

Minutes of the  
Oahu Metropolitan Planning Organization

**POLICY BOARD**

Monday, July 20, 2015, 1:00 p.m.  
Honolulu City Council Committee Meeting Room, Room 205  
530 South King Street, Honolulu, Hawaii

**Members Present:**

Councilmember Joey Manahan	Representative Henry Aquino
Councilmember Ann Kobayashi	DPP Director George Atta
Councilmember Brandon Elefante	HDOT Acting Director Jade Butay
Senator Will Espero	DTS Director Michael Formby
Senator Michelle Kidani	DOH Administrator Lola Irvin (Non-Voting)
Representative Ryan Yamane	OP Acting Director Leo Asuncion (Non-Voting)

**Member(s) Absent:** HART Executive Director Dan Grabauskas, FHWA Hawaii Division Administrator Mayela Sosa (Non-Voting)

**Guests Present:**

Joe Magaldi (Committee for Balanced Transportation, CAC)	Marian Yasuda (DTS)
Lori Arakaki (DPP, TAC)	Tom Smythe (NB #13, TAC)
Elizabeth Fischer (FHWA)	Kathy Sokugawa (DPP, TAC)

**OahuMPO Staff Present:** Chris Clark, Randolph Sykes, Lynne Kong, Pamela Toyooka, Brian Gibson

The meeting was called to order at 1:10 p.m. by Past-Chair Joey Manahan. A quorum was present. All the members introduced themselves.

[Senator Kidani arrived at 1:10 p.m.]  
[Representative Yamane arrived at 1:12 p.m.]

**I. MINUTES OF THE JUNE 30, 2015 MEETING**

*Director Michael Formby moved and Councilmember Ann Kobayashi seconded that the minutes of the June 30, 2015 meeting be approved as circulated. There being no objections or reservations, the motion was carried.*

**II. ELECTION OF CHAIR AND VICE-CHAIR**

Councilmember Manahan provided some details, per the OahuMPO Comprehensive Agreement, of the new Policy Board composition – both voting and non-voting members – and clarified that the members who are department directors can delegate their membership to another member of their department who is not also a member of the Technical Advisory Committee. Additionally, they can identify alternates to attend the Policy Board meetings in their place. He stated that the

Policy Board must elect a Chair to serve the remainder of the year, and would have another election in January.

Senator Kidani asked if Senators appointed to the Policy Board must be from Oahu.

Councilmember Manahan stated that they do.

Senator Kidani noted that that is not what State statute says.

Mr. Gibson clarified that if there is a difference between Federal regulation and State statute, it is Federal regulation that prevails and confirmed that Federal regulation requires the Policy Board members to be from Oahu.

Councilmember Manahan asked if there were any nominations for Chair.

*Director Formby nominated, seconded by Councilmember Elefante, Councilmember Manahan to be Chair.*

Councilmember Manahan asked if there were any more nominations.

*Councilmember Kobayashi moved, seconded by Senator Kidani, to close the nominations. By unanimous vote, Councilmember Manahan was elected Chair.*

Chair Manahan asked for nominations for Vice-Chair.

*Senator Espero nominated, seconded by Director Formby, Representative Yamane to be Vice-Chair.*

*Senator Kidani nominated Representative Aquino to be Vice-Chair.*

*Senator Espero withdrew his nomination of Representative Yamane.*

*Councilmember Kobayashi seconded the nomination of Representative Aquino to be Vice-Chair. There being no further nominations, Representative Aquino was unanimously elected to be Vice-Chair.*

### **III. CONSIDER APPROVAL OF THE OAHUMPO COMPREHENSIVE AGREEMENT**

Chair Manahan introduced some of the basics of the new Comprehensive Agreement, and recognized Executive Director Gibson to provide some of the finer points of the new agreement.

Mr. Gibson presented a summary of the new Comprehensive Agreement.

Senator Kidani asked if the Congestion Management Process (CMP) was a new requirement.

Mr. Gibson noted that it is an established Federal requirement, but noted that OahuMPO needed to establish processes and procedures to make the CMP part of the decision-making process.

Senator Kidani asked how long it had been since the CMP was last updated.

Mr. Gibson stated that the last full update was 2008.

Senator Kidani asked when the CMP would be updated again.

