

LANGUAGE ACCESS ADVISORY COUNCIL

STATE OF HAWAII
DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS
830 Punchbowl Street
Honolulu, Hawaii 96813

Tuesday, August 7, 2007
HIOSH Training Room (Room 427)

MINUTES

The meeting was called to order at 9:40 a.m.

1. Roll Call:

Present:

Serafin "Jun" Colmenares	Executive Director, Office of Language Access, Ex-officio
Bill Hoshijo	Executive Director, Civil Rights Commission, Ex-officio
Dominic Inocelda	Language Access Advisory Council, Chairperson
Gerald Ohta	Language Access Advisory Council, Vice Chair
Lito Asuncion	Language Access Advisory Council Member
Nāmaka Rawlins	Language Access Advisory Council Member
Dr. Tin Myaing Thein	Language Access Advisory Council Member

Excused:

Alohalani Boido	Language Access Advisory Council Member
Sr. Earnest Chung	Language Access Advisory Council Member
Canisius Filibert	Language Access Advisory Council Member
Dr. Suzanne Zeng	Language Access Advisory Council Member

Others Present:

Frances Lum	Department of the Attorney General
Shari Dela Cuadra	Research Analyst, Office of Language Access
Jeremy Low	Research Analyst, Office of Language Access

2. Approval of minutes of July 5, 2007 meeting.

Motion to approve minutes made by Gerald Ohta, seconded by Lito Asuncion.

Minutes approved unanimously.

3. Updated list of members and schedule of meetings.

Updated list of members and schedule of meetings were provided to Council Members.

Next meeting on 9/12/07.

4. By-laws

The following were suggested changes to the 5/20 draft:

- a. Pg. 2, Article IV.D: cross out “d” in the word “continued”
- b. Pg. 3, Section VII: re: attendance. Will reword to state that council members are required to attend meetings and three unexcused absences will result in recommendation for removal.
 - Question: What is an excused absence? As long as notice is provided before the meeting, absence will be noted in the minutes as excused.
- c. Article IV: will add in paragraph “and through the Office of Language Access”
- d. Article V, Section 2: will add, “Unless otherwise determined by the Council.”
- e. Article XI, Section 1: deleted, and rest of sections will be numbered accordingly.

5. Organization of committees

As proposed, the Council shall have four standing committees: Plans Review, Legislative, Special Projects, and By-laws & Procedures committees. The Chair will appoint standing committee chairs at next meeting. It is acceptable to have members of the community on the committees as long as majority are Council members.

6. Director’s report – *see* written report.

7. Staff presentation on “Hawaii’s Language Access Law: Creating a Language Access Plan”

Presentation that is done at the workshops was shown to Council members. Also, Council members were provided with the handout that is distributed to attendees.

Discussion after presentation:

- f. Hawaiian is an official language of the State. English is the other.
 - Note: Because Hawaiian is the other official language of the State, it should be made obvious on the signage provided by our office. Nāmaka Rawlins has agreed to translate the information on the signage into Hawaiian.
- g. Advisory Council’s role in responding to the entities’ lack of resources:
 - Possibly work with the AG on coming up with language for RFPs.
 - Create a language bank.

8. Sunshine Law

Frances Lum, Department of the Attorney General, informed the Council of the requirements under the Sunshine Law

- h. Chapter 92
- i. Office of Information Practices provides oversight and interprets the law
- j. Purpose of the law is to open government up to public scrutiny and participation
- k. Requirements:
 - General Rule: All decisions made by the council must be made at a public meeting where the public must be able to observe.
 - All meetings must be open to the public unless there is a statutory exception.
 - Video conferencing is allowed as long as video and audio can be seen and heard by all throughout the meeting. In the event audio or video capabilities cease during a meeting, the meeting must stop. Notice informing the public of the video conference location must be provided and thus the area where the video conference is held must be open to the public.

- Testimony: Testimony must be accepted in its oral or written form. Example provided of an email sent to a Council member. If the council member reasonably believes that the email communication is providing input to the Council, then the email must be provided as testimony. (Per Bill Hoshijo, one way of determining this is to ask the individual whether he/she meant for the communication to be testimony.) Also, to alleviate the burden on individual council members in determining whether a communication is testimony the council can consider setting up a central email, phone or fax number.
- Recess: Once a meeting convenes the council may recess. However the next meeting shall be announced and must be scheduled within a reasonable time.
- Communication between Council members outside regularly scheduled council meetings:
 - General Rule – Council members must not discuss Council business particularly for the purpose of getting votes. “Business” is defined as matters to which the Council has advisory power over, jurisdiction, etc.
 - Exceptions:
 - Two Council members can discuss business so long as council member is not seeking to obtain a vote or a commitment to vote. Also a council member cannot become the “spoke of a wheel” by talking to one member and then communicating that discussion with another member.
 - Council members are allowed to talk to non-board members.
- Activities the Council can do with less than quorum. Council can designate a smaller group (less than quorum):
 - To investigate;
 - Present, discuss or negotiate Council business;
 - Discuss with Governor; and
 - Discuss with Head of the Department.
- Closed Meeting (or Executive Meeting) - meetings where the public cannot attend. There are 8 instances, of which two apply to the Council: 1) personnel decisions, since they must be confidential, 2) conference with attorney on legal issues regarding power, duties, and immunity.
- Emergency Meeting – only occurs if there is imminent peril to public health and welfare. Also, can call emergency meeting if unable to provide notice within 6 days.
- Procedurally, OLA will post notices, coordinate meeting, ensure notices go out, and itemize the agenda.
- Amending agenda is possible, unless it significantly affects a matter of reasonable importance.
- Minutes – required to be made available to the public within 30 days even if the Council was not able to vote on it.
- Tape recording by the public is ok, unless it disrupts the Council meeting. Same goes for videotaping.
- Voiding board action: An individual may challenge a board action within 90 days after the action is done.
- Willful violation of the Sunshine Laws is a misdemeanor.

- Social Events: Council members may attend together.
- 1. Questions re: Sunshine Laws:
 - Limiting length of testimony is determined through administrative rules. In the event there are no administrative rules, unsure; but reasonableness of limitation may dictate length.
 - Protocol for responding to request by the media – council would need to authorize you. Note that Council members still have the first amendment right to speak so able to give opinion in own capacity, just need to qualify opinion as not speaking on behalf of the Language Access Council.

9. Discussion of agenda for next meeting:

Adoption of by-laws.

Discuss legislative package – look at budget.

Appoint committee chairs.

Survey budget projections from different departments to determine costs and what is the most cost efficient way of ensuring LEP individuals are provided with services.

Meeting adjourned at 11:20 a.m.