

Minutes of the
Oahu Metropolitan Planning Organization

POLICY COMMITTEE

Tuesday, September 14, 2010, 1:00 p.m.
Council Committee Meeting Room 205
530 South King Street, Honolulu, Hawaii

Members Present:

Councilmember Gary Okino, Chair	Councilmember Nestor Garcia
Senator Carol Fukunaga, Vice Chair	Representative Karen Awana
Councilmember Todd Apo	Senator Will Espero
Councilmember Romy Cachola	DOT Director Brennon Morioka
Councilmember Lee Donohue	DTS Director Wayne Yoshioka

Member(s) Absent: Representatives Marilyn Lee & Joseph Souki; Senator J. Kalani English

Guests Present:

Dennis Galolo (CM Cachola staff)	Tom Smyth (NB #13, CAC)
Linnie Pascual (CM Donohue staff)	Bob Smith (NB #24, CAC)
Robert Sato (CM Okino staff)	Michael Golojuch (NB #34, CAC)
Joseph Magaldi (Committee for Balanced Transportation, CAC)	Mike Kido (Pacific Resource Partnership, CAC)
David Hilea, Jr. (NB #11, CAC)	Kevin Killeen

OahuMPO Staff Present: Brian Gibson, Marian Yasuda, Pamela Toyooka

Chair Gary Okino called the meeting to order at 1:07 p.m. A quorum was present.

I. MINUTES OF THE JULY 2, 2010 MEETING

Vice Chair Carol Fukunaga moved and Councilmember Romy Cachola seconded that the minutes for the July 2, 2010 meeting be approved as circulated. The motion was unanimously carried.

II. CONSIDER FY 2011 OWP REVISION #1

Handout(s): Draft FY 2011 Overall Work Program (OWP) Revision #1

OahuMPO Executive Director Brian Gibson gave a presentation on the FY 2011 OWP Revision #1 – including a description of the project to be added (Waikiki Regional Circulator Transit Study), public and intergovernmental review comments, and OahuMPO Technical Advisory Committee (TAC) recommended approval.

Questions & Answers

In response to Chair Okino, Department of Transportation Services (DTS) Director Wayne Yoshioka stated that this project, requested by the Waikiki Improvement Association, is a peripheral attachment to the rail project.

[Representative Karen Awana arrived at 1:14 p.m.]

Councilmember Nestor Garcia moved and Councilmember Todd Apo seconded that the FY 2011 OWP Revision #1 be approved. The motion was unanimously carried.

III. CONSIDER FY 2011 OWP REVISION #2

Handout(s): Draft FY 2011 OWP Revision #2

Director Gibson gave a presentation on the FY 2011 OWP Revision #2 – including a description of the project to be added (Transportation Asset Climate Change Vulnerability Assessment), public and intergovernmental review comments, and TAC recommended approval. Director Gibson stated that OahuMPO had submitted a grant application for Federal Highway Administration (FHWA) funds; FHWA approval was still pending. Director Gibson talked about the reallocation of 600 hours of OahuMPO staff time to this project and his efforts to get other agencies to contribute money and/or in-kind services to the 50% local match; he felt that acquiring the full local match for the \$82,000 grant was achievable. He requested the Policy Committee's approval contingent upon FHWA approval.

[Councilmember Lee Donohue arrived at 1:18 p.m.]

Department of Transportation (DOT) Director Brennon Morioka stated that, if the grant is approved, then DOT would need to meet with the OahuMPO to determine what the parameters of the project are and what the DOT's role would be in terms of staff time and/or funds being requested. He added that the Statewide Transportation Plan update has components regarding sea level rise that may help this effort.

DTS Director Yoshioka stated that DTS has the same concerns as DOT does. He added that, because the City had just gone through a major revision of the tsunami mapping and coastal inundation maps and evaluations, the City may be able to leverage some of that. If it goes beyond that level of participation, then there needs to be an assessment of how much staff time can be contributed to this effort.

Senator Will Espero moved and Vice Chair Fukunaga seconded that FY 2011 OWP Revision #2 be approved contingent upon FHWA approval of the grant. The motion was unanimously carried.

IV. CONSIDER CAC MEMBERSHIP FOR NB #24

Bob Smith, Waianae Coast Neighborhood Board (NB) #24 Transportation Committee Chair, requested that the Policy Committee appoint NB #24 to the OahuMPO Citizen Advisory

Committee (CAC). Representative Awana thanked Mr. Smith for his diligence in addressing transportation issues in his area.

Representative Awana moved and Councilmember Apo seconded that NB #24 be appointed to the CAC. The motion was unanimously carried.

V. CONSIDER CHANGES TO CAC BYLAWS

Handout(s): Proposed Amendment to the Bylaws of the CAC; CAC Bylaws Amendment Supporting Correspondence

Director Gibson stated that OahuMPO has yet to receive the Attorney General's (AG) written concurrence with the legal advice previously provided by the Deputy AG. Director Gibson asked the Policy Committee to consider approving the recommended amendments to the CAC Bylaws.

