



HAWAII STATE
COMMISSION
ON THE STATUS OF WOMEN

Chair
JUDY KERN

COMMISSIONERS:
CYD HOFFELD
MARILYN B. LEE
DEJA OSTROWSKI
TERRI ANN MOTOSUE
STACEY MONIZ
EDIE IGNACIO-
NEUMILLER

Executive Director
KHARA JABOLA-
CAROLUS

Visit us at:
humanservices.
hawaii.gov
/hscsw/

235 S. Beretania St #407
Honolulu, HI 96813
Phone: 808-586-5757
Fax: 808-586-5756
Email:
dhs.hscsw@dhs.hawaii.gov
Twitter (@HawaiiCSW)
Instagram
(@StatusofWomenHawaii)
Facebook (@HSCSW)

HAWAII STATE COMMISSION ON THE STATUS OF WOMEN
PUBLIC MEETING
TUESDAY, JANUARY 19, 2021, 2:30 PM –3:45 PM
VIRTUAL MEETING VIA ZOOM

In light of the evolving COVID-19 situation, protecting the health and welfare of the community is of utmost concern. As such, this will be a virtual meeting and written and verbal testimony will be accepted. If you would like to testify virtually via Zoom, please email ctrinh@dhs.hawaii.gov for more information by Noon on Friday, January 15, 2021.

If you are only interested in attending, please register here and the Zoom invitation will be sent directly to you: <https://tinyurl.com/y4a42yno> Mahalo!

- I. PUBLIC NOTICE, CALL TO ORDER, ESTABLISH QUORUM (2 Minutes)
- II. REVIEW AND APPROVAL OF MINUTES FROM THE NOVEMBER 12, 2020 MEETING (5 Minutes)
- III. PUBLIC COMMENT (5 Minutes)
 - A. Verbal or written testimony should be requested via email to ctrinh@dhs.hawaii.gov by Noon on Thursday, January 14, 2021.
 - B. Due to the timing of this meeting, public comments may be addressed at the next Commission meeting.
- IV. REPORTS (42 Minutes)
 - A. Executive Director's Report (9 Minutes)
 1. Legislation
 2. Budget
 3. Request for Sponsorship - Hawai'i Women's Fund report on impact of COVID-19 pandemic on women
 4. Public Statement request regarding women's representation in electoral politics
 5. Gender Impact Statement Tool
 6. Ma'i Movement Community Survey
 - B. Chair's Report (9 Minutes)
 1. Legislative Policy
 2. Vote on Sunshine Law: Delegation to Staff
 3. Stances on Issues
 - C. State Commissioners' Reports and Updates
 1. Stacey Moniz, Maui Commissioner - (8 Minutes)
 - a) Continue discussion from August 26 & November 12, 2020: Plan for event on Missing and Murdered Indigenous Women's event on May 5th, 2021
 - b) Midwifery legislation review and discussion
 2. Cyd Hoffeld, Hawai'i Commissioner - (8 Minutes)
 - a) Sponsorship Provided January 2021: A Gay Straight Alliance (GSA) Conference, Kea'au High School

3. Edie Ignacio-Neumiller (8 Minutes)

- a) County of Kaua'i Committee on the Status of Women past the Kaua'i County Council's Resolution Supporting and Urging Equity, Inclusion, and Social And Economic Justice Principles In COVID-19 Related Recovery Initiatives, 2021-04 on December 16, 2020

V. ANNOUNCEMENTS (2 mins)

VI. ADJOURNMENT (2 mins)

The public meeting is accessible for individuals with disabilities. Auxiliary aids and services are available upon request by calling the Hawai'i State Commission on the Status of Women's office at: (808) 586-5757 (voice); 711 (Hawai'i Relay Service); or email to ctrinh@dhs.hawaii.gov. A request for an auxiliary aid or service should be made no later than four (4) working days prior to the public meeting. Requests made as early as possible will allow additional time to fulfill your request. We will try to obtain the accommodation, but we cannot guarantee that the request will be fulfilled.

Hawai'i State Commission on the Status of Women
Thursday, November 12, 2020; 2:30 p.m. – 3:45 p.m.
Public Meeting Minutes
VIRTUAL MEETING VIA ZOOM

Members Present: Judy Kern (Kern), Cyd Hoffeld (Hoffeld), Marilyn Lee (Lee), Terri Ann Motosue (Motosue), Stacey Moniz (Moniz), Edie Ignacio-Neumiller (Ignacio-Neumiller)

Excused: Deja Ostrowski (Ostrowski)

Public: None

Staff: Khara Jabola-Carolus (Jabola-Carolus), Laney Trinh (Trinh)

I. Public Notice, Call to Order (2 minutes)

A. 2:33 p.m. Quorum Declared –

II. Review and approval of minutes (5 minutes)

A. **MOTION to accept minutes from August 26, 2020, with amendment to page 2, d)(2)(a) from first “national” to first “nation,” by Ignacio-Neumiller, seconded by Lee – ALL IN FAVOR, MOTION CARRIED**

