Citizen Advisory Committee

for the Oahu Metropolitan Planning Organization

Ocean View Center, Suite 200
707 Richards Street
Honolulu, Hawaii 96813

PHONE: (808) 587-2015
(808) 768-4178
FAX: (808) 587-2018

NOTICE OF MEETING

Wednesday, May 18, 2016 - 3:00 p.m.
Honolulu Hale, Room 301
530 South King Street, Honolulu, Hawaii

AGENDA

Estimated Meeting Duration: **75 minutes**

All meeting materials can be downloaded from the following link: http://www.oahumpo.org/about-mpo/committees/citizen-advisory-committee/

FOR DISCUSSION AND ACTION:

1. **Call to Order & Introductions (1 min)**
2. **Approval of the April 20, 2016 Meeting Minutes (1 min)**
3. **OahuMPO Meeting Highlights – Amy Ford-Wagner (1 min)**
   A summary of the May 13 Technical Advisory Committee meeting.
4. **Old Business**
   There is no old business.
5. **New Business**
   a. ***Emergency Evacuation Plan* – Mel Kaku, City/County Department of Emergency Management (DEM) (15 min)**
   Director Mel Kaku of DEM will present the final report of the *O`ahu Coastal Communities Evacuation Planning Project*, which was partially funded by OahuMPO in the FY2010 Overall Work Program.
   Requested Action: Consider recommending the final report of the *O`ahu Coastal Communities Evacuation Planning Project* for acceptance by the Policy Board.
   b. ***Roadway Resilience on the Windward Side* – Ed Sniffen, State of Hawaii Department of Transportation (HDOT) (40 min)**
   Deputy Director Ed Sniffen of HDOT will discuss the Kamehameha Highway-Windward O`ahu wash-out and repairs at Ka'a'awa. The discussion will include consideration of long-term impacts to coastal roadways island-wide as sea level rise occurs and storm wave action becomes more frequent.
   Requested Action: No formal action is being requested at this time.
   c. **Citizen Advisory Committee Bylaws – John Goody, Bylaws Subcommittee Chair (10 min)**
   Mr. Goody will present the Bylaws Subcommittee's proposed revisions to the CAC Bylaws.
   Requested Action: Consider recommending the revisions to the *Citizen Advisory Committee Bylaws* to the Policy Board for approval.

d. **Citizen Advisory Committee Bylaws – Dick Poirier, Bylaws Subcommittee member (5 min)**
The State Attorney General has, in response to requests from OahuMPO staff and committee members, provided legal advice about the effects of Chapter 92 of Hawaii Revised Statute (often referred to as the "Sunshine Laws") on the activities of the Citizen Advisory Committee. Mr. Poirier will present a memo on inconsistencies in these previous legal opinions.
Requested Action: Consider recommending that OahuMPO staff request the State Attorney General to confirm that the Citizen Advisory Committee should *not* be considered a board under the Sunshine Laws.

6. **Invitation to interested members of the public to be heard on matters not included on the agenda**

7. **Announcements**

8. **Announcement of next scheduled meeting**

4:45: Adjournment

Information on transit access via TheBus is available by calling 848-5555 or by visiting www.thebus.org. *Pedestrian access is from Punchbowl and King Streets; bicycle racks are available at Honolulu Hale. Wheelchair access is provided in front of Honolulu Hale, parallel to King Street. Take elevators inside Honolulu Hale to the 3rd floor. Automobile parking is available in the City & County of Honolulu parking lot at the Fasi Municipal Building (free after 4:00 p.m.); entrances are located on Beretania & Alapai Streets.*

Parking will not be validated.

To request language interpretation, or an auxiliary aid or service (i.e., sign language interpreter, or materials in alternative format), contact OahuMPO at 587-2015 (voice only) six (6) days prior to the meeting date. TTY users may use TRS to contact our office.

Minutes of the
Oahu Metropolitan Planning Organization

CITIZEN ADVISORY COMMITTEE
Wednesday, April 20, 2016 at 3:30 p.m.

Honolulu Hale, Room 301
530 South King Street, Honolulu, Hawaii

Attendance

Member organization	Present?	Represented by	Absent?
AARP	X	John Goody	
American Planning Association			X
American Society of Civil Engineers			X
Beautiful Honolulu Foundation			X
Castle and Cook Homes Hawaii			X
Citizens for a Fair ADA ride	X	Rose Pou	
Committee for Balanced Transportation	X	Joseph Magaldi	
E Noa Corporation	X	Tom Dinell	
Gentry Homes, Ltd.	X	Deb Luning	
Hawaii Association of the Blind			
Hawaii Bicycling League	X	Daniel Alexander	
Hawaii Teamsters / Allied Workers, Local 996			X
Hui Kupuna VIP			X
Hunt Companies	X	Kathleen Iriarte	
Institute of Transportation Engineers	X	Chad Kadokawa	
Kaaawa Community Association	X	Andrea Anixt	
Land Use Research Foundation of Hawaii			X
League of Women Voters	X	Marcia Linville	
Mestizo Association			X
NB#01 Hawaii Kai	X	Herb Schreiner	
NB#02 Kuliouou-Kalani Iki	X	Linda Starr	
NB#03 Waialae-Kahala			X
NB#05 Diamond Head-Kapahulu	X	Bert Narita Barbra Armentrout	
NB#07 Manoa	X	Jim Hayes	
NB#08 McCully-Moiliili			X
NB#09 Waikiki			X
NB#10 Makiki-Lower Punchbowl-Tantalus			X
NB#11 Ala Moana-Kakaako	X	William J. Ammons	
NB#13 Downtown			X
NB#14 Liliha-Puunui-Alewa-Kamehameha Hts.			X
NB#15 Kalihi Palama			X

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Member organization	Present?	Represented by	Absent?
NB#18 Aliamanu - Salt Lake			X
NB#21 Pearl City			X
NB#22 Waipahu	X	Marcella Granquist-Waller	
NB#23 Ewa			
NB#24 Waianae Coast			X
NB#25 Mililani-Waipio-Melemanu	X	Elise Carmody	
NB#26 Wahiawa	X	Joe Francher	
NB#29 Kahaluu			X
NB#34 Makakilo-Kapolei Honokai Hale	X	Frank Genadio	
NB#35 Mililani Mauka-Launani Valley	X	Steven Melendrez	
NB#36 Nanakuli-Maili	X	Richard Landford	
North Shore Chamber of Commerce			X
Pacific Resource Partnership			X
Palehua Townhouses			X
Waikiki Resident's Association	X	Daisy Murai	

Guests	Jan Bappe, Nicola Szibbo (DPP), Nicole Hori (NB#12), Brandon Ito (HOEISF), George West (NB#5), Michael Murphy (DTS), Shirley Landford, Ryan Tam (HART), Shannon Wood, Tamara Edwards (NB#8), Al Frenzel

OahuMPO staff present	Chris Clark, Mike Galizio, Roni Schack, Brian Gibson, Amy Ford-Wagner

Meeting was properly noticed in accordance with State law.

Chair Joseph Magaldi called the meeting to order at 3:30 p.m. and asked all attendees to introduce themselves.

FOR DISCUSSION:

1. APPROVAL OF THE MARCH 16, 2016 MEETING MINUTES

After a motion by Joe Francher and second by Frank Genadio, the minutes for the March 16, 2016 CAC meeting were approved with no corrections or objections.

2. OAHU REGIONAL TRANSPORTATION PLAN 2040

OahuMPO Senior Planner Chris Clark presented an update on the approved Oahu Regional Transportation Plan (ORTP) 2040. The presentation can be viewed here: http://www.oahumpo.org/wp-content/uploads/2013/07/OahuMPO-Powerpoint-2016_04_20-CAC.pdf.

Questions and discussion on the presentation are presented below:

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- Mr. Melendrez asked whether OahuMPO is now in compliance with the corrective actions that resulted from OahuMPO's certification review in 2014. Mr. Clark responded that, with the Policy Board's approval of the ORTP 2040, OahuMPO is in compliance with all corrective actions.
- Mr. Melendrez asked whether OahuMPO responded to public comments that were received; Mr. Clark noted that Appendix B of the ORTP 2040 includes responses to comments.
- Mr. Goody asked whether the land use information included in the travel demand forecasting model includes the Koa Ridge and Ho'opili projects. Mr. Clark responded in the affirmative, adding that the ORTP 2040 text also includes a discussion of where growth is anticipated. Mr. Clark clarified that OahuMPO uses land use information supplied by the Department of Planning & Permitting.
- Mr. Genadio asked whether a project can appear on the TIP without being on the ORTP. Mr. Clark said the ORTP 2040 includes groupings of projects – such as intersection improvements or safety improvements – from which a specific improvement might eventually be implemented via the TIP; however, a larger improvement would have to be identified specifically to qualify for federal funding.
- Nanakuli/Maili NB transportation chair asked whether anything can be done about the traffic congestion in their area before the widening project identified in the plan, which wouldn't be implemented until 2040; and clarified that what the area really needs is secondary access (not just "emergency" access). Mr. Clark answered that HDOT is examining some improvements that could be done in the interim, such as intersection improvements and reversible lanes. Mr. Clark explained that while OahuMPO wants to be responsive to the many Leeward Side comments about the need for secondary access, the plan's $1.3 Billion doesn't go as far as one might expect, given the 20-year timeframe, inflation, and how much projects actually cost.
- Mr. Frenzel had several comments about the ORTP 2040:
    - The Policy Board vote proceeded without the CAC's opinion
    - It appears that HDOT, not the Policy Board, "runs the train" because HDOT pulled a $209M project off of the ORTP 2040 that everyone on the Leeward Coast supported
    - $9.3Billion in illustrative projects were added without any public discussion
    - He requested minutes from 2012 discussing the CAC's ORTP subcommittee
    - He will discuss issues with the process with FTA/FHWA.
    - He questioned whether the public comments received made any difference to the Projects List. Mr. Clark responded that revisions were made to the Projects List in response to public comments; as examples, he pointed out that the Interstate Route H-2 Pineapple Road Interchange (Project No. 308) was re-prioritized from a "Long-Range Project" to a "Mid-Range Project" and that the description for the Farrington Highway Widening (Project No. 351) was modified to indicate that contra-flow lanes and other improvements may be pursued in the short range.
- Mr. Genadio asked how long funding can stay associated with a project before expiring. Does it have to be spent in the fiscal year it is allocated, or can it be drawn out forever? Mr. Clark said the simple answer is ten years.
- Mr. Genadio asked for clarification about the Kualaka`i Parkway project. Mr. Clark responded that the actual project alignment is still to be determined and public comment received during the ORTP 2040 will be part of that decision. Including the project on the ORTP 2040 makes it eligible for federal funding; but the project must still be defined and evaluated, and a "No Build" scenario must be part of that evaluation. The implementing agency must consult with adjoining property owners as the project is developed.
- Mr. Ammons would like a written response to Mr. Frenzel's questions; Mr. Clark mentioned that these same questions & comments were supplied to the Policy Board during the comment period and are included in the disposition of comments in the ORTP 2040.

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- Ms. Anixt is concerned that there are no projects addressing roadway washouts on the Windward Side.
- Mr. Dinell requested that the next ORTP schedule ensure valid and timely participation of the CAC ORTP Subcommittee. Mr. Clark agreed and said that the CAC should begin considering the formation & membership of an ORTP subcommittee.
- Several members commented that having a seat (voting or non-voting) on the Policy Board would make the CAC's voice better heard in the decision-making process.

3. COMPLETE STREETS CHECKLIST

OahuMPO Community Planner Amy Ford-Wagner presented some history of the CAC's Complete Streets Checklist and some options for proceeding in the future. During the group discussion, several points were raised:

- The Complete Streets Checklist is a way for the CAC to compare different projects that are competing for federal funding, for example in the Transportation Improvement Program (TIP). TIP project descriptions are too general to truly understand the project.
- The checklist allows for statutory exemptions during the ORTP process.
- If the implementing agencies have developed their own checklists, those could be submitted in place of the CAC's Checklist ;
- Exactly how this would be included in OahuMPO's Policies and Procedures would be worked out with the implementing agencies and would be contingent upon Policy Board acceptance.

Mr. Francher made the following motion (Ms. Linville seconded): *The CAC requests from the Policy Board that the TIP and ORTP process and procedures be amended to require the submission of an approved Complete Streets Checklist with a project.* The motion passed unanimously.

The main meeting was adjourned at 4:39.