In response to Chair Okino, Director Gibson stated that, if an opinion to the contrary did come back from the AG, he would come back to the Policy Committee with that opinion.

Councilmember Cachola stated that the AG was given a chance to respond, so the Policy Committee should go ahead and take action. He agreed that the issue could be revisited if needed.

In response to Councilmember Apo, Director Gibson confirmed that the Deputy AG's opinion states that: (1) the Sunshine Law (Part I of HRS Chapter 92, §92-1 through §92-13) applies to the CAC, as well as the Technical Advisory Committee (TAC); and (2) HRS §92-15 is not applicable to the CAC and TAC. Therefore, the CAC's bylaws govern the CAC's quorum amount and the number of votes necessary to take valid action. Councilmember Apo stated that, since the Sunshine Law applies to the CAC, then the proposed amendment that would allow the CAC to modify the agenda with a two-thirds vote of the members present is not in keeping with the Sunshine Law (which requires a two-thirds vote of the total membership to take this action). Councilmember Apo also questioned the lowering of votes needed to take action.

With regard to the lowering of votes needed, Chair Okino noted that the CAC is an advisory board. Vice Chair Fukunaga also added that the CAC members are volunteers; they make recommendations that have to come back to the Policy Committee. So, they should be allowed more flexibility in order to enhance their ability to have members participate.

Director Gibson stated that a core group of about 10 to 12 members attend every meeting. Some people want to only participate when it affects their area. Some people have to travel from far away to get here. Changing the quorum requirement will give people the flexibility to decide when and how much they want to get involved in this process.

CAC Chair Michael Golojuch agreed that the CAC needs the flexibility to participate. The best thing that's happened is that certain people with disabilities attend on a regular basis; this is a good group to have, since they give a different viewpoint on the various transportation issues.

Tom Smyth, CAC Bylaws Subcommittee Chair, noted the following: (1) the AG takes four to six months to respond to formal written requests; (2) Act 153, among other things, allows the neighborhood boards to start meetings without a quorum; (3) if a CAC meeting is delayed a number of times, the Policy Committee may not receive the CAC's recommendation in time to act on a document; thereby causing a delay in federal funding; and (4) 30% was the CAC quorum for many, many years; no one ever challenged or contested it.

In response to Chair Okino, CAC Chair Golojuch stated that all members receive the agenda and meeting materials; so, all those interested in a particular agenda item show up. If the agenda item is of particular interest, it is evident, since the room is packed.

In response to Chair Okino, Mr. Smyth stated that, usually, the Supervising Deputy AG for the division approves the opinion before the Deputy AG signs off on it. It doesn't have to go to the AG for his official signature or approval.

Councilmember Apo stated that he had no problem with the change in the quorum requirement and was okay with approving the changes to the Bylaws. However, he asked that OahuMPO staff look at the Sunshine Law with regard to the amending of an agenda. If the CAC bylaws do not conform to the Sunshine Law, then the Bylaws should be brought back to the Policy Committee in order for that portion to be changed back.

Senator Espero moved and Vice Chair Fukunaga seconded that the Amendment to the Bylaws of the CAC be approved. The motion was unanimously approved.

VI. CONSIDER ACCEPTANCE OF OAHUMPO AGENCY PHILOSOPHY STATEMENT

Handout(s): OahuMPO Philosophy

Director Gibson read the new OahuMPO Philosophy he had written. Chair Okino noted that this was not something that the Policy Committee needed to approve; it was only for information.

DOT Director Morioka moved and Councilmember Cachola seconded that the Policy Committee accept the OahuMPO Philosophy. The motion was unanimously approved.

VII. INFORMATIONAL PRESENTATION ON FY 2010 OWP COMPLETION

Handout(s): OahuMPO FY 2010 OWP Report

Director Gibson made a presentation on progress and achievements of the FY 2010 OWP.

VIII. INFORMATIONAL PRESENTATION ON TRANSPORTATION RECISSION

Director Gibson stated that, on August 10th, President Barack Obama rescinded \$2.2 billion in highway contract authority. OahuMPO is responsible for \$104,670 of that. This rescission will be subtracted from the unobligated funds. There should be no impact to our current program or projects.

In response to Chair Okino, DOT Director Morioka explained that, since the recission is subtracted from the unobligated funds, these are funds that we are not permitted to spend anyway. Recissions are a common occurrence.

IX. CAC MEETING HIGHLIGHTS

CAC Chair Golojuch gave a summary of the last two CAC meetings.

X. OTHER BUSINESS (ANNOUNCEMENTS ONLY)

Director Gibson noted that there is a slight difference in the Federal Transit Administration grant award versus what appears in the OWP – \$112. The OahuMPO administrative work element will increase by \$112.

Senator Espero bid Councilmember Apo a fond farewell, as he would be stepping down shortly.

The meeting was adjourned at 2:18 p.m.