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**COUNTY COUNCIL**  
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January 27, 2023

TO: The Honorable Angus L.K. McKelvey, Chair  
Senate Committee on Government Operations

FROM: Tasha Kama  
Council Chair 

SUBJECT: **HEARING OF JANUARY 31, 2023; TESTIMONY IN SUPPORT OF SB 233, RELATING TO PUBLIC TESTIMONY AT OPEN MEETINGS**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to allow county councils to receive all public testimony at the beginning of their meetings.

This measure is in the Maui County Legislative Package; therefore, I offer this testimony on behalf of the Council.

The Maui County Council supports this measure for the following reasons:

1. Act 264 (2022) amended the State Sunshine Law to prohibit the receipt of all oral testimony at the beginning of a public meeting. Though the asserted basis for the statute was to allow members of the public to view any presentation before testimony, the Office of Information Practices had advised that that practice was already acceptable under the Sunshine Law.
2. The current statute unduly restricts the councils' options for conducting meetings without any new benefit to the public. The statute has only been in effect since July 8, 2022, but has already created much public confusion among County of Maui residents and unfairly restricted the Maui County Council in the conduct of its meetings.
3. In testimony on the bill that became Act 264, OIP Director Cheryl Kakazu Park mused to the Senate Committee on Judiciary: "Is there a benefit to eliminating the practice of taking testimony at the beginning of a meeting that outweighs the potential inconvenience to boards of having to change the way they run meetings on pain of violating the Sunshine Law?" Based on our experience of the past seven months, the answer is no.

For the foregoing reasons, the Maui County Council **supports** this measure.