

Minutes of the  
Oahu Metropolitan Planning Organization

**POLICY COMMITTEE**

Monday, January 12, 2015, 10:30 a.m.  
Honolulu City Council Committee Meeting Room, Room 205  
530 South King Street, Honolulu, Hawaii

**Members Present:**

Councilmember Joey Manahan, Chair		Councilmember Kymberly Pine
Senator Clarence Nishihara, Vice Chair		Representative Matthew LoPresti
Councilmember Brandon Elefante		Senator Will Espero
Councilmember Ann Kobayashi		Senator Breene Harimoto
Councilmember Ron Menor		HART Executive Director Dan Grabauskas

**Member(s) Absent:** Representative Henry Aquino, Representative Ryan Yamane, DOT Director Ford Fuchigami, DTS Director Michael Formby

**Guests Present:**

George Massengale (Rep. LoPresti)		Ralph Rizzo (FHWA)
Kathleen Iriarte (CAC, Hunt Companies)		Mayela Sosa (FHWA)
Rob Boucher (CAC, NB #23)		Alex Cross (HART)
Michael Golojuch (CAC, Palehua Townhouse Assn.)		Elizabeth Scanlon (HART) Dan Purcell

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

The meeting was called to order at 10:37 a.m. by Chair Will Espero. A quorum was present. All members introduced themselves.

**I. MINUTES OF THE DECEMBER 19, 2014 MEETING**

*Vice Chair Joey Manahan moved and it was seconded that the minutes of the December 19, 2014 meeting be approved as circulated. The motion was unanimously carried.*

**II. ELECTION OF CHAIR AND VICE CHAIR FOR 2015**

*Councilmember Kymberly Pine nominated Councilmember Joey Manahan for the office of Chair for 2015. Councilmember Ann Kobayashi seconded the nomination. The nominations were closed. Councilmember Manahan was unanimously elected Chair.*

*Senator Espero nominated Senator Clarence Nishihara for the office of Vice Chair for 2015. Senator Breene Harimoto seconded the nomination. The nominations were closed. Senator Nishihara was unanimously elected Vice Chair.*

### **III. CONSIDER RECOMMENDATION REGARDING HRS 279**

*[Handout: Draft Hawaii Revised Statute (HRS) HRS 279 – OahuMPO Staff Recommendation (01/07/2015); Evaluation and Recommendations Regarding HRS 279 Bill]*

Director Gibson gave a presentation on the OahuMPO Staff Recommendations on draft HRS 279. During his presentation, Director Gibson noted that:

- Given the timeline and corrective actions, there was no time to address the possibility of independence for OahuMPO. So, for now, staff recommended that OahuMPO remain attached to Hawaii Department of Transportation (DOT) for administrative purposes only.
- The Attorney General's office recommended that HRS sections 26-35(a)(7) and (8) and subsection (b) still apply to OahuMPO.
- DOT recommended that OahuMPO have 12 to 18 months of operating funds in their account.

Senator Breene Harimoto stated that he was satisfied with the draft as it is. It will be refined as it goes through the legislative process.

With regard to HRS 279E-4, Senator Espero asked where the amount of \$500,000 in seed funding came from. Director Gibson responded that this amount was added by the OahuMPO staff. Senator Espero asked what would happen if OahuMPO did not get \$500,000 from DOT. Director Gibson responded that OahuMPO would continue as they have in the past. Senator Espero noted that, once an appropriation is attached to a bill, another hurdle is added in order to get that bill passed. Councilmember Pine asked if the request for an appropriation has already been made to the finance committee chairs at the legislature. Director Gibson responded in the negative. Councilmember Pine agreed that there will be more referrals if an appropriation is attached. Vice Chair Nishihara stated that \$500,000 is a large amount of money; it will become a bone of contention. Director Gibson stated that OahuMPO would take anything the legislature would be willing to provide OahuMPO. Vice Chair Nishihara suggested that the City and County and the State could each contribute half of the \$500,000. Senator Espero also asked about MPOs being able to establish bank accounts. Director Gibson stated that, for OahuMPO, it wouldn't be necessary, since OahuMPO will be attached to DOT. However, if the Maui MPO or another MPO decided to be independent, they would need to be able to establish their own bank account. Senator Espero asked if that wording could be stricken, since Maui will be attached to Maui County. Director Gibson responded that it would be fine for OahuMPO and would probably be fine for Maui.

In response to Councilmember Ron Menor, Director Gibson stated that, based on legal guidance and the historical events regarding the Department of Transportation Services (DTS) and DOT directors basically advising themselves while serving on both the Technical Advisory Committee (TAC) and the Policy Committee, he felt that having a Citizen Advisory Committee (CAC) member on the Policy Committee was exactly the same situation. It doesn't make sense to repeat what was done in the past. Director Gibson stated that the CAC could serve as a non-voting, ex officio member on the Policy Committee.