BYLAWS SUBCOMMITTEE

Attendees: John Goody, Joe Magaldi, Andrea Anixt, Frank Genadio, Steven Melendrez, Amy Ford-Wagner

Subcommittee Chair John Goody called the meeting to order at 4:41 p.m. and asked all attendees to introduce themselves.

Meeting time/place:

1. The subcommittee agreed to meet at OahuMPO's offices 11am on Thursday, April 28 and Thursday, May 5.
2. Subcommittee members should review all comments, send comments to Amy by noon on April 27 to compile, and she will distribute the compiled responses for discussion.

The Bylaws Subcommittee meeting was adjourned at 4:56.

Written by: Amy Ford-Wagner
Reviewed by: Brian Gibson, Mike Galizio, Chris Clark, Roni Schack

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Final Report

This project was supported by the City and County of Honolulu, Department of Emergency Management under FY 2012 Oahu Metropolitan Planning Organization (OMPO) - Job No. CT-DEM-1200412.

This document was prepared under a grant from the Federal Highway Administration through the Oahu Metropolitan Planning Organization. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the City and County of Honolulu Department of Emergency Management, the Oahu Metropolitan Planning Organization or the Federal Highway Administration.

May 2015

Prepared for:

Department of Emergency Management

In November of 2012, The City and County of Honolulu Department of Emergency Management (DEM) hired a team comprised of Atkins, North America Inc.; Group 70 International, Inc.; Solutions Pacific, LLC; Martin and Chock, Inc.; and the University of Hawaii Sea Grant Program to prepare work products to assist rural communities throughout the Island of O'ahu to prepare for possible distantly-spawned tsunami events. Atkins and the rest of the team was selected in a competitive bid process. The roles of each firm in the overall conduct of the project is as follows:

- Atkins was the overall team leader and with its national evacuation expertise was tasked with developing the evacuation routes, vulnerability analysis and signage plans required by the contract;
- Group 70 was designated as the local firm lead to coordinate the activities of the other local firms that comprised the team as well as taking the lead on conducting the field work and determining the refuges that would be suitable for use during a tsunami event;
- Solutions Pacific, another local firm, was charged with collecting and analyzing behavioral data for its use in the vulnerability assessment, as well as leveraging its extensive local contacts to gather any other relevant local information needed by the team;
- Martin and Chock, a prominent local engineering and design firm, was tasked to be the physical sciences lead for the project, given that tsunamis are a physical phenomenon, they were instrumental in obtaining modeling and other data to support the vulnerability analysis portion of the project; and
- University of Hawaii Sea Grant Program was instrumental in developing the technical and public information needed to interact with local government officials and the public at the end of the overall project.

Hereafter, the collective group of firms above will be referenced as the Team.

Initially the contract specifically addressed the communities of Waianae, Nanakuli, Ewa Beach, Haleiwa/Waialua, Hauula, and Waimanalo and was to address the evacuation zone delineated in 2010. However by December of 2012, in consultation with DEM it became apparent that additional communities would need to be added to the area of study and that a much more severe tsunami scenario was becoming evident for the project's planning endeavors. Therefore, the project was expanded to include the communities of Makaha, Maili, Iroquois Point, Kailua and Kaneohe; although ultimately the scope of the study included all North Shore and Windward communities from Kaena Point to Mokapuu Point, and all Leeward and Ewa Communities from Kaena Point to Iroquois Point.

In addition to the expansion of the communities to be included in the study area, a new tsunami threat, named the Greater Aleutian Tsunami (GAT) scenario greatly expanded the vulnerability area to be considered for evacuation under the project. The GAT is a scenario caused by a magnitude 9 earthquake in the Mid-Aleutian Trench that would spawn a much more extreme tsunami wave and inundation area than that for the 2010 event. Although the GAT was considered to be a one in approximately 2,500 year

event, it still warranted that the project consider it in its planning considerations, assumptions and processes. The GAT became the new standard and basis for all project work thereafter.

In December, 2012, the Team met with the following Emergency Preparedness Committees (EPC) to discuss the project and to gather information regarding the local procedures and other actions undertaken by the EPCs relative to the tsunami threat. The Team met with the EPCs in Kailua, Ewa Beach, Hauula, the entire North Shore, Project 52 and others from the Waianae Coast communities, and Kaheohe.

By January of 2013, the project team was provided very early access to the preliminary GAT scenario model data that was prepared by Dr. Kwok Fai Cheung, and immediately it set about determining which refuge facilities would not be subject to inundation in that scenario **(See GA Tsunami.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box)**. With that hazard specific modeling data, the team also began developing its behavioral analysis results **(See Draft Behavior Study.pdf in OAHU Coastal Communities Evac\!FINAL in box)**, conducting field work to verify refuge, community specific and other important ground truth information **(See Community Summaries-Final.pdf in OAHU Coastal Communities Evac\!FINAL in box)**; as well as delineating a new evacuation/inundation zone for the new scenario **(See Evac_Zone_10-GAT.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box)**.

Behavioral Assumptions Used in Study

As mentioned above Solutions Pacific performed an island-wide behavioral survey and analysis for another emergency management related project that focused on the public's responses to hurricanes and tsunamis. The study captured the variations in behavioral responses seen at different locations on the island. Therefore, the study results reflected the nuanced differences in the public response to tsunamis based on specific locations recognizing that locations and the demographic compositions of the public in that area would have a great deal of influence on their reactions to the tsunami threat. Solutions Pacific for the purposes of this study reanalyzed this previously collected data to conform to the specific needs of this particular project and prepared a study report with those findings. The behavioral report can be found at **(See Draft Behavior Study.pdf in OAHU Coastal Communities Evac\!FINAL in box).**

From the reanalysis results the Team used the following basic behavioral assumptions in performing their own efforts under the contract scope of work:

1. For the 2010 tsunami scenario, the study assumed a 100% participation rate in the Tsunami Evacuation Zone (TEZ) – this assumption, although it would probably not be realized in a actual tsunami event, was used in order to allow all evacuees in that zone ample time to clear the inundation area and get to nearby safe locations;

2. For the 2010 tsunami scenario, the study assumed the stated local participation rate for the immediate fringe area later generally designated the Extreme Tsunami Evacuation Zone (XTEZ);
3. For the GAT scenario, the study assumed a 100% participation rate in both the TEZ and XTEZ – again this assumption, although it would probably not be realized in a real tsunami event, was used in order to allow all evacuees in that zone ample time to clear the inundation area;
4. Generally, the Team assumed that slightly more than 20% of evacuating households would seek refuges for their safe destination, vis a vis going to friends and family or hotels/motels; and
5. Generally, approximately 85% of households would use one or more of their available vehicles to evacuate. The remaining percentages would flee on foot, use mass transit, or double up with other households.

Most of these behavioral assumptions were used knowing full well that the bias was toward overestimating vulnerable populations and clearance times and other estimates, which for public safety purposes is not only acceptable, it is preferred. These overestimates ensure that all decisions are based on information that slightly overstates the hazard and its impacts in order to safeguard the lives of the evacuating public.

Refuge Identification, Investigation and Selection

During this period, the Team began to investigate appropriate facilities and areas for use as refuges in both scenarios (2010 and GAT). Rather early on in the process, the Team recommended, and DEM accepted, that in order to reduce the likelihood of confusion in the populace, it would be preferable to have a single refuge for both scenarios. This would negate the possibility of evacuees seeking refuge at facilities that would be vulnerable in a GAT scenario because they were used to using that location for the more frequent and likely 2010 events. The Team began mapping and assessing the list of existing refuges identified by DEM for the 2010 scenario, and depending on their location, either retained or removed those facilities from the viable refuge list for the project.

Facility	Address	Community	Notes
Aina Koa Neighborhood Park	1331 Aina Koa Ave	Honolulu	3
Asing Community Park	91-1450 Renton Rd	Ewa Beach	1
Ewa Mahiko District Park	Renton Road	Ewa Beach	1
Herbert K. Pililaau Community Park	85-166 Plantation Rd	Waianae	2
Kahala Community Park	4495 Pahoa Ave	Honolulu	3
Kahuku District Park	56-170 Pualalea Street	Kahuku	2
Kailua District Park	21 South Kainalu Dr	Kailua	2
Kaimuki Community Park	3521 Waialae Ave	Honolulu	3
Kalakaua District Park	720 McNeil St	Honolulu	3
Kaneohe District Park	45-660 Keaahala Road	Kaneohe	1
Kilauea District Park	4109 Kilauea Avenue	Honolulu	3

Facility	Address	Community	Notes
Kokohead District Park	423 Kaumakani St	Honolulu	3
Kuliouou Neighborhood Park	501 Kuliouou Rd	Honolulu	3
Makaha Community Park	84-730 Manuku St	Waianae	1
Makakilo Community Park	92-1440 Makakilo Drive	Kapolei	1
Makiki District Park	1527 Keeaumoku St	Honolulu	3
Manoa Valley District Park	2721 Kaaipu Avenue	Honolulu	3
McCully District Park	831 Pumehana St	Honolulu	3
Nanakuli High & Inter School	89-980 Nanakuli Ave	Waianae	1
Niu Valley Middle School	310 Halemaumau St	Honolulu	3
Patsy T. Mink Central Oahu Regional Park	94-801 Kamehameha Hwy	Waipahu	1
Waialua High & Intermediate School	67-160 Farrington Highway	Waialua	1
Waianae Elementary School	85-220 McArthur St	Waianae	2
Wailupe Community Park	939 Hind luka Dr	Honolulu	3
Waimanalo District Park	41-415 Hihimanu Street	Waimanalo	1
Wilson Community Park	4901 Kilauea Avenue	Honolulu	3
1 = Viable for consideration in study 2 = Not viable, not considered for use in study 3 = Unknown viability, not in immediate study area			

Table 1: Existing DEM Refuge Facilities

The Team also considered facilities named or recommended by the local EPCs, some of which are listed below.

Facility	Address	Community	Notes
LDS Church	66-1009 Kaukonahua Rd	Waialua	2
Kawailoa Rd	Kawailoa Rd	Haleiwa	1
Opaeula and Twin Bridge Roads	Opaeula & Twin Bridge Roads	Haleiwa	1
Field adjacent Intelsat Paumalu Teleport	Comsat Rd	Sunset Beach	1
Kahuku District Park	56-170 Pualalea St	Kahuku	2
Kahuku Elementary	56-170 Pualalea St	Kahuku	2
Kahuku HS & Intermediate	Kamehameha Hwy	Kahuku	2
Hauula Kai Shopping Center	54-223 Kamehameha Hwy	Hauula	2
Elaine Chang property	54-230 Kam Hwy	Hauula	1
Hauula LDS Mauka Chapel	55-75 Hauula Homestead Rd	Hauula	1
Emergency Container Land	Hauula Homestead Rd	Hauula	1
Kailua Elementary	315 Kuulei Rd., , HI 967	Kailua	2
Kailua Intermediate	145 S Kainalu Dr	Kailua	2
Kalaheo High School	730 Iliaina St	Kailua	1
Lanikai Elementary	140 Alala Rd	Kailua	2
Christ Church Uniting Disciple	1300 Kailua Rd	Kailua	1
Pohakupu Mini Park	Ulumalu St	Kailua	1
Faith Baptist Church	1230 Kailua Road	Kailua	1
United Methodist Church	1110 Kailua Rd	Kailua	2
St. John Lutheran Church	1004 Kailua Rd	Kailua	2

Facility	Address	Community	Notes
Mid Pacific County Club	266 Kaelepulu Dr	Kailua	1
LDS Church Kailua	1461 Kanapauu Drive	Kailua	1
Le Jardin Academy	917 Kalanianaole Hwy	Kailua	1
Keaunui Community Park	Keaunui Dr	Ewa Beach	1
Kroc Salvation Army Center	91-3257 Kualaka'i Parkway	Ewa Beach	1
Notes 1 = Viable for consideration in study 2 = Not viable, not considered for use in study			

Table 2: Some Recommeded EPC Refuge Facilities

Also associated as part of this process was the determination of what areas were indeed safe and suitable for refuging. As mentioned above, the Team was provided early access to output from Dr. Kwok Fai Cheung's model results showing the extents and depths of inland flooding caused by the new GAT scenario. O'ahu Digital Elevation Models (DEMs), twenty foot contour data from the State, elevation data from Google Earth Pro were combined with GIS representations of Dr. Cheung's model output to create new shapefiles that established the most inland extent of GAT inundation. These maps **(See GA Tsunami.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box)** not only served as the basis for determining which refuge sites were ultimately safe from the impacts of a GAT scenario, but also for developing the vulnerable population and refuge demand figures discussed below.

