

Minutes of the
Oahu Metropolitan Planning Organization

POLICY COMMITTEE

Monday, March 30, 2015, 2:00 p.m.
Honolulu City Council Committee Meeting Room, Room 205
530 South King Street, Honolulu, Hawaii

Members Present:

Councilmember Joey Manahan, Chair		Senator Breene Harimoto
Senator Clarence Nishihara, Vice Chair		DOT Director Ford Fuchigami
Councilmember Brandon Elefante		HART Executive Director Dan Grabauskas
Representative Matthew LoPresti		

Member(s) Absent: Councilmember Ann Kobayashi, Councilmember Ron Menor, Councilmember Kymberly Pine, Representative Henry Aquino, Representative Ryan Yamane, Senator Will Espero, DTS Director Michael Formby

Guests Present:

Mayela Sosa (FHWA)		Doug Chun (Office of Council Services)
Ralph Rizzo (FHWA)		Tom Dinell (E Noa Corporation, CAC)
Elizabeth Fischer (FHWA)		Andrea Anixt (Kaaawa Community Assn., CAC)
Ryan Tam (HART)		Al Frenzel (NB #24, CAC)

OahuMPO Staff Present: Brian Gibson, Chris Clark, Marian Yasuda

The meeting was called to order at 2:07 p.m. by Chair Joey Manahan. A quorum was present.

I. MINUTES OF THE FEBRUARY 20, 2015 MEETING

There being no objections, the minutes of the February 20, 2015 meeting were approved as circulated.

II. REPORT BY COMPREHENSIVE AGREEMENT PERMITTED INTERACTION GROUP AND PRESENTATION OF DRAFT COMPREHENSIVE AGREEMENT

[Handout(s): Draft Comprehensive Agreement, including Policy Committee Permitted Interaction Group (PC PIG) Recommendations, dated 3/17/2015]

OahuMPO Executive Director Brian Gibson stated that the Comprehensive Agreement was drafted by the consultant Tindale Oliver. It has been reviewed by the Citizen Advisory Committee (CAC) Certification Review Action Committee (CRAC), Technical Advisory Committee (TAC) PIG, and full TAC. The PC PIG looked at all those comments and recommended the version presented at today's meeting. By law, the Policy Committee will need to wait for its next meeting before taking action on the Comprehensive Agreement. Director Gibson stated that the most comments received on the Comprehensive Agreement have been regarding the addition of the Department of Health to the Policy Board. He stated that the link to transportation and public health is pretty well established.

Honolulu Authority for Rapid Transportation (HART) Executive Director Dan Grabauskas asked if a delegation of a deputy director to Policy Board membership was for a set term or if it could be meeting by meeting. Director Gibson responded that his understanding was that the intent was not meeting by meeting; however, there is no set term stated in the Comprehensive Agreement. Director Gibson noted that the Comprehensive Agreement is a draft, so the members could add provisions for alternates.

Director Grabauskas stated that, if a person at the level of a deputy director has the authority to speak on behalf of their department, he would not have a problem with allowing such a person serving as an alternate for individual meetings. Department of Transportation (DOT) Director Ford Fuchigami agreed with Director Grabauskas. He also noted that, in the past, when he was travelling out of state, the Governor had issued an order stating that a particular deputy director would be acting in place of the director; so this acting director was able to sit on the Policy Committee in his stead. In response to Director Fuchigami, Director Gibson confirmed that this practice would still continue.

[Representative Matt LoPresti arrived at 2:15.]

Director Gibson stated that OahuMPO received comments from HART's Corporation Counsel regarding HART's signatory to the Comprehensive Agreement; HART's Executive Director will sign the Comprehensive Agreement, rather than the Board Chair. Director Grabauskas stated that this was his understanding.

In response to Director Fuchigami, Director Gibson confirmed that all comments should be sent to him. He will keep a spreadsheet of all the comments received.

Senator Breene Harimoto stated that part of the PC PIG discussion was the concern of having an alternate step in who did not know the issues, but is allowed to speak for the department and vote on those issues. Director Grabauskas stated that it would be the responsibility of the director who would be delegating the alternate to make sure that the wishes of that particular department are represented.

Director Grabauskas stated that, if you empower a person to be your alternate, then you have to live with the decisions that person makes. Chair Manahan agreed.

Director Gibson noted that, in an earlier version of the draft, for example, a Senator's alternate would be another Senator – not their Chief of Staff. So, the Senate President would have to appoint both the primary and alternate members. Senator Harimoto stated that there's a difference between the director designating an alternate and a legislator designating another legislator as an alternate. If a director designates an alternate, the director is the boss, so he/she could guide the alternate. If the Senator's alternate is another Senator, the Senator who is a member has no control over the Senator who is the alternate. Chair Manahan and Councilmember Brandon Elefante agreed that it would be problematic for the members who are elected officials.

Councilmember Elefante stated that he agreed with the PC PIG's proposed makeup of the Policy Board membership. The reduction of members from each legislative body, the residency requirement for State legislators, and the addition of departmental directors will hopefully address some of the quorum issues of the past.