Councilmember Menor asked that the CAC be given the opportunity to speak on this subject. Michael Golojuch, CAC Vice Chair, stated that there was a strong recommendation from the CAC for a CAC member to have a seat on the Policy Committee. Even if they could not be a voting member, he felt that being an ex officio member would be great.

Councilmember Menor stated that he wanted to advocate for the CAC and add language to the bill that would give the CAC an ex officio member's seat on the Policy Committee. Director Gibson responded that the HRS is the wrong place to include wording regarding members. Since the HRS applies to Oahu, Maui, and any other Hawaii MPOs that may be formed, membership is not discussed in the HRS. Language regarding membership will be dealt with in the Comprehensive Agreement. In response to Councilmember Menor, Director Gibson explained the process for the development of the Comprehensive Agreement. During the process, the Policy Committee can direct staff to put that language in the draft Comprehensive Agreement.

Councilmember Menor stated that he would like the Policy Committee to add language to the draft Comprehensive Agreement that would give the CAC an ex officio member's seat on the Policy Committee. Director Gibson stated that the Comprehensive Agreement was not on today's agenda, so no action regarding the Comprehensive Agreement could be taken at this meeting. It was suggested that the Comprehensive Agreement be added to the next Policy Committee agenda. Senator Will Espero stated that he would also like to give TAC an ex officio member's seat on the Policy Committee. Senator Harimoto requested that the agenda item be a broader discussion regarding the Policy Committee membership.

No one offered testimony.

*Senator Harimoto moved and Vice Chair Nishihara seconded that the draft Hawaii Revised Statute (HRS) HRS 279, including the OahuMPO staff recommendation (01/07/2015), be approved.*

It was decided that this draft HRS 279 bill would be sent to the Vice Chair Nishihara; and he will give it to the House Transportation Chair.

Senator Espero asked Director Gibson if \$500,000 is needed. Director Gibson stated that the TAC recommended that OahuMPO have 12 to 18 months of operating funds in their account; OahuMPO's yearly budget for in-house operations is \$650,000. Senator Espero stated that Director Gibson should be prepared to lobby and advocate in front of the Senate and House finance committees. If OahuMPO has survived all this time with what they've had in the past, then suddenly are asking for an additional \$500,000, it will be a tough sell. Director Gibson stated that the appropriation is not part of the Federal corrective actions; if it was deleted from the bill, OahuMPO would still meet their Federal requirements.

*A vote was taken on the motion. The motion was unanimously carried.*

#### **IV. GUIDANCE FROM OFFICE OF INFORMATION PRACTICES**

Director Gibson explained that someone from the public wanted to attend an OahuMPO TAC meeting anonymously; however, the meeting was being held in a secured building, where

identification is required for entry into the building. This person was not willing to sign in, show identification, or give his name in order to be allowed entry into the building. Security would have allowed him to enter if a staff member of the agency where the meeting was being held would escort him into the building, monitor his movements while he was in the building, and ensure that he left the building. None of the attendees at the meeting were staff of the agency where the meeting was being held; most of the attendees were guests in the building. Director Gibson stated that, after the meeting, he spoke with the Office of Information Practices (OIP). OIP's opinion is that: 1) members of the public have a right to attend and/or testify anonymously at a public meeting; and 2) requiring identification and or/signing in for entry to a public meeting is a Sunshine Law violation. So, in the future, OahuMPO staff will need to find unsecured buildings where a meeting can be held, find secured buildings where staff can work with security to allow a person of the public to attend anonymously, or pay to rent an unsecured meeting room. Senator Espero suggested that Director Gibson write a formal letter to TAC and the Department of Facility Maintenance to apprise them of the situation.

#### **V. GUIDANCE FROM THE USDOT ON INTEGRATING CLIMATE CHANGE CONSIDERATIONS**

Director Gibson gave a presentation on the guidance from the United States DOT (USDOT) on integrating climate change considerations. This will impact how decisions are made regarding projects that go into the Transportation Improvement Program and the Oahu Regional Transportation Plan.

#### **VI. REPORT ON 2014 CERTIFICATION REVIEW ACTION PLAN**

Director Gibson gave a report on the 2014 Certification Review Action Plan. He stated that the action plan was on schedule.

#### **VII. CAC HIGHLIGHTS**

CAC Chair Michael Golojuch reported the highlights of the last CAC meeting.

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

*There being no other business, the meeting was adjourned at 11:52 a.m.*