Unfortunately, many of the DEM and EPC recommended facilities although very appropriate for a normal 2010 scenario would be inundated in a GAT scenario. The team further did an extensive survey of many other facilities throughout the study area that were probably outside the GAT inundation zone.

Once the entire inventory of refuge locations were identified by the Team in the study area, Group 70 conducted site visits with GPS to verify coordinate locations and elevations. They also used aerial imagery and GIS to establish vehicle parking locations, determine their capacities and establish other likely services that may be on site for use by evacuees. Nonetheless the entire Team met on numerous occasions to select and discuss the refuge options throughout the study area. Finally, the refuges seen as viable in both the 2010 and GAT scenarios were mapped and included in a refuge atlas entitled, Oahu Coastal Evacuation Planning Refuge Capacity Analysis **(See Refuge Cap Analysis-Final.pdf in OAHU Coastal Communities Evac\!FINAL in box)**. This atlas contains all the facilities assessed by the team and deemed as viable for use as a refuge (for all documents and shapefiles herein, the Refuge Number relates to the specific page in this atlas where the facility is featured). However, not all of the refuges included in the Atlas were ultimately used; that is, had evacuating populations or areas assigned to them as part of the evacuation route and signage plans. These "unused" facilities are nonetheless appropriate for use in both tsunami evacuation scenarios and could be used as backup or alternate facilities.

With respect to the selection criteria used in establishing the facilities deemed appropriate for use in all tsunami scenarios, the following items were considered:

1. Emphasis on using already existing refuges/shelters or co-location with those facilities – these types of locations would allow an easier transition to long term sheltering in case a tsunami actually destroyed residences and businesses;
2. Encouraged use of public owned facilities (either the City and County of Honolulu, the State of Hawaii, etc.), over the use of private property – that was to simplify the pre-event arrangements for their use;
3. The site had to have ample parking to justify its use, relative to the immediate local need (i.e., if a larger refuge could handle all local refuge demand relative to a smaller site, the more substantial facility would be used) – to minimize the number of overall sites used for refuging;
4. Where possible, refuge locations were selected to be strategic to the area and populations around them – this seeks to ensure that most evacuees in an area would be encouraged to evacuate to local locations rather than attempt to travel long distances to reach their safe destinations; and
5. Where possible, choose locations that would limit the likelihood of post-tsunami isolation – to minimize the likelihood that a single road washout would make long-term post-event resupply at a refuge site difficult or impossible.

Regarding the determination of parking spaces at each refuge facility and their mapping, the following standards were used:

1. For hardstand (paved) parking spaces, parking capacities were based on an assumption that each vehicle sent to that location would need 350 ft^2; and
2. For field parking, each vehicle would need 1,000 ft^2 in order to allow for travel lanes and to account for the general disorder caused by not having lines and other pre-event guidance for where vehicles should park.

The Team recognizes that these per vehicle assumptions have resulted in underestimating the parking capacity at each refuge location. Nonetheless these parking figures were used again to favor public safety and ensure that the population designated to use each facility could in fact be accommodated, with some allowance for additional vehicles if needed.

All locations deemed as suitable for use as refuges for this study (either with assigned populations or as potential sites) were mapped in GIS and can be found at **TS_Refuges_FINAL.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box.** The numbers displayed in the refuge location polygon, as well as the accompanying attribute table coincide with the page number of the Oahu Coastal Evacuation Planning Refuge Capacity Analysis atlas referenced above.

Vulnerable Population and Refuge Demand Figures

The draft evacuation limit shapefiles developed from Dr. Cheung's model output by the Team were provided to DEM for vetting purposes and for their own efforts to transform

the inundation limits into evacuation zones for the GAT scenario. By September 2014, DEM had developed new evacuation zones to supplement those for a normal event, and named them the Extreme Tsunami Evacuation Zone (XTEZ) and Tsunami Evacuation Zone (TEZ) respectively. The new XTEZ boundary was even more inclusive than the Team's evacuation limits in that it included an additional 200 foot buffer area to the periphery of the previously developed evacuation zone.

The Team then used the new XTEZ in the identified study area and conformed all previous work to the new boundary, including reconfiguring the existing refuge assignment areas to fit the new XTEZ. In addition, the vulnerable population and refuge demand figures were recalculated in accordance with the new zone. With the dissemination of the XTEZ, all final work products prepared by the project Team conform to these new boundaries.

The Team combined the behavioral characteristics discussed above with U.S. Census figures from 2010 to develop vulnerable population and refuge figures. Once the existing (TEZ) and proposed (XTEZ) evacuation areas were developed using the model output from Kwok Fai Cheung's model, U.S. Census data to the Block level was superimposed onto those zones. Those Census Blocks that straddled the evacuation zones (i.e., TEZ, XTEZ, or outside) were further subdivided so that all data boundaries conformed to one another **(See Evac_Zone_10-GAT.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box)**. For those subdivided U.S. Census Blocks, aerial imagery was used to segregate the homes therein into their appropriate evacuation zone.

Once the 2010 base populations for each evacuation zone were developed, those figures were extrapolated to 2015 numbers by determining the annualized growth rate from 2000 to 2010 Census count. Those figures were then combined with the behavioral assumption percentages to develop the vulnerable population figures prepared as part of this report.

Also included with the vulnerable permanent resident populations are those from the various tourist facilities throughout Oahu. These tourist figures also encompass the seasonal units as identified in the U.S. Census data. The hotel/motel tourist unit estimates were developed from State of Hawaii databases (Department of Business, Economic Development and Tourism (DBEDT), as well as from other public and private sources, Hawaii Revealed Blue Book, Frommers). Therefore, these figures include tourist numbers for hotels and motels, condominiums, and vacation rental by owners (VRBO).

The vulnerable population figures are available at **Vulnerable Pop Figures 2015-Final.docx in OAHU Coastal Communities Evac\!FINAL** in box, whereas the refuge demand data is titled **Refuge Pops_Final.docx** at the same location. The refuge population/demand document details the number of vehicles and people that are expected to use each designated refuge from each of their assigned refuge areas. This table also relates those figures for high (i.e., weekends, evenings and nights) and low

(i.e., weekday daytime) demand periods, as well as against the vehicle refuge parking capacity. As mentioned above these vulnerable population and shelter demand estimates for both scenarios are probably higher than the figures that will actually be realized during an actual event. Nonetheless, this overestimate is to ensure that all tsunami protective action decisions are based on data that will maximize public safety.

Evacuation Route Determination and Signage

In establishing the evacuation routes and developing a supporting signage plan, The Team discussed and developed an approach that further leveraged the work already done for the refuges. The basic tenet of this methodology was that each refuge would have a designated portion of the evacuation zones (See Figure 1 below) and its own dedicated route(s) (See Figure 2 below). The permanent residences and tourist units in each designated refuge area would follow on a unique route to their assigned refuge locations. Furthermore the signage plan would directly support the assigned refuge area and designated route concept.

Using the parking capacity developed for each refuge site, the TEZ and XTEZ Census Blocks were further divided into assigned refuge areas **(See Refuge_Blocks_FINAL.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box)** so that the number of allocated homes and tourist units therein would not exceed the number of parking spaces at the refuge location. Once each refuge was provided with an assigned refuge area, the following precepts with respect to routing were applied:

1. Where possible, evacuation routes would not cross one another in conveying traffic from the assigned refuge areas to the designated refuge locations;
2. The trip to refuge would be kept to as short a distance as possible;
3. Tried to maximize the use of right hand turns along the route;
4. Where possible, tried to capitalize on normal directions of traffic flow; and
5. Routes would convey traffic mauka as quickly as possible.

Evacuation Routes (**See EvacRoutes_FINAL.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box)** and signage only pertain to those evacuation trips going to refuge, all other traffic to different locations (i.e., friend and family) were assumed to know and employ their own routing to get to their alternate destinations.

For the placement and type of signage the following measures were utilized:

1. To minimize the number of signs placed on the highway, signage was placed only at strategic locations along the route to the refuge, namely where turns occurred, or where the directed course of travel is different than a normal direction of movement. Therefore, signage pointing in a normal and obvious direction of travel was avoided since it was assumed that evacuees going to refuges would go that direction anyway;