Testimony:

Tom Dinell, representing the CAC CRAC: Mr. Dinell stated that the CAC would like to have a CAC member sit on the Policy Board as a voting member.

In response to Director Fuchigami, Mr. Dinell stated that the CAC member on the Policy Board can present the views of the CAC and be a part of the decision-making dialogue; this is different from providing testimony.

Representative LoPresti asked if it would matter if the CAC member were a voting member or a non-voting member. Speaking for himself, Mr. Dinell responded that a non-voting member would be better than nothing; however, he would prefer that it be a voting member. It has an air of being a second class citizen; the CAC wants to be first class.

Senator Harimoto voiced his appreciation for the CAC members' hard work and diligence. He suggested that the CAC could be asked at each agenda item to make their recommendations and give their reasoning for those recommendations. Mr. Dinell responded that this would not necessarily be like participating in the decision-making dialogue.

Senator Harimoto stated that, if a CAC member were to sit on the Policy Board, that person would not necessarily be representing the CAC; the CAC may take a position, but that person could represent their own view. It would be problematic having a person who is not accountable to the CAC. Mr. Dinell responded that the CAC sees this person as a representative, who will vote for what he or she sees as the best course of action. The CAC isn't going to unseat that person because they took a different view.

Al Frenzel, NB #24 Waianae Coast, CAC: Mr. Frenzel spoke in support of allowing a CAC member to sit on the Policy Board as a voting member; if not, then as a non-voting member. The CAC has an islandwide transportation-oriented view, as opposed to the Department of Health, which has a very myopic view of transportation.

Andrea Anixt, Kaaawa Community Association, CAC: Ms. Anixt spoke in support of allowing a CAC member to sit on the Policy Board, because the CAC's work has been ignored in the past.

[Senator Harimoto left the meeting at 2:45 p.m. A quorum was still present.]

In response to Director Fuchigami, Mr. Dinell stated that an agent would present only what the CAC had voted on. A representative would go to the meeting with direction from the CAC, but would be entrusted to use his/her own best judgment to make decisions.

In response to Senator Nishimura, Mr. Dinell stated that the representative would report back to the CAC at their next meeting and explain why he/she changed the course of action from what was decided by the CAC. This representative would be elected by the CAC for a fixed term.

In response to Chair Manahan, the voting CAC member would be obligated to declare conflicts of interest to the Policy Board.

Representative LoPresti stated that making a CAC member a member of the Policy Board may politicize the CAC; he felt that this could be a concern to the CAC. He suggested that, instead, the testimony route should be improved. Mr. Dinell agreed that it is a danger, but he didn't see that occurring. Chair Manahan agreed that it would change the dynamics of the CAC.

Director Fuchigami stated that the CAC does a good job of communicating with the Policy Committee; however, they don't feel appreciated. The Policy Committee needs to figure out a better way to interact and engage with the CAC. Chair Manahan stated that the CAC should be engaged with as a whole rather than with just one member.

III. PRESENTATION OF DRAFT POLICY BOARD BYLAWS

[Handout(s): Draft for Discussion Bylaws of the Policy Board, dated 3/18/2015]

Director Gibson gave a presentation on the draft Policy Board Bylaws. It is currently under legal review by the Attorney General and Corporation Counsel. TAC and CAC will be providing their comments.

Director Grabauskas recommended that deputy directors be allowed to serve as alternates with the authority to vote.

No one testified on this agenda item.

IV. REPORT ON 2014 CERTIFICATION REVIEW ACTION PLAN

[Handout(s): OahuMPO 2014 TMA Certification Review Action Plan, dated 3/19/2015]

Mr. Gibson stated that Senate Bill 1180 had cleared the House Transportation Committee on schedule. The supplemental agreements are a little behind schedule, but should still meet the July 25th deadline. The July 25th deadline is attainable for the bylaws.

In response to Councilmember Elefante, Director Gibson stated that he has reached out to House Finance Chair Sylvia Luke, but he has not heard back from her.

Director Fuchigami requested a critical path schedule with milestone dates. Director Gibson responded that he can put the Action Plan in the form of a Gantt chart.

In response to Director Grabauskas, Federal Highway Administration (FHWA) Hawaii Division Administrator Mayela Sosa stated that FHWA has been meeting with OahuMPO staff on a regular basis.

V. CITIZEN ADVISORY COMMITTEE REPORT

CAC Chair Joe Magaldi recommended consideration of the CAC members' testimony today. Mr. Magaldi reported the highlights of the last CAC meeting, which included a presentation on the King Street Protected Bike Lane (cycle track).

It was stated that there are problems with skateboarders using the lane. Representative LoPresti stated that skateboarders should be allowed to use the cycle track; it is safer than sidewalks. Many HPU students use skateboards to get to class.

VI. OTHER BUSINESS (ANNOUNCEMENTS ONLY)

There being no other business, the meeting was adjourned at 3:15 p.m.