years by changes to record-keeping that have impacted the timeliness and comprehensiveness of meeting minutes. The minutes are the lasting record of these public meetings. SB3172 will strengthen the requirements for these and provide for better record-keeping.

As you will see, members and officers of other neighborhood boards are also in support, and writing from experience to you on this matter. Thank you for your consideration. Please vote in favor of SB3172.

Mahalo nui loa,  
Dylan P. Armstrong

**SB-3172-SD-1**

Submitted on: 3/22/2022 9:04:27 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
E. Ileana Funakoshi	Individual	Support	Written Testimony Only

Comments:

I am e. ileina funakoshi of Pearl City Neighborhood Board #21. I support SB3172 SD1.

However, may I suggest an amendment to HRS 92-4(a). " If the meeting is recorded, the recording also be kept in case of a challenge to the minutes." Oftentimes, the minutes are summarized and not all discussions are included in the minutes.

Thank you for the opportunity to offer my testimony.

e.ileina funakoshi

**SB-3172-SD-1**

Submitted on: 3/22/2022 10:06:19 AM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ryan Tam	Individual	Support	Written Testimony Only

Comments:

Dear Chair McKelvey, Vice-Chair Wildberger, and Committee Members-

My name is Ryan Tam, and I am chair of the Ala Moana-Kakaako Neighborhood Board No. 11, but I am testifying as an individual.

I am in support of SB3172, SB1. The availability of on-demand recordings of audio-video teleconferences for neighborhood boards and other agency meetings has proven to be a very useful tool in making government much more accessible. This technology helps to provide a more accurate account of these meetings---including the nuances of deliberations and presentations which may not be captured in meeting minutes. Preserving these recordings along with meeting minutes can help the public better understand government decisions and is also an important step to enhance historical records for posterity.

Please support SB3172, SD1.

Mahalo,

-Ryan Tam

**SB-3172-SD-1**

Submitted on: 3/22/2022 2:25:31 PM

Testimony for GVR on 3/23/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lucinda Pyles	Individual	Support	Written Testimony Only

## Comments:

I am testifying in strong support of SB 3172. I am the At-large member of the Waiialae-Kahala Neighborhood Board, but I am testifying as an individual.

Published minutes must include essential information, including: (1) The date, time, and place of the meeting; (2) The members of the board recorded as either present or absent; (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and (4) Any other information that any member of the board requests be included or reflected in the minutes.

The minutes of our February 2022 meeting repeatedly stated "discussion followed" after several presentations on topics of concern for our board with no details as to what was discussed or who engaged in the discussion or whether there would be any follow up. The posting of such published minutes allows interested citizens to quickly find relevant information regarding an issue.

SB 3172 would require that complete published minutes of public board meetings be maintained even when a video recording is available. I support maintaining a video recording of a meeting where possible, but a video recording by itself cannot function as a substitute for maintaining published minutes. Even when you attend and participate in a public board meeting and know that key testimony exists, it is often difficult to search the video recording and find that particular statement. A citizen who did not actually observe the meeting would have an overwhelming search challenge and be very hard pressed to find relevant information without the guidance of the published minutes.

SB 3172 is an initiative to preserve existing practices for maintaining complete published minutes so the public can know what the board is up to, how board members are responding to the issues in our community.