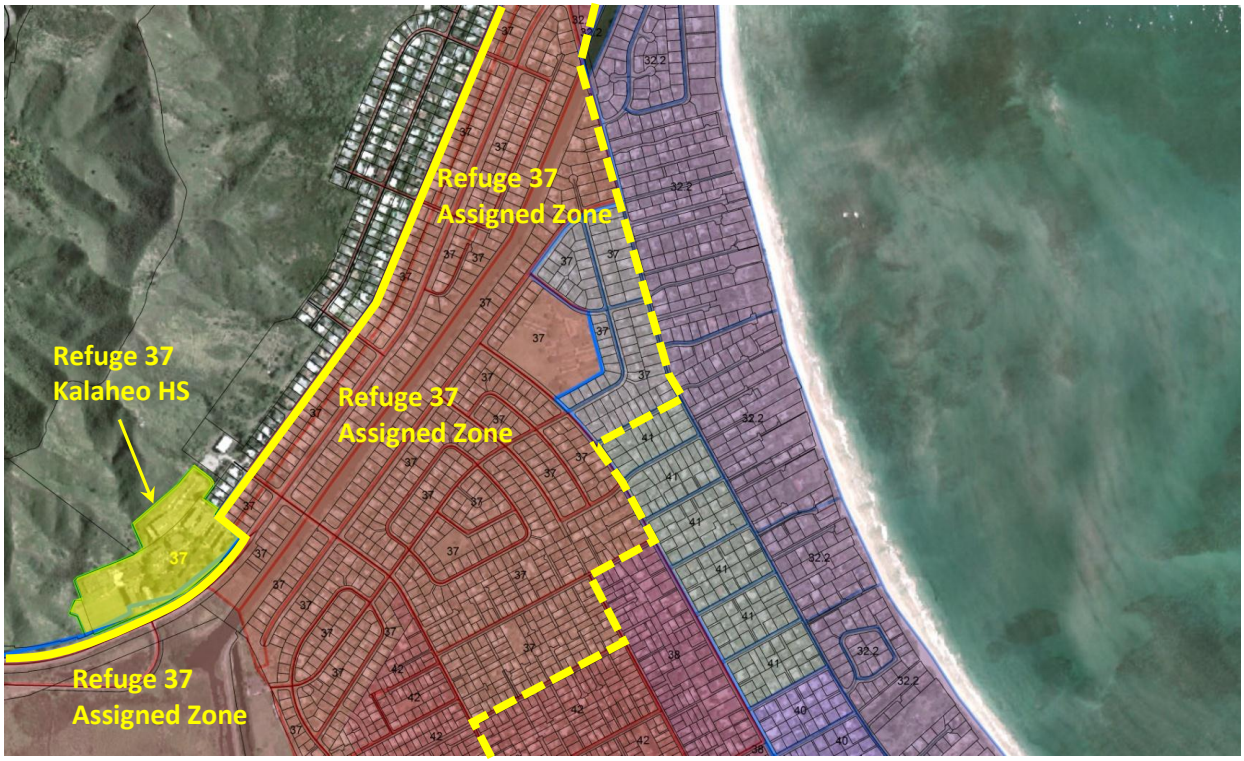


Figure 1: Refuge Assignment Area

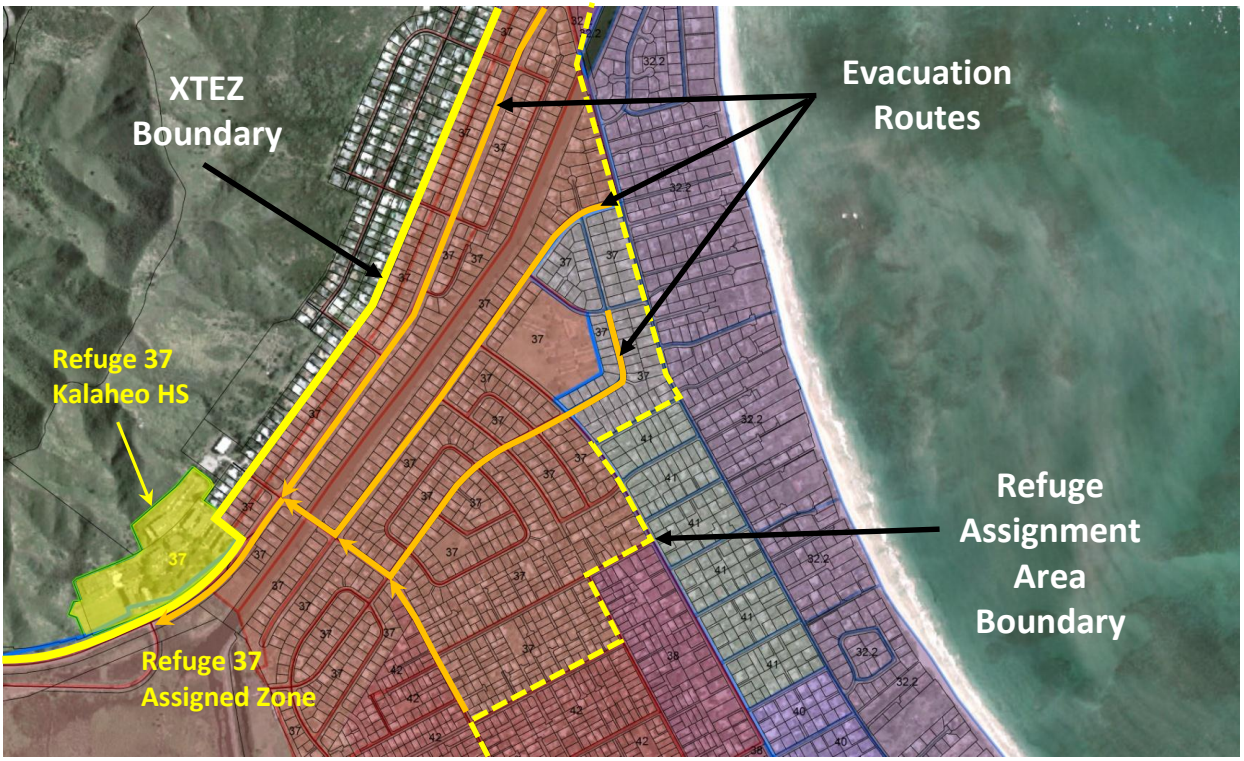


Figure 2: Designated Evacuation Routes

2. Where possible, tried to maximize using already emplaced vertical infrastructure (e.g., existing signs, light posts, etc.) to mount signs; and
3. Although all posted signage is directional in nature, most directional arrows include text with clarifying information (e.g., name of destination refuge, approaching turn directions, etc.).

The signage GIS file is at **Signage_FINAL.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles** in box. The display convention for the sign is, the red dot indicates the location of the post or stanchion on which the sign is mounted, the black line indicates the orientation of the face of the sign and the arrow shows the specific guidance or instruction provided by the sign (See Figure 3 below).

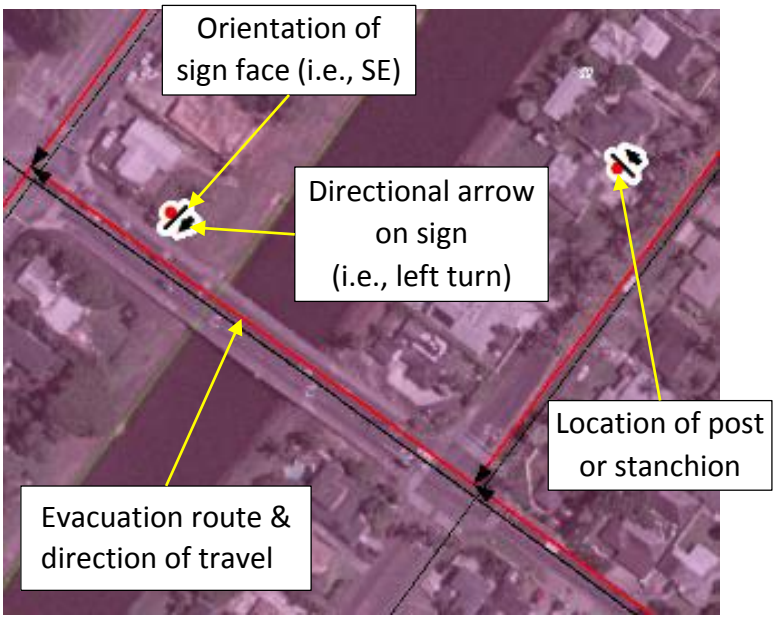


Figure 3: Signage Symbol Explanation

Clearance Time Determinations

Once evacuation routes were designated and mapped **(See EvacRoutes_FINAL.zip in OAHU Coastal Communities Evac\!FINAL\Shapefiles in box)**, Atkins determined clearance times for each refuge and its accompanying assigned refuge zone. Each evacuation route was subdivided into route segments with the termini situated at intersections, or at locations where significant changes in roadway characteristics (e.g., increase in number of lanes, etc.) warranted a method for differentiating one portion of roadway from the next. Each route segment was then assigned a directional service volume, which is a value that represents how many vehicles per hour can be conveyed along that portion of the transportation network in each direction. Using the number of lanes, roadway type (e.g., limited access, divided, undivided, etc.), responsible agency (i.e., federal, state, or local), surrounding land uses (e.g., urban, rural, etc.) and other

physical attributes, an hourly Level of Service (LOS) was assigned to each and every section of evacuation roadway on Oahu.

Each refuge and assigned refuge area, as well as its supporting evacuation routes were the analyzed to determine which roadway segments would likely be the bottlenecks for those specific evacuation trips. These bottlenecks, which usually coincide with intersections, or other areas where roadway capacity are constrained relative to traffic demand, are the primary determinant of the clearance time for that refuge facility and assigned zone.

Once the likely bottlenecks are identified, those roadway segments are loaded with evacuation traffic, represented by the number of vehicles using that section of roadway for evacuation. In determining the evacuation traffic, both those vehicles passing through the link with the express purpose of travelling to the designated refuge and those driving through to other destinations (e.g., friends and family, etc.) were included in the calculations.

In addition to these evacuating trips, these bottlenecks were further burdened with those trips not specifically involved with the evacuation, also known as background traffic. Background traffic will certainly occur concurrently with evacuation trips, since even non-evacuating people will need to travel on the same roadways simultaneously, especially in urbanized areas where tsunami evacuations may coincide with normal rush hours or other daily activities. To factor in background traffic, the peak, measured, directional, hourly traffic volume was used to ensure that clearance time calculations were based on the worst-case, but realistic scenario (i.e., a tsunami evacuation occurring simultaneously with a weekday rush hour event). These peak hour background traffic figures were obtained from the Hawaii Department of Transportation, Highways Division Planning Branch 2009 Traffic Station Mapbook.

Simplistically the equation for calculating clearance times is represented thusly:

$$\frac{\text{Evacuating Trips to Refuge + Evacuating Trips to Other Locations + Background Traffic}}{\text{Hourly Directional Service Volume}}$$

This simple schematic equation is further complicated by the inclusion of a loading curve (to factor in a two hour public mobilization time), time-stepped attenuation of the hourly directional service volume (to represent the reduction in throughput caused by increasing traffic congestion and turbulence) and diminution of background traffic (traffic will naturally decrease as the forecast event arrival time draws near).

For the purposes of this study, a clearance time is defined as the time it takes to clear all vehicles that will use a bottleneck segment during an evacuation, beginning from when the first evacuating vehicle enters the roadway until the last evacuating vehicle reaches a point of assumed safety. Therefore, a clearance time includes:

1. time for the bottleneck to gradually experience escalating traffic volumes as a result of natural variability in how quickly people will prepare to evacuate, and/or travel to the bottleneck (also known as mobilization, or loading time);
2. the amount of time the bottleneck will need to operate at peak assumed capacity in order to process all of the vehicle demand caused by the evacuation order (also known as queuing delay time); and
3. The travel time from the bottleneck to a point of relative safety, in this case to the nearest assigned refuge.

Clearance time is not the time that any one vehicle will need to get from the point of origin (the evacuating household or tourist unit) to the final safe destination (the assigned refuge). Those vehicles starting their evacuation trips early, before the bottleneck segments begin to experience saturation flow, will take a normal amount of time to reach their destination. Whereas vehicles leaving later in relation to when the evacuation order was issued, will experience much longer commute times to their assigned refuges, especially once those same bottlenecks become overloaded by their evacuation vehicle demand.

A table with clearance times for each refuge with assigned evacuation areas is located at **Clearance Times-Final.docx in OAHU Coastal Communities Evac\!FINAL** in box. DEM provided guidance that approximately four hours would be the maximum amount of response/evacuation time allowed by a GAT scenario seismic event. Given that goal, most vehicles from the assigned refuge areas can easily reach their associated refuge within that particular timeframe. Some locations however, exceed the four hour threshold, but unfortunately those times cannot be avoided given the current roadway network, or refuging options/locations.

Table 3 below documents those difficult bottlenecks, which arise primarily because they are situated on the only corridors in the area that can be used by all parties to reach any safe destination (i.e., refuges or other) and because an overwhelming number of vehicles at any of these bottlenecks are heading toward locations other than refuges. Therefore these bottlenecks identified below may potentially exceed the stated four hour window, regardless of whether refuge bound vehicles are routed through them or not. In fact, in two cases cited below (i.e., Refuges 11 and 17), the evacuating vehicles designated to travel to their assigned refuges are routed on alternate roadways, Pa'akea Rd and Kaukonahua Rd respectively to avoid these problem roadway segments.

Those evacuees travelling to their assigned refuges through all of the other critical bottlenecks cited above must be encouraged to leave as early as possible. Their arrival at these critical roadway segments must occur before the vehicles further up the Wai'anae Coast and the Windward Coast, and going to all other destinations, can arrive at these locations and overwhelm their capacity.

Refuge No.	Refuge Location	Refuge Name	Bottleneck location	TEZ Number of Vehicles Evacuating	XTEZ Number of Vehicles Evacuating	TEZ Clearance Time in Hours	XTEZ Clearance Time in Hours
[1]				[2]	[2][3]	[4]	[4]
10	Nanakuli	Nanakuli HS & IS	via Farrington Hwy @ Helelua St	6,461	7,910	6.0	6.9
11	Ma'ili	Pu'u O Hulu CP etc	via Farrington Hwy [5]	4,918	5,961	4.4	5.9
17	Waialua	Dole Plantation Facilities	via Kamehameha Hwy @ Weed Circle [6]	4,524	4,932	5.8	6.8
22	Ka'a'awa	Kualoa Ranch	Kamehameha Hwy @ Kualoa Regional Park	3,796	4,342	5.2	6.2
24	Waiahole	Waiahole ES & IS	Kamehameha Hwy @ Waiahole Valley Rd	4,067	4,838	5.4	6.8
25	Waihee	Senator Fong's Garden	Kamehameha Hwy @ Pulama Rd	3,927	4,683	5.8	7.4
26	Kahalu'u	Kahalu'u ES/ Mini Park/ Key Project	Kamehameha Hwy @ Waihee Rd	4,108	5,158	5.9	7.8
28	He'eia	Ahuimanu ES & Community Park	Kamehameha Hwy @ Hui Iwa St	3,904	4,794	5.7	7.6

[1] Refuge Number corresponds with the page number for that refuge in the Oahu Coastal Evacuation Planning Refuge Capacity Analysis atlas.

[2] Maximum total number of local evacuating vehicles traveling through bottleneck, regardless of destination (i.e., refuge vs. out of sector).

[3] XTEZ figures include TEZ evacuating vehicles.

[4] At peak (rush) hour, regardless of time of day.

[5] Figures Include vehicles going to refuge (11.1-11.4), as well as vehicles leaving Makaha, Wai'anae and Ma'ili. This route was not chosen in favor of sending evacuees to Pa'akea/Hakimo/Lualualei Naval Road refuges using alternate routes because of excessive clearance times at this roadway segment.

[6] Figures Include vehicles going to refuge (17), as well as vehicles leaving Waialua, Hale'iwa and Mokuleia. This route was not chosen in favor of sending evacuees to Dole Plantation refuge using Kaukonahua Rd because of excessive clearance times at this roadway segment.