B. **MOTION to assign one Commissioner to second all motions for expediency during meeting: Stacey Moniz – ALL IN FAVOR, MOTION CARRIED**

III. PUBLIC COMMENT (5 minutes)

A. None – no written testimony

IV. REPORTS (60 minutes)

A. Executive Directors' Report (20 minutes)

1. Jabola-Carolus: Legislation Updates (no bill numbers available) [5 mins]

a) No bill numbers because none filed

b) HWC voted on bills to be in the package but bills in process of being drafted via LRB

c) MMIWG

(1) Issue regarding disproportionate violence to native Hawaiian women and girls

(2) CSW introduced at behest of Honolulu County Committee as State Legislature last year, discussed at the previous CSW meeting only amendment for 2021 is OHA to be explicitly named on task force

d) Source of Income Discrimination

(1) Drafting ongoing with key stakeholders incl. AG and DHS

(2) First year framed as hidden gender discrimination although HCRC worked in the past on this issue

(3) Biggest change from previous legislation is penalty for violation raised from \$500 to \$5K for more meaningful deterrence

e) GBA+ Training/RBG Legacy Program

(1) Discussed in the last meeting

(2) Goal of bill is to integrate gender equity as core function of government

(3) Consulted national and international entities such as US Department of Defense Indo-Pacific Command who have similar trainings

- (4) DHRD met with CSW and DHS leadership regarding new online training portal and interested in assisting CSW getting curriculum online immediately
 - (5) KJC will provide update regarding sponsors and package inclusion at next meeting
- 2. Budget Update [2 mins]
 - a) Remaining \$9K to spend this quarter
 - (1) More than anticipated due to cancellation of first annual conference planning, withdrawal of large COK community request, and unpaid NACW conference per diem which was cancelled due to pandemic
 - (2) Massive budget cuts anticipated across departments including agencies
 - (a) No final details of proposed cuts to CSW
 - (b) No confirmation of furloughs and 10% pay cut but anticipated for January
- 3. Annual Women's Conference [10 mins]
 - a) KJC announces decision to postpone the first annual conference slated for November 2020
 - b) Recognition and thanks to Motosue for substantial work in organizing, fundraising and logistics
 - c) Jabola-Carolus and Trinh share reasoning due to COVID-19 strain at personal level as well as unsuccessful staff position restoration and significant increase to workload a high quality conference at this time would not be possible
 - d) Office struggling with increased constituent crisis calls and case management. Unseen labor because calls may take up to an hour long from complex cases, e.g., women seeking assistance on jobs, telework support, UI status updates/benefits because not hearing anything, childcare needs. Women crying and CSW unable to resolve or assist due to lack of resources and staff
 - (1) Jabola-Carolus added that its difficult due to our lack of training. Staff not social workers, which in the past CSW had permanent positions to fill this need
 - e) Motosue agreed that a January conference may be too soon, so after session. May have more time community and outside help
 - (1) Commissioners agreed to revisit planning at a future meeting
- 4. Community, Research and Programming Update [3 mins]
 - a) Statewide laptop distribution campaign complete
 - b) Internal training to all counties on legislative process and advocacy is tomorrow
 - (1) Trinh will re-send the registration link to all
 - c) DBEDT opportunity to partner on research for economic impact to women of pandemic and requested to create gender equity evaluation too for their COVID-19 recovery programs
 - d) Hawaii Women's Fund research partnership opportunity. Received notice from UH professor and trained economist Amanda Shaw for proposal of broad analysis of impact on women during COVID-19. Vetted through HSCSW's Feminist Economic Recovery Plan
 - (1) Women's Fund is sponsoring \$20-30K

(2) Jabola-Carolus will seek further details, but team is seeking additional \$2-3K in seed money from the HSCSW

B. Chair's Report (10 minutes)

1. Vote to Draft Bylaws

a) Kern: Currently do not have bylaws

(1) Put to vote if Commissioners interested in having by-laws? Not sure on history prior to?

b) Jabola-Carolus: As discussed at previous CSW meetings in 2018, when CSW housed under LG, had bylaws about 20 years ago specific to LG, no longer relevant due to changed structure

c) Motosue interested in by-laws:

(1) Motosue MOTION to consider By-Laws for HSCSW – Moniz seconded, ALL IN FAVOR, MOTION CARRIED

2. Vote on Sunshine Law, First Option: Delegation to Staff

a) Kern: Refer to guide on *Sunshine Law* during legislative session, seeking vote on HSCSW's preference

(1) Commissioners did not have a chance to review the guide but sent prior to meeting twice to all Commissions from Trinh

b) Jabola-Carolus: Per OIP, guide suggests options for how topical issues can be addressed during legislative session. AG suggested version 1 as there are hundreds of bills each session on which Commission provides analysis and demands of Session require constant action

(1) If issue contentious, if controversial, talk about it as a group and decide on how to go forward

(2) Discuss issues, put on agenda and keep it open

c) Kern: There's six options:

(1) Delegation to Staff

(2) Delegation to no more than 2 board members

(3) Permitted Interaction group under section 92-2.5(b)(2), HRS

(4) Informational meeting or Presentation

(5) Limited meeting by county council as guests of another group

(6) Emergency meeting

d) Ignacio MOTION to defer voting on *Sunshine* law options until next or emergency meeting is scheduled prior to the start of January 2021 legislative session – Seconded by Moniz, ALL IN FAVOR, MOTION CARRIED

3. Midwifery legislation review and discussion

a) Moniz shares strong interest in midwifery advocacy for CSW

(1) Very difficult path for midwives since divisive topic and the Maui CSW will be supporting HHBTF's recommendations

b) Lee: Interested in issue, dealt with for years, however as a retired nurse and working with OBGYN does influence her opinion, but open to discuss

- c) Jabola-Carolus: Gave short background of HHBTf
- C. State Commissioners' Reports and Updates
 - 1. Stacey Moniz, Maui Commissioner - (10 Minutes)
 - a) Continued discussion from August 26, 2020: Holding statewide Missing and Murdered Indigenous Women's event on May 5th, 2021
 - (1) **Would like to put an event on for May 5**
 - b) [Pushing Through the Pandemic Report](#)
 - (1) Thanks to HMHB and CSW for report
 - (2) Testimony from Maui: Mom had baby at home, all healthy, but she couldn't stop bleeding, so had to give baby to someone else to care for so she could go to the hospital. Terrible to be separated from baby so young due to the pandemic. Both mom and baby are healthy
 - c) Suggest pursuing ways to support women during the pandemic, especially those with children
 - d) Maui CSW Update: Domestic Violence Fair (drive through event)
 - (1) Created QR codes, scan the QR code take to that agency's website
 - (2) Did tote bag giveaway of 92 bags, from Women Helping Women; 35 bags with diapers, baby supplies and feminine hygiene products
 - (3) 24 bags went to Hana and the Children's Justice Center
 - (4) Disseminated women's survey, but findings haven't come in yet, meeting next week and will share with everyone
 - 2. Kern: HAH position letter was emailed to all – HAH seeking everyone's email but did not have it
 - a) Kern asked if okay to give Commissioners' emails to HAH - Agreed
 - 3. Cyd Hoffeld, Hawai'i Commissioner - (10 Minutes)
 - a) Report of County of Hawai'i Committee on the Status of Women Activities
 - (1) Teen Dating Violence cell phone cards are being distributed
 - (2) Real Women Essay Contest event is being postponed until 2021 due to the pandemic
 - (3) Family Services Directory has been printed and is being distributed
 - (4) Equal Pay event is being planned for 2021
 - b) Request for Sponsorship: A Gay Straight Alliance (GSA), High School - requesting funds for club members to attend an online conference in January 2021
 - (1) Original funding request for \$100 was incorrect
 - (2) Correct amount to attend has not been posted
 - (3) GSA Advisor thinks it could be \$50 per student with 10 students attending plus one advisor
 - (4) Request is for HSCSW to reserve \$600 for the conference in January 2021 but the registration fee has not been posted yet
 - c) **MONIZ: Motion to commit the \$600 (plus tax/fees) for Gay Straight Alliance conference registration fees in 2021 – Ignacio-Neumiller seconded – ALL IN FAVOR, MOTION CARRIED**
 - 4. Terri Ann Motosue (10 Minutes)
 - a) Discussion of 2021 schedule
 - (1) Suggest doing a full calendar so easier to plan the year, e.g., Domestic Violence month, etc.

- (2) Ignacio-Neumiller agreed great idea, similar to COK CSW when they remind all from local TV, walk, and wear pink on Fridays for cancer awareness month in October
- (3) Motosue suggested meetings in October, Commissioners could all wear pink
- (4) Kern suggested to add Annual Conference in summer
- (5) Ignacio-Neumiller suggested Commissioners submit ideas for draft of calendar to review at next meeting
- (6) **ALL AGREE GOOD IDEA TO DO 2021 CALENDAR AND WILL SUBMIT IDEAS TO JABOLA-CAROLUS**

V. Announcements (2 minutes)

- A. Ignacio-Neumiller: Kauai CSW from Oct to Dec 2020 unable to have meetings because Board & Commissions staff tasked to do daily KEMA, COVID, daily updates
 - 1. In support of Breast cancer awareness month, last meeting had, reminded all to in October to wear pink
 - 2. Hoping can reconvene in January 2021
 - 3. Sends Kauai CSW support clerk any updates she receives from HSCSW to send to the Commissioners
 - 4. Jabola-Carolus alarmed at disruption to key women's work and asked if there is anything the State CSW can do to assist
 - a) **Ignacio-Neumiller requested Jabola-Carolus to contact Ellen Ching the Administrator**
 - b) **Kern requested to be aware and included on this effort**
- B. **COK Members wanted the Legislative Training 101 so interested to know who signed up and can touch bases via email**