Mr. Clark stated that updating the process and procedures for the CMP would be completed in September, but the full update to the CMP would take 18 months to two-years to complete.

*Councilmember Elefante moved, seconded by Director Atta, to approve the 2015 Comprehensive Agreement as presented and authorize the Policy Board Chair to sign the agreement. There being no reservations or objections, the motion was carried.*

#### **IV. CONSIDER APPROVAL OF THE POLICY BOARD BYLAWS**

Mr. Gibson provided a summary of the new Policy Board Bylaws.

Director Formby asked a question about providing written notification to OahuMPO of designees to attend Policy Board meetings.

Mr. Gibson confirmed that OahuMPO needed to receive any such notices in writing, though they could be sent by email rather than through the post office.

Chair Manahan asked if the standing Policy Board meeting should be set now, or done at a future meeting.

Mr. Gibson noted that the bylaws state that the meeting should be set by written poll, so he suggested that between meetings staff would poll the members, and then, at a future meeting, the date could be established based on that poll.

*Deputy Director Butay moved, seconded by Senator Kidani, to approve the Policy Board Bylaws as presented. There being no reservations or objections, the motion was carried.*

#### **V. CONSIDER APPROVAL OF THE FINANCIAL SUPPLEMENTAL AGREEMENT**

Mr. Gibson provided a brief summary of the Financial Supplemental Agreement.

*Councilmember Kobayashi, seconded by Councilmember Elefante, moved to approve the Financial Supplemental Agreement as presented. There being no reservations or objections, the motion was carried.*

#### **VI. CONSIDER APPROVAL OF THE DATA SHARING SUPPLEMENTAL AGREEMENT**

Mr. Gibson provided a brief summary of the Data Sharing Supplemental Agreement.

*Deputy Director Butay moved, seconded by Senator Kidani, to approve the Data Sharing Supplemental Agreement as presented. There being no reservations or objections, the motion was carried.*

#### **VII. CONSIDER APPROVAL OF LETTER REQUESTING MORE TIME TO COMPLETE THE ADMINISTRATIVE SUPPLEMENTAL AGREEMENT**

Mr. Gibson provided a brief summary of the Federal requirements of the Administrative Supplemental Agreement, noting that HDOT staff has been working with OahuMPO staff to develop the working draft of the agreement. He also noted that they needed a bit more time to complete the process. He also noted that the Hawaii Division office of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) has been involved in the process of developing the working draft so they have a good understanding of where staff is in the development process.

Representative Yamane asked Executive Director Gibson if he has met with the FHWA regarding this request.

Mr. Gibson responded that, informally, FHWA has stated that they are willing to entertain this extension request.

*Senator Espero moved, seconded by Senator Kidani, to authorize the Policy Board Chair to send a letter to USDOT requesting extension of the deadline for approval of the Administrative Supplemental Agreement to September 25, 2015. There being no reservations or objections, the motion was carried.*

### **VIII. CONSIDER APPROVAL OF THE TECHNICAL ADVISORY COMMITTEE BYLAWS**

Mr. Gibson provided a brief summary of the draft Technical Advisory Committee (TAC) bylaws, noting that the most recent version of the bylaws, as recommended for approval by the TAC, was dated July 16, 2015.

Director Formby asked why the Department of Design and Construction (DDC) and the Department of Facilities Maintenance (DFM) were removed as potential, non-voting members of the TAC, noting that they were once considered as potential non-voting members of the TAC.

Mr. Gibson stated that the feeling at the TAC was that the DDC and DFM did not have enough “skin in the game” to show up on a regular basis to the TAC meetings.

Director Formby stated that the explanation was interesting to him as DDC projects are commonly in the TIP.

Senator Espero asked if the Policy Board could include DDC and DFM as non-voting TAC members today if they so desired.

Mr. Gibson stated that the Policy Board could do that.

Senator Espero stated that Director Formby’s arguments were compelling and he would recommend that they be included as part of TAC if that is the desire of the Policy Board.

Director Formby said that he appreciated the Senator’s comments and would accept it as a motion if that was his intent.