Table 3: Critical Bottleneck Clearance Times

Public Outreach

Through the latter part of November and early December 2014, The University of Hawaii Sea Grant Program, in concert with DEM conducted public hearings throughout O'ahu to explain the technical aspects of the new GAT scenario and to present the new Extreme Tsunami Evacuation Zone (ETEZ). In addition to the communities with active EPCs, and those in the project's study area, public meetings were also held in the localities not included in the project such a Kapolei, Hawaii Kai, Waikiki and others. Furthermore, in February of 2015, Atkins, again in concert with DEM, conducted detailed working meetings with the EPCs to discuss the specifics of the refuging, routing and signage plans prepared for their communities. Not only were these meetings an opportunity to hear first-hand the particular measures that the project was proposing for their jurisdictions, they also allowed the EPCs an occasion to provide further guidance and feedback before the project's work products were finalized. These follow on EPC meetings were conducted in Kailua, Hau'ula, Makaha, 'Ewa Beach, Kane'ohe and Waimanalo. The updated presentations which were prepared and delivered to the respective EPCs, each community with its own PowerPoint file, can be found in the subdirectory **OAHU Coastal Communities Evac\!FINAL\EPC Presentations** in box.

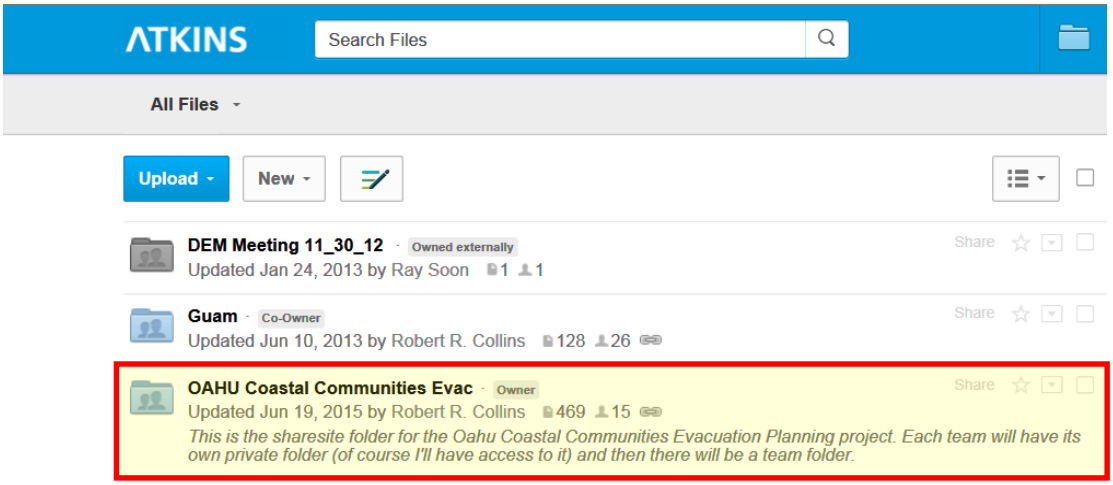
Recommended Actions

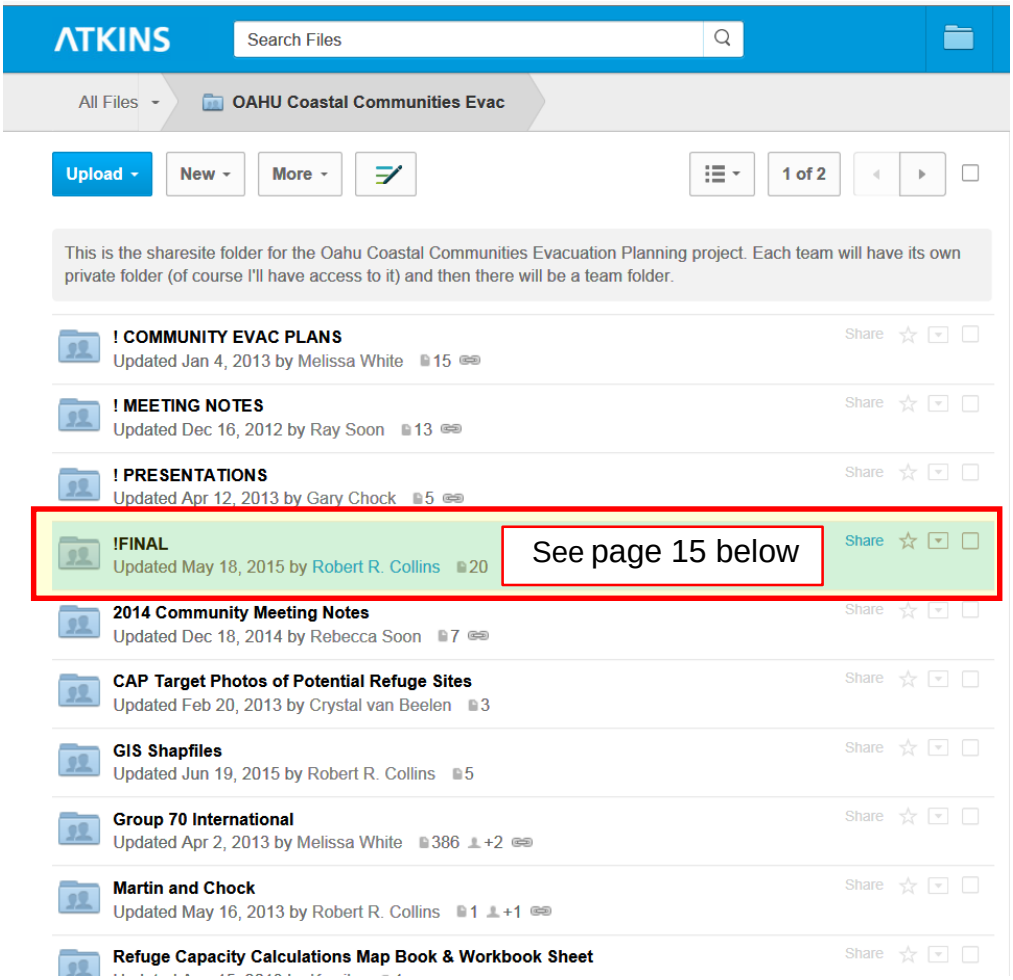
1. All traffic from Iroquois Point must be diverted to Iroquois Ave/ 12th St/West Lock Rd/Iroquois Rd. N Rd westbound from 12 St to Ft Weaver Rd must be blocked to disallow any vehicles from getting onto Ft Weaver Rd south of Iroquois Rd.
2. The fence that blocks the roadway near 87 Mohihi St should be removed and the road continued through to allow through passage on Mohihi Street all the way to Lualualei Naval Rd.
3. Develop another emergency bypass road that connects Lualualei Naval Road with Haleakala Ave to allow vehicles in western Nanakuli to bypass the worst congested roadway link on the Waianae Coast to get to the Nanakuli HS & IS refuge. Nanakuli HS & IS refuge is underutilized and evacuees will have to seek refuge along roadways in the open because there is no way they will be able to reach the Nanakuli HS & IS refuge in under the four hour timeframe.
4. Ensure that all Wai'anae Coast Emergency Access Route (WCEAR) roadways are opened and are available to accommodate evacuation traffic.
5. Ensure that the gates on either side of Cane Haul Road in Haleiwa are opened prior to the initiation of any tsunami evacuation.
6. Especially in the XTEZ scenario, more of the population at large must be convinced to seek local refuge than currently is evident in the behavioral surveys. Too many evacuees are going to try and commute to distant destinations (according to our current behavioral surveys), rather than go to local refuges. These "exiting" vehicles increase clearance times that extend well beyond the three to four hours available in the XTEZ scenario. This is especially true for the

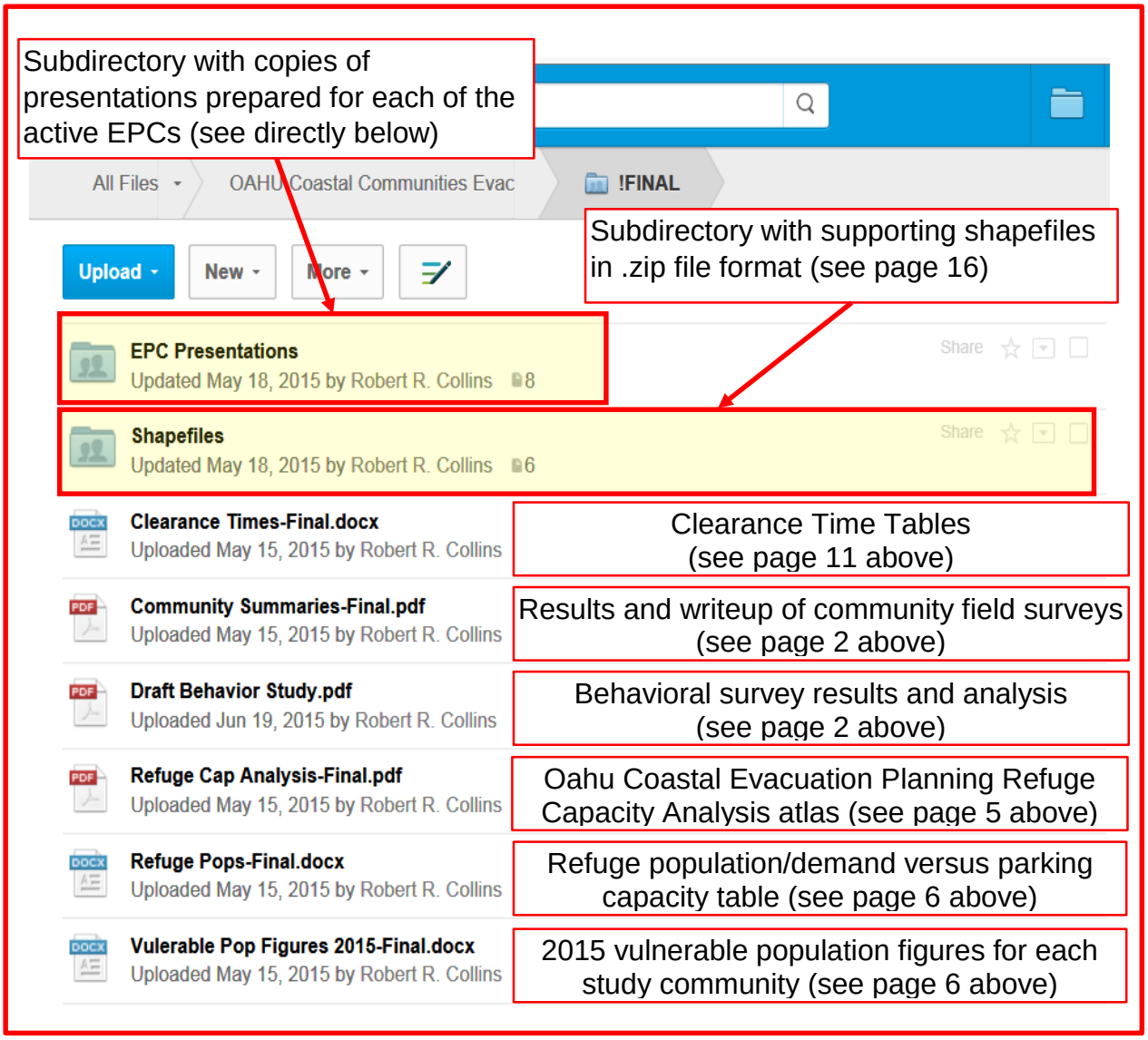
Wai'anae Coast near Nanakuli, Weed Circle for the North Shore and the Kam Highway from Ka'a'awa to Waiahole for the Windward Coast.

7. Consider developing a separate siren signal to be deployed one hour before the forecast arrival time of the tsunami to warn those evacuees still in stuck in traffic queues to abandon their vehicles and start walking mauka as quickly as possible.
8. Consider adopting policies that gas stations in the TEZ and XTEZ and along designated evacuation routes will be directed to cease fuelling operations so that their vehicle queues do not cause an additional impediment to traffic flow during an evacuation.
9. Where possible, all field parking at refuge facilities identified through this effort should have curb cuts with gates to allow vehicles to smoothly transition from parking lots and pavement over curbs and onto the field parking areas.