VI. Adjournment (1 minutes)

- A. **Ignacio-Neumiller MOTION to adjourn – Seconded by Lee, ALL IN FAVOR, MOTION CARRIED**
 - 1. **Adjourned at 4:02 p.m.**



HAWAI'I WOMEN'S COALITION

2021 LEGISLATIVE PACKAGE

2021
LEGISLATIVE
SESSION

HAWAII WOMEN'S COALITION

2021 Legislative Package

1. **LGBTQ+ Family Justice:** “Paternity” law in Hawai'i allows male partners of people (for unmarried couples) giving birth in hospitals to voluntarily establish their parental rights at the time of birth. Restricting establishing parenthood to those who identify as male is an unconstitutional restriction based on heteronormative concepts of parenthood and is not based on ensuring a biological relationship. This bill will open and allow voluntary establishment of parenthood to all partners of a birthing person, regardless of the partner's gender identity. Lead: AF3IRM Hawai'i.
2. **Statute of Limitations for Childhood Sexual Abuse:** Hawai'i's current statute of limitations for civil claims to age 26, and 3-year discovery rule, does not sufficiently account for the time needed by survivors of childhood sexual abuse to break their silence and disclose the victimization they endured. A bill that expands the statute of limitations to 50 years beyond 18th birthday of the minor is needed to give victims the opportunity for justice, and to inform the public of predators who may otherwise remain hidden and protected. Treble damages provided concerted concealment. Lead: Sex Abuse Treatment Center.
3. **Ruth Bader Ginsburg Legacy Program:** Women should have the right to equal access to all phases of relief and recovery during and beyond the COVID-19 crisis. This innovative and budget-neutral bill would impose an additional duty on the Hawaii State Commission on the Status of Women to provide Gender-Based Analysis (GBA+) training across all state and local departments and agencies. This measure would lead Hawai'i to be the first state in the nation to codify and integrate a gender lens throughout government. The measure will enable departments, agencies, boards and commissions to develop, renew, and assess policy, legislation and regulations that are sensitive to the different impacts that decisions can have on women, and identify the likelihood of a decision having negative or positive consequences for gender equality. The Hawai'i State Commission on the Status of Women is a key infrastructure to create gender equity, but gender inequality does not self-resolve easily and the state should mature its efforts because women continue to face structural barriers to equality which are reinforced by gender-neutral decisionmaking. Lead: Hawai'i State Commission on the Status of Women
4. **Care Economy Bill.** Telework will help us [beat COVID-19](#), as well some of the negative socioeconomic consequences of the pandemic on gender equality. Between August and September 2020, 865,000 U.S. women left the paid workforce, compared to 216,000 men. Locally, women represent 55% of job losses. Due to gender patterns in the time teleworkers spend on homemaking and childcare, telework is not an anodyne to exacerbated gender inequality during COVID-19 however expanded telework could prevent immediate and widespread loss of economic self-sufficiency for women. This measure would allow telework for caregiving for all public employees. Caregiving will be a justified reason for telework. [Telework also increases productivity, saves money,](#)

[reduces greenhouse gases, and lowers unemployment](#). Lead: Hawai'i Children's Action Network & Hawai'i State Commission on the Status of Women.

5. **COVID-19 Housing Crisis and Women.** Discrimination against women and children can be hidden in Hawai'i by using source of income discrimination as a pretext. Honolulu is one of the largest cities in the United States that permits voucher/income discrimination in housing. This bill would create an individual direct cause of action to prohibit landlords from discriminating against renters based on their source of rent money such as emergency rental assistance during COVID-19 and Housing Choice Vouchers/Section 8, which are tenant-based vouchers awarded to low-income households that assume responsibility for finding themselves appropriate units to rent in the private market. [An astounding 83 percent of households participating in the Section 8 Housing Choice Voucher Program are led by women](#). Section 8 bans are a proxy for single mom and working class discrimination. There are over 22,000 single mothers in Hawaii at present, and 89% of single mothers surveyed during the COVID-19 pandemic reported that they have lost the ability to meet basic needs such as rent. The penalty to landlords would be \$5,000. Lead: Hawai'i State Commission on the Status of Women
6. **Mothers Matter Health Equity Bill.** This bill will equip the state to improve maternal health by ensuring an accurate picture of what is happening specifically to Black, Native Hawaiian, Samoan, Micronesian and other Pacific Islander mothers. This bill would require research and data collection of maternal mortality and morbidity that is disaggregated for race/ethnicity in order to understand where gaps exist, combat maternal mortality and morbidity, and improve overall maternal health for the communities of color most affected. Presently, maternal morbidity is not tracked or collected. The World Health Organization defines morbidity as “near misses.” Maternal mortality is collected but not broken down for important race/ethnicity categories. Specifically, this bill would 1) begin collection of maternal morbidity to bring us in line with the rest of the country; 2) Address the invisible segments of our communities who through the cracks within maternal health care infrastructure; 3) begin collecting maternal morbidity data particularly among Black, Native Hawaiian, Micronesian and other Pacific Islander communities; 4) specifically collect ethnically aggregated data for the “Asian Pacific Islander” category as Pacific Women and Kānaka women are often counted as Asian, thus masking true maternal health outcomes; and 5) ask for all healthcare workers to take implicit bias training. Lead: Healthy Mothers, Healthy Babies.
7. **Title IX Act 110 Implementation Task Force.** Convening a task force to address implementation of Hawaii's state law corollary to Title IX in light of recent changes in federal Title IX regulations; address enforcement of Hawaii's state law corollary. ([HCR15](#) from 2020). Lead: American Association of University Women
8. **Insurance Coverage of Sexual and Reproductive Health Care.** All people in Hawai'i – regardless of income, gender identity, or type of insurance – should have access to the full range of preventive sexual and reproductive health services at no cost. In 2021, Hawaii should pursue legislation that strengthens and expands state law by requiring insurers to cover a wide range of sexual and reproductive health care services with no co-pay, including abortion. ([SB 2539](#) from 2020). Lead: Planned Parenthood
9. **Equal and Timely Access to Abortion Providers.** Across the state, people are delayed or unable to access abortion care due a provider shortage and geographic barriers, especially those on islands other than O'ahu. Hawai'i's outdated law limits the provision