*Senator Espero moved, seconded by Councilmember Elefante, to amend the draft TAC Bylaws to add the Directors of DDC and the DFM as regular, non-voting members of the TAC. There being no reservations or objections, the motion was carried.*

*Director Formby moved, seconded by Councilmember Elefante, to approve the draft TAC Bylaws as amended. There being no reservations or objections, the motion was carried.*

### **IX. CONSIDER APPROVAL OF REVISION #5 TO THE TRANSPORTATION IMPROVEMENT PROGRAM**

Mr. Gibson provided a summary of the TIP overall and the changes proposed as part of Revision #5 to the Transportation Improvement Program (TIP).

*Councilmember Elefante moved, seconded by Councilmember Kobayashi, to approve Revision #5 to the FFYs 2015-2018 TIP, as presented.*

Councilmember Elefante asked for a description of what specific improvements were intended for the Pearl Harbor historic bike trail under OC2 – Bikeway Improvements.

Director Formby stated that there were flooding issues that needed to be addressed, in addition to wayfinding, benches, and other infrastructure improvements.

Senator Kidani asked if projects in the TIP had to be capital improvement projects or if they could be other types of projects.

Mr. Gibson stated that the projects had to be consistent with the eligibility requirements of the type of funding that was being programmed, however, most often, the projects are construction type projects.

Senator Kidani noted that the State had provided funding for the City & County to do a rideshare type program. She asked if it is not in the TIP, can the project proceed anyway.

Mr. Gibson noted that if the funding is all locally provided it can proceed.

Director Formby clarified that the TIP is a reflection of only what the City intends to do with Federal funds. Projects that use only City funds can move forward without being in the TIP. He confirmed that his department had been asked to move forward with the development of the rideshare program.

Chair Manahan asked for more details about the changes to OC 10 – Traffic Signals at Various Locations, Phase 15, regarding to South King Street/ Pensacola, South Street/Kawaihao Street, Kamehameha Highway/Lipoa Street, and Wahiwa Recreational Center.

Director Formby stated that he would provide a detailed explanation, but assured the Chair that the changes were not intended to reflect a substantive deletion of projects, but rather a juggling of funds. Many times the City will use City funds to implement and move the Federal funds that were dedicated to that project, and that is what is happening with this document.

*There being no reservations or objections, the motion was carried.*

## **X. CONSIDER APPROVAL OF REVISION #6 TO THE TIP**

Mr. Gibson provided a summary of the changes proposed in Revision #6 as well as an analysis of the expected Title VI and Environmental Justice impacts and the evaluation of projects according to the established evaluation process. He also provided the public and intergovernmental review comments received regarding the proposed changes.

Chair Manahan asked if there was going to be a change to this revision.

Mr. Gibson explained that OahuMPO had received a request from DTS to insert the Salt Lake Boulevard widening project into the TIP, and then had received a comment from DDC that the project should be delayed. He recommended that the amendment be approved as is, but said that he expected to get another request from DTS in the near future to delay the Salt Lake Boulevard project.

Director Formby explained that this is a good example of why DDC should be on the TAC. The Salt Lake Boulevard widening project is a DDC project. DTS believes that the Salt Lake Boulevard project will be the next City project that will be ready for Federal funds, so they want it in the pipeline. DDC believes that the project will not be completely through the environmental process in time for obligation, but Director Formby said that he does not want to

leave a gap in the funding. So he recommends that the Policy Board leave the Salt Lake Boulevard project in the revision, as is, and DTS will go through a process with DDC to figure out when the EIS will be completely finished. In the meantime, they will also identify other ways to obligate the Federal funds. He stressed that he does not believe it is a good idea to leave a gap in the City's Federal funding document. Once the Joint Traffic Management Center is completed in 2017, one of three projects will be the next project to get Federal funding – either Farrington Highway, Salt Lake Boulevard, or Makakilo Drive extension. He believes Salt Lake Boulevard will be the next project that is ready for construction.

*Senator Kidani moved, seconded by Representative Yamane, to approve Revision #6 to the FFYs 2015-2018 TIP, as presented.*

Senator Kidani noted that on page 8, (OS54 – Kamehameha Highway, Bridge Rehabilitation Kipapa Stream Bridge) it is not just the Waipahu neighborhood that is impacted, it is mainly Mililani. She also noted that there is no Federal funding listed for FY 2016, but she thought the State had approved some funding, and asked that Executive Director Gibson check on that.