Table of Contents for box site: https://app.box.com/login






Subdirectory with copies of presentations prepared for each of the active EPCs (see directly below)
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Subdirectory with supporting shapefiles in .zip file format (see page 16)
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Shapefiles
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Clearance Times-Final.docx
Uploaded May 15, 2015 by Robert R. Collins
Clearance Time Tables (see page 11 above)
Community Summaries-Final.pdf
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Draft Behavior Study.pdf
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Refuge Cap Analysis-Final.pdf
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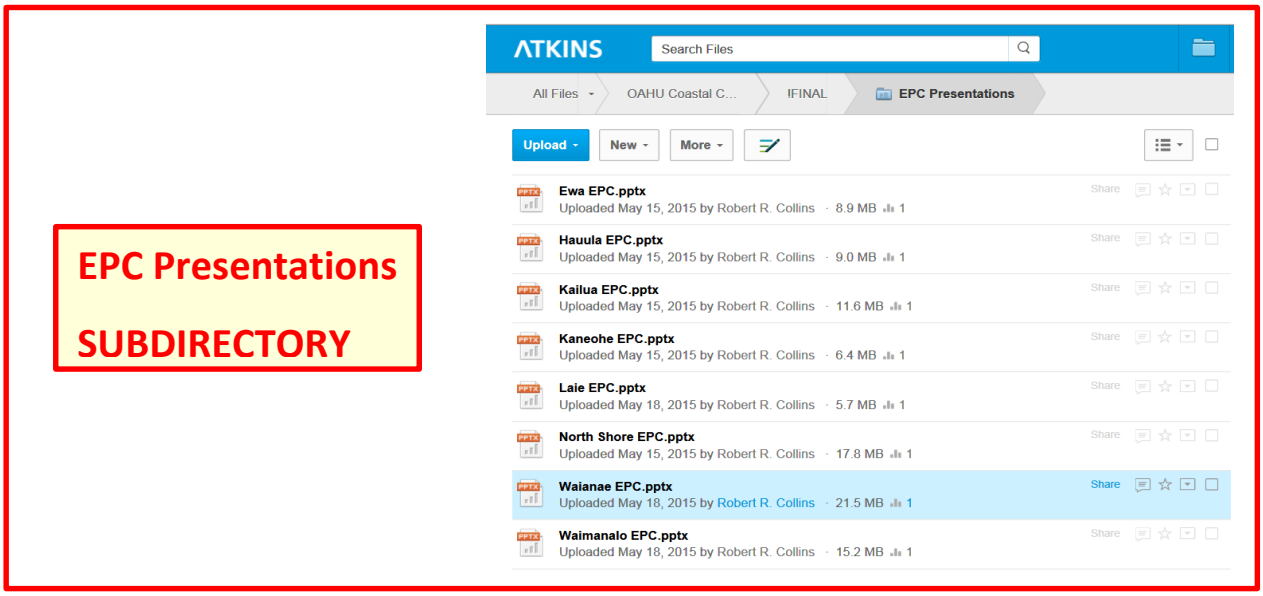
Oahu Coastal Evacuation Planning Refuge Capacity Analysis atlas (see page 5 above)
Refuge Pops-Final.docx
Uploaded May 15, 2015 by Robert R. Collins
Refuge population/demand versus parking capacity table (see page 6 above)
Vulerable Pop Figures 2015-Final.docx
Uploaded May 15, 2015 by Robert R. Collins
2015 vulnerable population figures for each study community (see page 6 above)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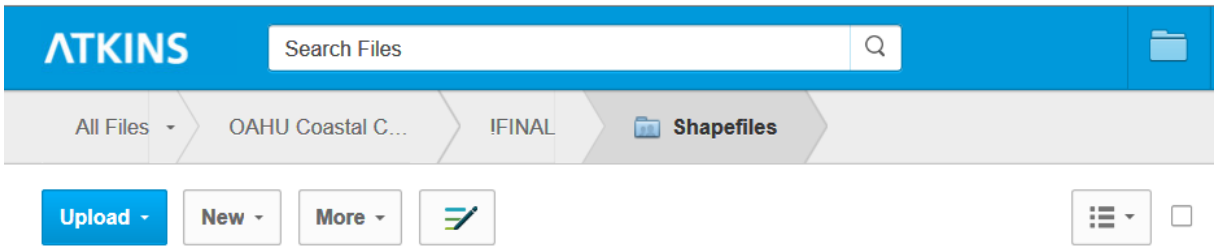
Shapefiles

SUBDIRECTORY



EvacRoutes_FINAL.zip Uploaded May 15, 2015 by Robert R. Collins	Evacuation route shapefiles (see page 7 above)
Evac_Zone_10-GAT.zip Uploaded Jun 19, 2015 by Robert R. Collins	2010 and GAT evacuation limits submitted by the Team (see page 6 above)
GA Tsunami.zip Uploaded Jun 19, 2015 by Robert R. Collins	Original GAT inundation limit shapefiles from Dr. Cheung's model (see page 2 & 4 above)
Refuge_Blocks_FINAL.zip Uploaded May 18, 2015 by Robert R. Collins	Refuge Assignment Area shapefiles established from XTEZ (see page 7 above)
Signage_FINAL.zip Uploaded May 15, 2015 by Robert R. Collins	Signage plan shapefiles (see page 9 above)
TS_Refuges_FINAL.zip Uploaded May 15, 2015 by Robert R. Collins	Listing of all refuges considered viable for both tsunami scenarios (see page 6 above)

BYLAWS OF THE CITIZEN ADVISORY COMMITTEE

FOR THE
OAHU METROPOLITAN PLANNING ORGANIZATION

WITH 2016 BYLAWS SUBCOMMITTEE CHANGES INCORPORATED

Approved by the
OahuMPO Policy Committee
on January 26, 2009

Amended by the
OahuMPO Policy Committee
February 22, 2011

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I. GENERAL PROVISIONS

A. Definition

The Citizen Advisory Committee, hereinafter referred to as the "CAC,~~",~~" for the Oahu Metropolitan Planning Organization, hereinafter referred to as the "OahuMPO~~",~~" shall consist of non-governmental organizations and City and County of Honolulu neighborhood boards as approved for CAC membership by the ~~Policy Committee~~Policy Board. The CAC shall be broadly based, include minorities and disadvantaged groups, reflected through the composition of its member organizations, and have an interest in and concern for the transportation planning process.

B. Purpose

The CAC shall be a vehicle whereby public input can be solicited to advise the ~~Policy Committee~~Policy Board and the OahuMPO Executive Director on transportation planning issues in accordance with the OahuMPO Participation Plan; and a means of keeping citizen~~'~~s' groups and the public informed of the aims and progress of the cooperative, comprehensive, and continuing transportation planning process. The CAC Chair shall provide input on important matters raised at CAC meetings to the Policy Board at regular scheduled meetings or by written report.

C. Non-Member Participation

Non-Member organizations and individuals may participate in all CAC activities without the privileges as stated in item *III. B. Member Organizations' Rights and Privileges*.

II. CAC MEMBERSHIP

A. Eligibility Requirements

1. To assure that organizations interested in applying for membership for the first time are committed to attending CAC meetings, such an organization shall earn at least four attendance credits within the twelve months prior to submitting a membership application.
2. Organizations applying for reinstatement following their removal from the CAC shall earn at least six attendance credits within the twelve months prior to submitting a membership reinstatement application.

~~1. Attendance credits earned during an organization's active membership shall not be applied toward reinstatement attendance requirements.~~

B. Earning of Attendance Credits

1. "Attendance Credit" shall be defined as credit earned by signing in for one organization at any regularly scheduled CAC meeting.
2. An organization may earn only one attendance credit at each meeting.
3. ~~Should an individual sign in as the designated representative for more than one organization at the same meeting, attendance credit will only be awarded to one organization~~No individual may sign in as a representative for more than one organization.
4. Member organizations shall not receive attendance credits if the person signing in for ~~its~~ his or her organization is not said organization's designated representative, alternate, or presiding officer as stated in *Section III.A.1. Member Organizations' Responsibilities.*

5. Only organizations may earn attendance credits.

C. Membership Requests

1. Each organization seeking initial CAC membership shall submit to OahuMPO an official OahuMPO CAC Initial Membership Application form (provided by the OahuMPO staff). This form shall be accompanied by a cover letter printed on the organization's official letterhead, signed and dated by its presiding officer or authorized representative.
2. The completed initial application and cover letter must be sent to the OahuMPO office no later than two months after earning four OahuMPO attendance credits within a twelve-month period. The organization's appointment to the CAC shall become effective immediately following the ~~Policy Committee~~Policy Board's approval of said request.
3. Each organization seeking reinstatement as a CAC member shall submit to OahuMPO an official OahuMPO Membership Reinstatement Application form (provided by the OahuMPO staff). This form shall be accompanied by a cover letter printed on the organization's official letterhead, signed and dated by its presiding officer or authorized representative.
4. The completed Membership Reinstatement Application form and cover letter must be sent to the OahuMPO office no later than two months after earning six attendance credits within a twelve-month period. The organizations' reinstatement to the CAC membership shall become effective immediately following the ~~Policy Committee~~Policy Board's approval of the request.

5. Applications found to be incomplete will be returned to the originating organization, along with notification that the application was incomplete. The application must be completed and resubmitted before the request for membership will be processed. Any resubmitted application(s) must be received by the OahuMPO within the two-month period following the return of the original incomplete application submittal to the originating organization.

III. RULES AND PROCEDURES FOR MEMBER ORGANIZATIONS

A. Member Organizations' Responsibilities

1. The presiding officer or authorized representative of each member organization shall designate, in writing, a representative to serve on the CAC~~, and reaffirm its representative in writing at the beginning of each calendar year (from January 1 through December 31).~~. Such designation must be received by the OahuMPO no later than 24 hours prior to the first regularly scheduled CAC meeting of the calendar year. If no designation is made prior to that meeting, the presiding officer of the member organization shall serve as the designated representative for said organization until notification identifying a designated representative is received by the OahuMPO.
2. The member organization's representative serving on the CAC, hereinafter referred to as "designated representative~~",~~," shall be entitled to the rights and privileges of its member organization as stated in *Section III.B. Member Organizations' Rights and Privileges*.

3. Designation of an alternate(s) shall be subject to the same provisions as the designation of a member representative (See Section III.A.I). ~~Designation of more than one alternate shall be in sequential order of authority to represent its member organization (i.e., alternate #1, alternate #2) and identified in writing to the OahuMPO.~~
4. In the absence of its designated representative, an alternate (in sequence), if available, shall serve as the designated representative for ~~its~~ his or her member organization and shall be entitled to the same rights and privileges as the designated representative.
5. In the absence of its designated representative and alternate(s), the presiding officer of the member organization shall serve as the designated representative for said organization.
6. Any changes in member organization information, including the designated representative and alternate(s), shall be made by the presiding officer or authorized representative of the member organization and shall be sent to the OahuMPO in writing. The notification shall reach the OahuMPO office at least 24 hours prior to any meeting(s) for which the organization wishes to earn attendance credit(s) or exercise the organization's voting rights.
7. In order to retain CAC membership, each member organization shall earn attendance credits for participation in at least 50 percent or six, whichever is less, of the regularly scheduled CAC meetings during each calendar year.

8. If a member organization misses three consecutive regularly scheduled CAC meetings, they may be subject to being placed on probation by the Chair of the CAC at the next regularly scheduled meeting.
9. Member organizations that do not meet the attendance requirement as stated in Section III.A.7 during each calendar year will be placed on probation. The OahuMPO staff will notify organizations with deficient attendance of their probationary status ~~at the conclusion of each calendar year~~once six total meetings have been missed.
10. Member organizations on probation must attend at least four regularly scheduled CAC meetings within the six months following probation notification to retain membership.
11. Member organizations on probation that fail to attend at least four regularly scheduled CAC meetings within six months of probation notification will be automatically removed from the CAC.
12. Designated representatives are responsible for reporting to and from their organizations regarding transportation matters and issues.
13. The CAC shall ~~request and receive the approval of~~notify the ~~Policy Committee~~Policy Board or Executive Committee before testifying before a legislative body as representing the CAC. ~~If said request is approved, t~~The testimony shall be submitted to the Chair of the ~~Policy Committee~~Policy Board, through the OahuMPO Executive Director, for approval prior to being publicly released. The approved testimony shall reflect a majority opinion of the CAC membership. Nothing in these rules shall prevent a member organization from

presenting independent testimony on behalf of its own organization. without reference to its CAC affiliation.

14. The CAC shall not issue press releases.

B. Member Organizations' Rights and Privileges

1. Only member representatives may move and second formal motions, cast votes, serve on subcommittees of the CAC, and serve as CAC officers.
2. Each member organization shall be entitled to one copy, free of charge, of the following OahuMPO documents: the Oahu Regional Transportation Plan, the Transportation Improvement Program, and the Overall Work Program. The designated representative shall be given said document for its member organization.