of early in-clinic abortions to physicians, which has no medical benefit and unnecessarily restricts access to abortion. To improve equal access to abortion care, the legislature should eliminate this outdated restriction and allow other qualified and licensed providers like advanced practice registered nurses to provide abortion care. ([SB 2984](#) from 2020).

Lead: Planned Parenthood

- 10. Missing and Murdered Indigenous Women and Girls Task Force.** Reintroduction of SCR70 from 2020 Legislative Session, with one amendment: addition of the Office of Hawaiian Affairs as a member on the taskforce. This measure would create a task force to conduct a study on missing and murdered Native Hawaiian women and girls. In 2018, the Urban Indian Health Institute published the report "Murdered and Missing Indigenous Women and Girls: A snapshot of data from 71 urban cities in the United States" to document the crisis of missing and murdered indigenous women and girls in the United States. This report did not include Hawaii nor information on Native Hawaiian women and girls. From 2017 to 2019, one out of every three child sex trafficking victims reported to the Child Welfare Services child sex trafficking hotline were Native Hawaiian, and ninety-five percent were girls. The majority of missing children cases under the Attorney General MCCH are Native Hawaiian girls. The State should work to understand the crisis and identify ways to increase reporting on missing and murdered Native Hawaiian women and girls. ([SCR70](#) from 2020). Lead: Hawai'i State Commission on the Status of Women.
- 11. Child Support TANF Pass-through.** Child support TANF passthrough so child support payments don't get taken by the state to pay for the state benefits you are receiving and can instead go straight to the primary parent (Introduced in 2020 as HB2061/SB2310). Lead: Zonta International
- 12. Girl Marriage.** Raising the marriage age to 18, no exceptions. (Introduced in 2019 as SB419). Lead: Zonta International

Funds Available by Quarter
For SFY 2021
As of January 11, 2021

	<u>July - Sept 2020</u>	<u>Oct - Dec 2020</u>	<u>Jan - Mar 2021</u>	<u>Apr - June 2021</u>	<u>SFY 2021 Total</u>
Payroll:					
Quarterly Funds	31,335.00	31,335.00	27,772.50	27,772.50	118,215.00
Expenditures	(31,335.00)	(21,741.50)			(53,076.50)
Additional Allotment (FY21 CB EM No. 20-09)		6,080.00			6,080.00
Salary adj (12/18/20 PR not posted)		(9,738.50)			(9,738.50)
Trf allotment from others			3,562.50	3,562.50	7,125.00
Transfers (reversions)					-
Balance	<u>-</u>	<u>5,935.00</u>	<u>31,335.00</u>	<u>31,335.00</u>	<u>68,605.00</u>
Other Current:					
Quarterly Funds	12,560.00	2,564.00	11,124.00	11,124.00	37,372.00
Expenditures	(4,352.15)	(4,399.48)			(8,751.63)
Reversion	(8,207.85)	8,207.85			-
Reversion					-
Emergency Restriction					-
Trf allotment to payroll			(3,562.50)	(3,562.50)	(7,125.00)
Encumbered Claims Balance					-
Transfers (reversions)					-
Balance	<u>-</u>	<u>6,372.37</u>	<u>7,561.50</u>	<u>7,561.50</u>	<u>21,495.37</u>
Total Payroll & Other Current funds available					<u><u>161,667.00</u></u>

Total funds appropriated by Legislature:

Payroll	118,215.00
Collective Bargaining	6,080.00
Add transfer from "Others"	<u>7,125.00</u>
Funds available	<u>131,420.00</u>
Other Current	55,820.00
Less restrictions	(18,448.00)
Released Contingency Restriction	
Less transfer to "Payroll"	(7,125.00)

Funds available	<u>30,247.00</u>
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QUICK REVIEW: Sunshine Law Options to Address State Legislative Issues and Measures July 2018

As the Hawaii State Legislature's opening day approaches, Sunshine Law boards that track legislation and submit testimony on legislative issues or measures are faced with the annual question: how can they keep up with the legislative calendar and submit testimony on a timely basis while still following the Sunshine Law? The state Office of Information Practices has prepared this Quick Review to provide several options.