Mr. Gibson said that he will follow-up on the Senator's request.

*There being no reservations or objections, the motion was carried.*

## **XI. CONSIDER APPROVAL OF OAHUMPO STAFF ETHICS AND CODE OF CONDUCT POLICY**

Mr. Gibson noted that the lack of a Code of Conduct and Conflict of Interest policy was a finding in the FY 2014 audit. He also noted that the requirement for a policy was a requirement of 2 CFR, which is the super circular that governs Federal grants. He summarized the draft policy for OahuMPO staff which was based heavily upon the State Ethics Commission policy, supplemented by a review of policies from other MPOs.

*Senator Espero moved, seconded by Senator Kidani, to approve the draft Code of Conduct and Conflict of Interest policy for OahuMPO staff members as presented and for the Executive Director to request a review and concurrence from the State Attorney General and the State Ethics Commission with the understanding that any substantive changes would have to come before the Policy Board for further review and approval.*

Director Formby requested clarification if the policy would apply to the Policy Board members.

Mr. Gibson stated that the policy would apply only to OahuMPO staff.

Director Formby asked, as far as the Board members go, if the State members continue to be governed by the State ethics policy and the City members continue to be governed by the City policy.

Mr. Gibson said that is correct.

Senator Kidani stated that on their forms they are required to list all of the boards and commissions that they sit on, so they would just list this one as well.

Representative Yamane asked if it was wise to also check with the City Corporation Counsel about the draft policy for any inconsistencies.

Mr. Gibson said that he would be happy to make a request for Corporation Counsel review to the DTS Director.

Director Formby said he thought that was a good idea and would forward the request to Corporation Counsel.

*Representative Yamane moved, seconded by Councilmember Kobayashi, to amend the previous motion to include review and concurrence by the City & County's Corporation Counsel.*

Director Atta asked if the Board was discussing the approval of the policy, or approving only the process.

Chair Manahan and Mr. Gibson clarified that the motion would approve the policy and make it effective, but if there were any substantive changes recommended by the Attorney General, the State Ethics Commission, or the City's Corporation Counsel, those changes would be brought back to the Policy Board for their consideration and approval.

*There being no reservations or objections, the motion was carried.*

## **XII. CONSIDER APPROVAL OF EXECUTIVE COMMITTEE BYLAWS**

Mr. Gibson summarized the draft Executive Committee Bylaws.

*Senator Espero moved, seconded by Senator Kidani, to approve the draft Executive Committee bylaws as presented. There being no reservations or objections, the motion was carried.*

## **FOR DISCUSSION**

### **XIII. SEMI-ANNUAL FINANCIAL REPORT**

Mr. Gibson explained that staff had their hands full dealing with other items and so did not get this agenda item done. He asked that the Board table it for a future meeting.

### **XIV. CITIZEN ADVISORY COMMITTEE REPORT**

Citizen Advisory Committee (CAC) Chair Magaldi quickly summarized the CAC meeting of May 15, 2015. He also thanked the Policy Board Chair for attending the meeting.

Chair Manahan committed that he would continue to attend the CAC meetings.

### **XV. OTHER BUSINESS (ANNOUNCEMENTS ONLY)**

Councilmember Elefante announced that former Policy Committee member Senator Breene Harimoto has been diagnosed with pancreatic cancer and asked everyone to keep the Senator in their thoughts and prayers as he decides whether to move forward with the surgery or not.

Mr. Gibson announced that the OahuMPO Community Planner had resigned to take a position with the City and that staff was moving forward with filling that position with a temporary 89-day hire to keep the CAC supported while they look for a permanent replacement. He also expressed his huge thanks to everyone who worked so hard on behalf of the MPO, including the Policy Board members and especially the OahuMPO staff.

Chair Manahan expressed his thanks to the Executive Director and to OahuMPO staff for addressing the Federal corrective actions. He also thanked the Board members for their efforts.

*There being no further business, Councilmember Kobayashi moved, seconded by Deputy Director Butay, to adjourn the meeting at 2:50 p.m.*

Written by Brian Gibson, Executive Director

Reviewed by Chris Clark, Senior Planner and Randolph Sykes, Planning Program Coordinator