C. Termination of an Organization's Membership

1. Member organizations may be terminated due to deficient attendance, as stated in Section III.A.7-11, Member Organizations' Responsibilities.
2. A mMember organizations' representativess may also be removed from the CAC at any time by the Policy CommitteePolicy Board or the CAC Chair -for disruptive behavioror by written. request from the presiding officer or authorized representative of the member organization itself. Member organizations may be removed as established in the attendance requirements above, or by request of an authorized representative of the organization.

D. Officers and Their Duties

1. The officers of the CAC shall be a Chair and Vice Chair elected annually by the designated representatives. Each officer's term shall be for one calendar year. No

member shall serve more than two consecutive years as Chair or more than two consecutive years as Vice Chair.

2. The election of Chair and Vice Chair will be scheduled for the first meeting of each calendar year, and may be rescheduled in subsequent meeting(s) until a Chair and Vice Chair are elected. Designated representatives will have the opportunity to cast their votes for each officer utilizing a roll-call voting system. The candidate receiving at least 50 percent plus one of the votes cast will assume the position for which she or he was elected. In the event that no candidate receives the necessary number of votes to win the election, the two candidates receiving the highest number of votes will become the only candidates in the subsequent vote.
3. In the event that no Chair or Vice Chair has been elected at the adjournment of the first CAC meeting of the calendar year, the terms of the presiding officers shall be extended until such a time as new officers are elected.
4. The Vice Chair shall preside in the absence of the Chair. If both the Chair and Vice Chair are absent, the Chair, prior to the meeting, shall appoint a pro tempore officer from the CAC membership. If the Chair fails to designate a pro tempore officer, the members present may select a pro tempore officer either from the CAC membership or from the OahuMPO staff.
5. Should a vacancy occur in the office of the Chair, the Vice Chair shall complete the unexpired term of the Chair. The CAC shall then elect a successor to fill the unexpired term of the Vice Chair.
6. Should a vacancy occur in the office of the Vice Chair, the CAC shall elect a

successor to fill the unexpired term.

7. The Chair shall have general supervision over the affairs of the CAC. The Chair shall perform such other duties ~~which~~ that include, but are not limited to:

a. Scheduling meetings as set forth in item *IV. Conduct of Business*.

b. Preparing the agenda and notifying all members and interested parties.

c. Opening all meetings at the appointed hour, calling all meetings to order, and adjourning all meetings.

d. Conducting the meeting in accordance with the current edition of *Robert's Rules of Order* where *Bylaws of the CAC for the OahuMPO* are silent.

e. Authenticating by his/her signature all acts of and doings by the CAC, when necessary.

f. Attending and representing the CAC at ~~Policy Committee~~Policy Board meetings.

g. Transmitting CAC views to the ~~Policy Committee~~Policy Board and the OahuMPO Executive Director.

h. Receiving all CAC communications and presenting them to the CAC.

i. Participating in ~~Policy Committee~~Policy Board meeting discussions, if so approved by the ~~Policy Committee~~Policy Board.

j. Reporting relevant ~~Policy Committee~~Policy Board meeting discussions and actions to the CAC.

8. The Chair may designate members to represent the CAC in matters pertaining to the duties and functions of the CAC.

9. The Chair may appoint special or standing subcommittees as needed. (See Section IV.A.7)

IV. CONDUCT OF BUSINESS

A. Order of Business

1. The business of the CAC shall be taken up for consideration and disposition in the following order:
   - Call to order by Chair
   - Roll call
   - Approval of minutes of previous meeting
   - Reports of Policy Board and Technical Advisory Committee meetings
   - Old business
   - New business
   - Invitation to interested members of the public to be heard on matters not included in the agenda
   - Announcements
   - Announcement of next scheduled meeting
   - Adjournment
2. The CAC Chair may alter the order of the agenda if there are no objections. If there are objections, a majority vote of the members present will be required to change the order.

B~~A~~. Meetings

1. The CAC shall hold regular meetings at a date, time, and area of the island chosen by the Chair with consideration of the majority preferences of the CAC as determined by an annual written poll. The location for the meetings shall be

arranged by the OahuMPO staff.

2. The presence of 30 percent of the total membership shall constitute a quorum and is required for any meeting of the CAC to be held.
3. The agenda shall be set, meeting notifications shall be posted, and meetings shall be conducted in accordance with the current edition of *Robert's Rules of Order,* only in cases where *Bylaws of the CAC for the OahuMPO* or Chapter 92 of the *Hawaii Revised Statutes* and applicable laws are silent.
4. The agenda for each meeting shall be set by the Chair in consultation with the OahuMPO Executive Director.
5. The agenda may be modified by a vote of two-thirds of the entire membership.
6. Agenda items may be proposed by any member organization for consideration by the CAC Chair.
7. Subcommittees of the CAC may be formed either by the Chair's designation or by a motion approved by the CAC. Subcommittee membership shall be less than a quorum of the total CAC membership. Participation and voting privileges are extended only to designated representatives of member organizations, as stated in *Section III.B Member Organizations' Rights and Privileges.*

8. Special meetings of the CAC may be called at any time by the Chair or by a majority of the total membership. Notice of said meeting shall be made in accordance with the requirements of Chapter 92 of the *Hawaii Revised Statutes* and applicable laws.

9. The CAC shall promote full participation through discussion by members of the public, as well as by member organizations. In order to provide for the orderly conduct of a meeting, persons wishing to present lengthy statements of position on agenda items shall notify the CAC Chair of their intention in advance. Statements should be to the point and as brief and clear as possible. At the discretion of the CAC Chair, public statements on agenda or non-agenda items may be subject to time limits to allow for all speakers and subsequent agenda matters. Topics not fully covered may be placed on a subsequent meeting agenda to allow sufficient time for continued discussions.~~At the discretion of the CAC Chair, statements on non-agenda items that have pertinence to CAC activities may be accepted after all other agenda items have been covered or may be placed on a subsequent meeting's agenda.~~

10. Persons wishing to distribute relevant materials at a CAC meeting should indicate their intention to the CAC Chair within a reasonable amount of time prior to the start of the meeting. Materials having no immediate pertinence to the CAC activities shall not be distributed at a CAC meeting.

11. All CAC meetings shall be open to the public.

B. Voting Procedures

1. Only designated representatives may move and second formal motions, and cast

votes.

2. Each member organization~~s~~ having a designated representative present at a meeting of the CAC shall be allowed one vote on each issue. A concurrence of the majority of the votes cast shall be necessary to make any action of the CAC valid. A quorum, as identified in *Section IV.A.4 Conduct of Business,* must be present when a vote is taken. Abstentions shall not be counted as a vote.

C. Minutes

1. Minutes shall be kept for all meetings and distributed in accordance with Chapter 92 of the *Hawaii Revised Statutes*.
2. Copies of the approved minutes shall be made available to the public at the business office of the OahuMPO as stated in the OahuMPO *Office Policy Regarding Duplication and Distribution of Meeting Materials.*

V. AMENDMENTS

A. Bylaws Amendments

1. The CAC may recommend amendments to the *Bylaws of the CAC for the OahuMPO* to the OahuMPO ~~Policy Committee~~Policy Board.
2. The *Bylaws of the CAC for the OahuMPO* may only be amended by the ~~Policy Committee~~Policy Board.

VI. RULES OF ORDER

A. Parliamentary Authority

The current edition of *Robert's Rules of Order* shall govern only in cases where the *Bylaws of the CAC for the OahuMPO* or Chapter 92 of the *Hawaii Revised Statutes*

are silent.

Minutes of the
Oahu Metropolitan Planning Organization

CITIZEN ADVISORY COMMITTEE

BYLAWS SUBCOMMITTEE

Thursday, April 28, 2016 at 11:00 a.m.

Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200, Honolulu, Hawaii

Attendance: John Goody, Joe Magaldi, Andrea Anixt, Richard Poirier, Steven Melendrez, Brian Gibson (OahuMPO), Amy Ford-Wagner (OahuMPO)

Meeting was properly noticed in accordance with State law.

Chair John Goody called the meeting to order at 11:06 and asked all attendees to introduce themselves.

1. **Review and discussion of comments**
   Bylaws subcommittee members, led by Chair John Goody, systematically discussed comments and determined the following:
   - Section II.A.3: eliminate
   - Section III.A.6: change to reflect that notification of probation status should be immediate, once six meetings are missed.
   - Section III.A.13: change such that the CAC *notifies* Policy Board of desire to testify, rather than *requests approval*; and allow testifiers to mention their CAC affiliation.
   - Section III.C.2: mention "just cause" for removal of member organization representative
   - Section III.D.2: add "50 percent plus 1" to approval vote requirements for winning candidate
   - Incorporate editorial, non-substantive comments throughout document

2. **Announcement of next meeting**
   The next meeting of the Bylaws Subcommittee will be held Thursday, May 5, 2016, at 11 a.m. at the OahuMPO offices.

The meeting was adjourned at 12:20.

DRAFT

Minutes of the
Oahu Metropolitan Planning Organization

CITIZEN ADVISORY COMMITTEE

BYLAWS SUBCOMMITTEE

Thursday, May 5, 2016 at 11:00 a.m.

Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200, Honolulu, Hawaii

Attendance: John Goody, Joe Magaldi, Andrea Anixt, Richard Poirier, Steven Melendrez, Brian Gibson (OahuMPO), Amy Ford-Wagner (OahuMPO)

Meeting was properly noticed in accordance with State law.

Chair John Goody called the meeting to order at 11:00 and asked all attendees to introduce themselves.

1. **Review and discussion of comments**
   Bylaws subcommittee members, led by Chair John Goody, systematically discussed comments and determined the following:
   - Section I.B: Clarify the means by which CAC interacts with/advises the Policy Board
   - Section II.B.3: Specify that individuals may sign in only for one organization
   - Section III.C.2: Clarify that CAC Chair may also remove member organization representatives for just cause
   - Section IV.A.9: Add section specifying the Order of Business of CAC meetings, including an item allowing public comment on non-agenda items. In addition, clarify that Chair may revise the order of the agenda if there is no objection.

   Mr. Goody motioned (and Mr. Migaldi seconded) that the Bylaws Subcommittee recommend that the revised Bylaws document [which incorporated the previous meeting's revisions], including the discussed changes to sections I.B, II.B.3, III.C.2, and IV.A.9 be submitted to the Citizen Advisory Committee for review and vote. The motion was unanimously approved.

2. **Request Attorney General's Opinion**
   Mr. Poirier presented a memo summarizing inconsistencies in previous Attorney General determinations about CAC status and procedures. In light of these inconsistencies, Mr. Poirier proposed that the memo be forwarded to the larger CAC for their consideration. The agenda item for the larger CAC should request the Attorney General to consider whether or not the CAC is a board under current state law. Subcommittee members agreed.

The meeting was adjourned at 12:00.

DRAFT

A SUMMARY AS TO WHY THE CONCLUSIONS PROVIDED IN THE AG LETTER OF DECEMBER 9, 2009 REGARDING THE OMPO CAC ARE IN ERROR

The two questions answered by the AG opinion are: 1) whether OMPO's CAC is a "Board" as defined in HRS, 92-2(1), and whether HRS 92-15 dealing with "Quorums" is applicable to the CAC.

The 2009 AG's opinion concludes that 1) OMPO's CAC is a "board" as defined in HRS 92-2(1) based upon a 1975 AG opinion, the rationale for which is nowhere described in the 2009 opinion, and 2) The "quorum" requirement(s) described in HRS 92-15 is not applicable to the CAC, in that the CAC was created by contract as opposed to law or ordinance and that there is no other law or ordinance that specifies the CAC quorum amount.

Both of these conclusions are in error:

On the matter of what defines a "board," the OMPO CAC was created by contract as opposed to constitution, statute, rule, or executive order and, therefore, not a "board" within the definition of 92-2(1) described as follows:

"§92-2 Definitions. As used in this part:

> "Board" means any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction or advisory power over specific matters and which is required to conduct meetings and to take official actions."

As such, Sections 92-1 through 92-13 (known as the Sunshine Law) do **not** apply to the CAC.

On the matter of whether or not the "quorum" requirements Chapter 92-15 is applicable, the AG opinion is in error stating that the the CAC is excluded because there is no other law or ordinance that specifies the CAC quorum amount.