When dealing with legislative matters, one major hurdle that boards face is the Sunshine Law's six-day notice requirement prior to conducting a meeting to discuss a legislative measure when legislative committees often give less than six days' notice of their hearings. Since most boards typically meet on a monthly or less frequent basis, their meeting schedule together with the notice requirement leave them with limited options to timely notice a meeting and discuss the adoption of legislative testimony or positions prior to the legislative hearing.

The Sunshine Law, however, allows board members to discuss board business outside a meeting in limited circumstances, as set forth in the "permitted interactions" section of the law. HRS § 92-2.5. These permitted interactions are not considered to be "meetings" of a board or subcommittee subject to the Sunshine Law's six-day advance notice requirements. HRS §92-2.5(h).

Generally, among the various types of permitted interactions authorized under section 92-2.5, HRS, the most useful in developing or adopting positions on legislative measures are the three described in: (1) section 92-2.5(a), HRS, which allows two members of a board to discuss board business between themselves so long as no commitment to vote is made or sought; (2) section 92-2.5(b), HRS, which allows a board to assign less than a quorum of its membership to present, discuss, or negotiate any board position that the board had previously adopted at a meeting; and (3) section 92-2.5 (e), HRS, which allows less than a quorum of board members to attend a legislative hearing (or other "informational meeting") and report their attendance at the next board meeting.

Permitted interactions are discussed in greater detail in OIP's three-part Quick Review series on "Who Board Members Can Talk To and When," which may be viewed on OIP's [Training page at oip.hawaii.gov](http://oip.hawaii.gov).

Besides permitted interactions, other options for a board to address legislative matters are through emergency or limited meetings or delegation to staff. The various options or practical approaches that a board could take to discuss and submit timely testimony on legislative issues or measures are discussed below.

First Option: Delegation to Staff

At the outset of the legislative session, a board may file a notice of a public meeting with an agenda indicating that the board will consider the adoption of a position or the general policy

direction it will take on specific legislative topics, subject matters and legislative measures, including the relevant bill numbers, if available, which the board desires to present in testimony during a legislative session. (A board may contact OIP's Attorney of the Day to discuss whether the notice of an agenda item is legally sufficient.)

The board could then delegate to staff (e.g., executive director) the authority to track legislative measures and provide testimony in accordance with the positions and policy directives previously adopted by the board. The members of a board's staff (assuming they are not board members) can freely discuss legislative measures the board is tracking among themselves without implicating the Sunshine Law. Likewise, discussions involving staff and a single board member would not raise Sunshine Law concerns, unless the discussions comprise a serial communication between staff and individual board members to solicit a commitment to vote on a specific matter.

The board's staff would report to the board on all legislative measures at the board's regularly scheduled meetings conducted during the legislative session and could seek confirmation or clarification of testimony that it planned to or had presented to the legislature. Alternatively, if the board has delegated legislative authority to two board members as discussed in the second option below, or to a permitted interaction group as in the third option below, then the staff could report to those groups at any time without having to notice a Sunshine Law meeting.

Second Option: Delegation to No More Than Two Board Members

If a board has no staff or if its members wish to take a more active role in legislative matters, then a board may delegate to two board members the authority to prepare and submit any legislative testimony in accordance with the position or policy direction the board had previously adopted. Under the permitted interaction authorized in section 92-2.5(a), HRS, two board members may discuss between themselves official board business, including testimony being presented to the Legislature, provided that no commitment by the board members to vote on board business is made or sought and the two members do not constitute a quorum of the board.

The two board members working on a legislative issue or measure can provide reports at any meeting of the board when the issue is on the agenda. Moreover, different combinations of members may be assigned to work on different legislative issues or measures. However, the two board members assigned to a legislative measure or issue must be careful to avoid involving additional members in discussions of that matter outside a board meeting because these additional discussions could constitute a serial discussion among three or more members in violation of the Sunshine Law.

Discussions by all members may take place at duly noticed board meetings. The full board can continue to oversee the implementation of the general policy direction by the two board members and address any new issues that arise during the legislative session at its regularly scheduled meetings. If necessary, the full board may also hold emergency meetings, as described in the sixth option below.

Third Option: Permitted Interaction Group under Section 92-2.5(b)(2), HRS

Some boards may prefer to have more than two members involved in legislative matters. If so, a board may consider the establishment of permitted interaction group (“PIG”) under section 92-2.5(b)(2), HRS, which could consist of more than two members, so long as it is less than a quorum of the board.