§92-15 governs the number of board members necessary to constitute a quorum and take action valid action. It provides that "... when a a quorum is not specified is a law or ordinance creating it is not the same or in some other law or ordinance, a majority of all the members to which the board … is entitled shall constitute a quorum … and the concurrence of a majority of all members to which the board … is entitled shall be necessary to make any action of the board... valid."

The plain meaning of this section is that if there is no other law which specifies a quorum, then the default quorum acquirement, namely a majority of those members to which the board is entitled, shall prevail. It does not mean that this section does not apply to a board if there is no other law or ordinance which provides a quorum requirement other than the default requirement of this section.

The only way that the AG opinion can be substantiated in this regard is if the CAC is **not** considered a "board" under the provisions of Chapter 92-2(1) since Section 92-15 applies **only** to boards or commissions.

OahuMPO

November 6, 2009

Ms. Sonia Faust, Deputy Attorney General, Supervisor
Land Transportation Division
Department of the Attorney General
465 South King Street, Third Floor
Honolulu, Hawaii 96813

Dear Ms. Faust:

Request for Legal Opinion
Oahu Metropolitan Planning Organization Citizen Advisory Committee

We are requesting a legal opinion regarding the application of Hawaii Revised Statutes (HRS) Chapter 92 Part I and Part II to the Oahu Metropolitan Planning Organization (OahuMPO) Citizen Advisory Committee (CAC), as well as clarification of its application to the OahuMPO Technical Advisory Committee (TAC). Specifically, we are asking the following:

1. Is the CAC a "board" as defined in HRS §92-2(1)?
2. Does HRS §92-15 apply to the CAC?
3. Is the TAC a "board" as defined in HRS §92-2(1)?

The CAC is a committee made up of volunteer organizations. It is not unusual for individual members of its member organizations to meet in other forums where topics and issues are discussed which may eventually become CAC business. The Sunshine Law generally forbids these interactions for boards. Additionally, the CAC sometimes finds it difficult to have a majority of its membership attend its meetings, which is a requirement for a quorum under Part II of the Sunshine Law. Your response will help us set the direction for future changes to the CAC bylaws.

> The CAC is currently comprised of 43 non-governmental representatives from community organizations, professional associations, neighborhood boards, and the private sector. We believe that the only reference in the State statute to an OahuMPO citizen advisory group is in HRS §279E-7(14), which states, "*If the MPO finds that it is necessary to have a citizens' advisory group to present technical or other expert opinions or facts to the MPO then such a group may be formed.*"

In a letter dated October 8, 2009 (enclosed) regarding the TAC quorum requirement, it was the opinion of the Attorney General that HRS §92-15 is not applicable to the TAC. We are requesting further clarification regarding whether or not the TAC is a "board" as defined in HRS §92-2(1).

Oahu Metropolitan Planning Organization
Ocean View Center / 707 Richards Street, Suite 200 / Honolulu, Hawaii 96813-4623
Telephone (808) 587-2015 • (808) 523-4178 / Fax (808) 587-2018 / email: ompo001@hawaii.rr.com
OahuMPO@OahuMPO.org

The following documents are enclosed for your reference:

- OahuMPO Comprehensive Agreement: The current Comprehensive Agreement (revised October 23, 2008) states that *the OahuMPO shall have a CAC through which it can solicit public input to advise the Policy Committee and the Executive Director. Members of the CAC shall be appointed and removed by the Policy Committee....The Policy Committee may adopt bylaws to govern the CAC."*

- 2009 opinion from the Attorney General: This letter dated October 8, 2009, states that HRS §92-15 is not applicable to the TAC, because: 1) the TAC was not created by a law or ordinance; and 2) there is no other law or ordinance that specifies the number of members needed for a TAC quorum.

- 1976 opinion from the Attorney General: This letter, dated March 22, 1976, states that the CAC, like the TAC, should be considered a "board" within the Sunshine Law.

- Bylaws of the CAC: The current bylaws, as approved by the Policy Committee on July 7, 2009, amended the quorum requirement to ensure that the CAC was in compliance with HRS §92-15. Prior to that amendment, the Bylaws of the CAC stated, "*At least 30% of the total voting membership constitutes a quorum.*" The current bylaws, as amended, state, "*A quorum of 50% plus one of the total membership is required for any meeting of the CAC to be held.*"

The Policy Committee will be considering proposed changes to the Bylaws, which will include the following change in defining a quorum: *"The presence of a majority of the total membership shall constitute a quorum and is required ...."*

Your assistance in this matter is greatly appreciated. Should you have any questions or require additional information, please contact Marian Yasuda at 587-2015.

Sincerely,

Gordon G.W. Lum
Executive Director

Enclosures (4)

LINDA LINGLE
GOVERNOR

MARK J. BENNETT
ATTORNEY GENERAL

LISA M. GINOZA
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
LAND/TRANSPORTATION DIVISION
ROOM 300, KEKUANAO'A BUILDING
465 SOUTH KING STREET
HONOLULU, HAWAII 96813
FAX No. (808) 587-2999

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OMPO

December 15, 2009

Gordon G.W. Lum
Executive Director
Oahu Metropolitan Planning Organization
Ocean View Center
707 Richards Street, Suite 200
Honolulu, Hawaii 96813-4623

Re: Questions regarding Oahu Metropolitan Planning Organization's ("OMPO") Citizen Advisory Committee ("CAC") and Technical Advisory Committee ("TAC")

Dear Mr. Lum:

This is in response to your letter asking for legal advice on the following questions:

1. Whether OMPO's CAC is a "board" as defined in Hawaii Revised Statutes ("HRS") § 92-2(1)?

2. Whether OMPO's TAC is a "board" as defined in HRS § 92-2(1)?

3. Whether HRS § 92-15 is applicable to the CAC?

Our brief answer is that: (1) the CAC and TAC are "boards" as defined in HRS § 92-2(1); and (2) HRS § 92-15 is not applicable to the CAC.

I. BACKGROUND

We understand the facts to be as follows:

1. The Oahu Metropolitan Planning Organization ("OMPO") was established pursuant to chapter 279E-2, Hawaii Revised Statutes ("HRS").

2. The CAC was not created by constitution, statute, rule, or executive order. Instead, the CAC was established by contract, specifically section B.6 of the "Comprehensive Agreement" entered into by the State of Hawaii, OMPO, and the City and County of Honolulu for the purpose of advising OMPO's Policy Committee and Executive Director on transportation planning issues. Under the Comprehensive Agreement, the OMPO Policy Committee determines who may be appointed to the CAC and the amount of members that the CAC will consist of. The CAC is currently comprised of forty-three nongovernmental representatives from community organizations, professional associations, neighborhood boards, and the private sector.

3. Like the CAC, the TAC was not created by constitution, statute, rule, or executive order. The TAC was established by section B.5. of the Comprehensive Agreement for the purpose of advising OMPO's Policy Committee and Executive Director on technical matters. The Comprehensive Agreement provides that the TAC's membership shall consist of thirteen members, including eight voting members and five non-voting members.

II. ANALYSIS

A. The CAC and TAC are "boards" as defined in HRS § 92-2(1).

You provided a copy of a letter from Deputy Attorney General Clyde E. Sumida to Roy A. Parker, former Executive Director of OMPO, dated March 22, 1976. The letter concluded that both the CAC and the TAC were "boards" within the meaning of the Sunshine Law. We continue to agree with the conclusion that the CAC and TAC are "boards" within the definition found in HRS § 92-2(1).

B. HRS § 92-15 is not applicable to the CAC.

In our letter to you dated October 8, 2009, we concluded that HRS § 92-15 was not applicable to the TAC. For similar

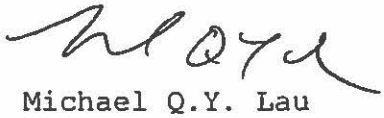
reasons, we do not believe that HRS § 92-15 is applicable to the CAC. HRS § 92-15 governs the number of members of a board or commission that are necessary to constitute a quorum and the number of votes necessary to take valid action.[1] HRS § 92-15 provides in pertinent part, the following:

> Whenever the number of members necessary to constitute a quorum to do business, or the number of members necessary to validate any act, of any board or commission of the State or of any political subdivision thereof, is not specified in the law or ordinance creating the same or in any other law or ordinance, a majority of all the members to which the board or commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which the board or commission is entitled shall be necessary to make any action of the board or commission valid[.]

The CAC was created by contract, it was not created by a law or ordinance. There is no other law or ordinance that specifies the CAC quorum amount. As such, we do not believe that HRS § 92-15 is applicable to the TAC. Accordingly, the CAC's bylaws govern the CAC's quorum amount and the number of votes necessary to take valid action.

If you have any questions, please call us at 587-2980.

Very truly yours,



Michael Q.Y. Lau
Deputy Attorney General

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[1] HRS § 92-15 is not part of the "Sunshine Law." The "Sunshine Law" is codified at Part I of HRS chapter 92 (HRS §§ 92-1 through 92-13). See County of Kauai v. Office of Information Practices, 120 Haw. 34, 43, 200 P.3d 403, 412 (Haw. App. 2009). HRS § 92-15 is found in Part II of chapter 92.

TO: Oahu Metropolitan Planning Organization (OMPO) Policy Advisory Committee

FROM: Dick Poirier, Member
OMPO Citizens Advisory Committee (CAC)

SUBJECT: Request for Clarification of the Letter from the Department of the Attorney General, dated December 15, 2009, which concludes that the CAC is not subject to HRS 92-15, which governs the establishment of a quorum

The purpose of this memorandum is to request that you seek clarification from the State Attorney General on the conclusions reached in the attached subject letter prior to your approval of the recommended changes to the CAC by-laws regarding what constitutes a quorum to undertake CAC business.

The pertinent part of HRS 92-15 upon which the subject letter is based is:

> **[§92-15] Boards and commissions; quorum; number of votes necessary to validate acts.** Whenever the number of members necessary to constitute a quorum to do business, or the number of members necessary to validate any act, of any board or commission of the State or of any political subdivision thereof, is not specified in the law or ordinance creating the same or in any other law or ordinance, a majority of all the members to which the board or commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which the board or commission is entitled shall be necessary to make any action of the board or commission valid.

Basically, the subject letter asserts that:

1) the CAC is a "board" as defined in the definition found in HRS 92-2(1), and

2) the CAC is not subject to the provision of HRS 92-15, since the CAC was created by contract, as opposed to law or ordinance, and since there is no other law or ordinance that specifics the CAC quorum amount, the CAC's bylaws govern the CAC's quorum amount and the number of votes necessary to take valid action.

Based upon a plain reading of HRS 92-15, the conclusion stated in 2) above is of questionable validity based upon the following: Since there is no statute defining what constitutes a quorum for the CAC, nor is there a statute stating that the CAC bylaws can define a quorum, the definition of a quorum is by default defined in HRS 92-15. That default quorum is defined as the majority of total membership. The fact that a board or commission is created by something other than a statute or an ordinance is irrelevant based upon the plain reading of HRS 92-15, which is clear on the primacy of the majority

as denoting a quorum *absent* any other state statute which specifies something other than a majority or some non-statutory method of defining a quorum such a bylaws.

Another problem with the letter's interpretation of the applicability of Section 92-15 is that it results in circular thinking as follows: If the law or ordinance creating a board or commission stipulates and defines a quorum requirement, then the default quorum as defined in Section 92-15 does not apply. If there is no other law or ordinance that specifies a quorum requirement for a board or commission, then the default quorum again does not apply. Since most, if not all, boards or commissions do not have quorum requirements specified neither in their authorizing or enabling legislation nor in separate statutes or ordinances, then the default quorum provision of Section 92-15 doesn't apply to most, if not all, boards and commissions. As such and based upon the subject interpretation, then the default quorum, namely a majority of total membership, does not apply to County Planning Commissions, the State Land Use Commission, the Board of Land and Natural Resources, City & County of Honolulu Neighborhood Boards, etc. It is doubtful that the Hawaii State Legislature intended that all of these keys agencies be excluded from the default quorum provisions of Section 92-15.

Finally, if the default quorum provision does not apply to the OMPO Technical Advisory Committee (TAC), how is a quorum determined for the TAC, since all members are representatives of governmental agencies and there is no provision in the OMPO contract allowing for the creation of TAC bylaws?

Given the many implications of the subject letter interpretation, it is recommended that the Attorney General be asked to address and clarify the points raised above and that action on the proposed changes to the CAC bylaws be deferred until such a clarification is received and reviewed.

Thank you for allowing me to share with you my thoughts on this important matter of mutual concern.