Initially, the board should adopt its position or establish policy directives at a public meeting duly noticed under the Sunshine Law. The agenda item in the public meeting notice would describe the specific topic, subject matter, or legislative measure, including any bill number, if known, that the board desires to adopt a position upon or to set a policy directive in response to any legislative measure the board anticipates could be discussed during a legislative session. An additional agenda item for the public meeting should describe the PIG to be established under section 92-2.5(b)(2), HRS, including the assignment of specific board members to the PIG and the establishment of the scope of each member’s authority to present, discuss, or negotiate any position that the board had previously adopted.

A legislative PIG established under section 92-2.5(b)(2), HRS, and acting within the scope of each member’s previously defined authority, would not be subject to the investigative PIG’s requirements under section 92-2.5(b)(1), HRS, to initially report its findings at a public meeting before the full board could discuss or act on the report at a subsequent meeting. Nor would a legislative PIG established under section 92-2.5(b)(2), HRS, be subject to the reporting requirements of section 92-2.5(e), HRS, for attending informational meetings described in the fourth option below.

Fourth Option: Informational Meeting or Presentation

Section 92-2.5(e), HRS, allows two or more members of a board, but less than a quorum, to attend and participate in discussion at an informational meeting or presentation on matters relating to official board business, including meetings of another entity or a legislative hearing. The meeting or presentation, however, must not be specifically and exclusively organized for or directed toward board members, and a commitment by board members relating to a vote on a matter cannot be made or sought. At the next duly noticed board meeting, the board members must report their attendance at the informational meeting or presentation and the matters relating to official board business that were discussed during the meeting or presentation.

Under this permitted interaction, it would not be necessary for the full board to have previously created a permitted interaction group authorized under section 92-2.5(b), HRS, or to have established a position or policy on a legislative measure or issue.

Fifth Option: Limited Meeting by County Council as Guests of Another Group

Any number of county councilmembers may attend a limited meeting that is open to the public, as guests of a board or community group holding its own meeting, provided that the following requirements of section 92-3.1(b), HRS, are met: (1) six days’ advance notice of the limited meeting must be provided to indicate whose board or community group the council is attending, but no agenda is necessary as it is not the council’s own meeting; (2) if the other board

or community group is subject to the Sunshine Law, then that board or group must still meet the Sunshine Law's notice requirements; (3) no more than one limited meeting per month may be held by the County Council involving the same board or community group; (4) no limited meetings may be held outside the State; and (4) the limited meeting shall not be used to circumvent the purpose of the Sunshine Law. Additional requirements under section 92-3.1(c), HRS, for limited meetings apply, such as prior OIP approval and videotaping of the limited meeting, as well as the general meeting requirements, such as keeping minutes.

This option would allow more than a quorum of a county council to meet with constituents or community groups regarding their legislative concerns, but would not be a preferred way for the council itself to address legislative matters. If a quorum or more of a board wanted to attend a specific legislative hearing together, however, this form of limited meeting would be the only option for doing so, other than noticing the hearing as a regular board meeting.

Sixth Option: Emergency Meeting

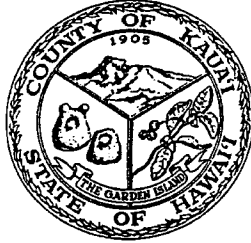
If an unanticipated legislative issue or measure arises that requires the full board's action, an emergency meeting could be noticed under section 92-8(b), HRS. An emergency meeting requires the board to meet the following conditions. The board must state in writing the reasons for its finding that an unanticipated event has occurred and that an emergency meeting is necessary, and must obtain the Attorney General's concurrence. Two-thirds of all members to which the board is entitled must agree that the conditions necessary for an emergency meeting exist. Although six days' advance notice is not required, the written finding that an unanticipated event has occurred and that an emergency meeting is necessary, and an emergency meeting agenda, must be electronically posted in the same way as for a regular meeting notice and agenda, and copies provided to the office of the Lt. Governor or appropriate county clerk's office and made available in the board's office. Persons requesting notification of board meetings on a regular basis must be contacted by postal mail, email, or telephone as soon as practicable. The board's action must be limited to only action that which must be taken within six days due to the unanticipated event.

Because of the additional requirements for noticing an emergency meeting, as well as the logistical challenges of frequently gathering a quorum of a board's membership on short notice, this option is not one that would be used on a regular basis to deal with legislative issues or measures.

In closing, there are various options available to a Sunshine Board to deal with legislative matters in a timely fashion. For additional guidance, please feel free to contact OIP's Attorney of the Day at 586-1400 or oiip@hawaii.gov.

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

December 17, 2020

Khara Jabola-Carolus, Executive Director
Hawaii State Commission on the Status of Women
Via E-mail only to ctrinh@dhs.hawaii.gov

Dear Ms. Jabola-Carolus:

Enclosed for your information and files is a certified copy of Resolution No. 2021-04, "RESOLUTION SUPPORTING AND URGING EQUITY, INCLUSION, AND SOCIAL AND ECONOMIC JUSTICE PRINCIPLES IN COVID-19 RELATED RECOVERY INITIATIVES," which was approved by the Kauai County Council on December 16, 2020.

Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kauai

:jy
Enclosure

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution No. 2021-04

RESOLUTION SUPPORTING AND URGING EQUITY, INCLUSION, AND SOCIAL AND ECONOMIC JUSTICE PRINCIPLES IN COVID-19 RELATED RECOVERY INITIATIVES

WHEREAS, COVID-19 has magnified long-standing inequalities and the fragility of our social, political, and healthcare systems; and

WHEREAS, there is little difference in the number of men and women confirmed to be infected by COVID-19, but men are more likely to die from the novel coronavirus, while women are shown to be disproportionately affected by the pandemic because of their profession, as well as childcare and household responsibilities; and

WHEREAS, according to a 2012-2016 industry analysis of Hawai'i's working population by the State Department of Business, Economic Development & Tourism (DBEDT), women make up roughly fifty percent (50%) of Hawai'i's workforce, but account for seventy-three and three tenths percent (73.3%) of the employees in the health care and social assistance sector, sixty-eight and four tenths percent (68.4%) of the educational services sector, sixty-five and three tenths percent (65.3%) of the finance and insurance sector, fifty-five and six tenths percent (55.6%) of retail trade, fifty-one and seven tenths percent (51.7%) of the real estate and rental and leasing industry, and forty-nine and seven tenths percent (49.7%) of the accommodation and food service industry; and

WHEREAS, the DBEDT report brings into sharp focus the fact that women hold a significant number of jobs that are critical to providing emergency and ongoing response support, as well as other key services during the coronavirus pandemic; and

WHEREAS, according to the National Women's Law Center, women account for fifty-six percent (56%) of all jobs lost since the start of the coronavirus pandemic; and

WHEREAS, a research brief by Professor Gema Zamarro on gender differences in the impact of COVID-19 found that women carried a heavier load than men in providing childcare duties after schools closed, with forty-four percent (44%) of women versus fourteen percent (14%) of men reporting being the only one in the household providing care, and a notable disparity among working parents with thirty-three percent (33%) of working mothers reporting they were the only care provider for their children versus ten percent (10%) of working fathers; and

WHEREAS, the American Psychological Association reported that national crises such as natural disasters and recent COVID-19 stay-at-home lockdown measures ramp up stress within households, increasing risk of domestic violence and child abuse because victims are “trapped” indoors with their abuser; and

WHEREAS, the United Nations (UN) released “The Impact of COVID-19 on Women,” a policy brief that emphasized the devastating consequences of the pandemic for women and girls, and identified three priorities that would have meaningful impact on women and girls—and society at large—if pursued: 1) ensure women’s equal representation in all COVID-19 response planning and decision-making; 2) drive transformative change for equality by addressing the care economy, paid and unpaid; and 3) target women and girls in all efforts to address the socio-economic impact of COVID-19; and

WHEREAS, the Hawai‘i State Commission on the Status of Women (HSCSW) published “Building Bridges, Not Walking on Backs,” the nation’s first feminist economic recovery plan for COVID-19, which highlights numerous key and emerging principals and recommendations designed to build a system that is capable of delivering gender equality; and

WHEREAS, COVID-19 represents an opportunity to spend federal stimulus dollars and enact meaningful policy in a way that is designed with gender equality in mind; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that it supports a feminist economic recovery plan for the County of Kaua‘i.

BE IT FURTHER RESOLVED, that it strongly urges the Administration to view this pandemic through a gendered lens and incorporate principles of equity, inclusion, and social and economic justice, championed in the UN report and HSCSW plan, into County-run COVID-19 programs, into language on County-printed materials and digital communications, as well as into County-initiated requests for proposals centered on COVID-19 response and recovery efforts.

BE IT FURTHER RESOLVED, that it urges the Administration to recognize the specific vulnerability faced by women and girls in this pandemic and make every effort to proactively and consistently engage with the Kaua‘i County Committee on the Status of Women, as well as women and girls in our community, in order to inform COVID-19 related decisions.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to United States Senator Brian E. Schatz, United States Senator Mazie Hirono, United States Representative Ed Case, United States Representative Kaiali'i Kahele, Governor David Y. Ige, Lt. Governor Josh Green, Senate President Ronald D. Kouchi, Representative Daynette "Dee" Morikawa, Representative Nadine K. Nakamura, Representative James Kunane Tokioka, the Hawai'i State Commission on the Status of Women, the Kaua'i County Committee on the Status of Women, Mayor Derek S.K. Kawakami, and the Administrative Head of each County department, agency, and office.

Introduced by:


FELICIA COWDEN


ARRYL KANESHIRO

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	Aye	Nay	Excused	Recused
Carbalho	X			
Chock	X			
Cowden	X			
DeCosta	X			
Ebstein	X			
Kaneshiro	X			
Kuali'i	X			
Total	7	0	0	0

Certificate Of Adoption

We hereby certify that Resolution No. 2021-04
was adopted by the Council of the County of Kaua'i, State of
Hawai'i, Lihu'e, Kaua'i, Hawai'i, on December 16, 2020.


County Clerk


Chairman & Presiding Officer

Dated December 16, 2020