

JAN 18 2008

A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 92, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§92- Neighborhood boards; permitted activities. (a)
5 Two or more, but fewer than a majority in any one given
6 instance, of members of a neighborhood board overseen by the
7 neighborhood commission of the city and county of Honolulu, may
8 attend informational meetings or presentations on matters
9 relating to official board business, including meetings given by
10 another entity, seminars, and community meetings, provided that
11 the presentation is not specifically organized for any member of
12 the neighborhood board.

13 (b) During any meeting described in subsection (a), a
14 neighborhood board member may participate in a discussion that
15 is part of and conducted during the informational meeting or
16 presentation, provided that the board member does not engage in
17 deliberation or make any verbal or written commitment relating



1 to board voting on any issue. Any board member who attends a
2 meeting described in subsection (a) shall report the attendance
3 and the matters presented at the appropriate subsequent
4 neighborhood board meeting."

5 SECTION 2. Section 92-7, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§92-7 Notice. (a) The board shall give written public
8 notice of any regular, special, or rescheduled meeting, or any
9 executive meeting when anticipated in advance. The notice shall
10 include an agenda [~~which~~] that lists all of the items to be
11 considered at the forthcoming meeting, the date, time, and place
12 of the meeting, and in the case of an executive meeting the
13 purpose shall be stated.

14 (b) The board shall file the notice in the office of the
15 lieutenant governor or the appropriate county clerk's office,
16 and in the board's office for public inspection, at least six
17 calendar days before the meeting. The notice shall also be
18 posted at the site of the meeting whenever feasible.

19 (c) If the written public notice is filed in the office of
20 the lieutenant governor or the appropriate county clerk's office
21 less than six calendar days before the meeting, the lieutenant
22 governor or the appropriate county clerk shall immediately



1 notify the chairperson of the board, or the director of the
2 department within which the board is established or placed, of
3 the tardy filing of the meeting notice. The meeting shall be
4 canceled as a matter of law, the chairperson or the director
5 shall ensure that a notice canceling the meeting is posted at
6 the place of the meeting, and no meeting shall be held.

7 (d) No board, other than neighborhood boards described in
8 subsection (f), shall change the agenda, once filed, by adding
9 items thereto without a two-thirds recorded vote of all members
10 to which the board is entitled; provided that no item shall be
11 added to the agenda if it is of reasonably major importance and
12 action thereon by the board will affect a significant number of
13 persons. Items of reasonably major importance not decided at a
14 scheduled meeting shall be considered only at a meeting
15 continued to a reasonable day and time.

16 (e) The board shall maintain a list of names and addresses
17 of persons who request notification of meetings and shall mail a
18 copy of the notice to such persons at their last recorded
19 address no later than the time the agenda is filed under
20 subsection (b).

21 (f) Neighborhood boards overseen by the neighborhood
22 commission of the city and county of Honolulu may:



1 (1) Designate in their agendas periods during which the
 2 board may receive public input on an issue not
 3 previously listed on the filed meeting notice. Any
 4 new matter raised during this period may be discussed
 5 and information on the matter may be received by the
 6 board, provided that the board does not engage in any
 7 decisionmaking relating to the matter until a later
 8 meeting when proper notice of the matter is given; and

9 (2) Discuss a major unanticipated event that is not the
 10 subject of a duly noticed neighborhood board meeting,
 11 and that occurs after public notice of the meeting has
 12 been issued but before the meeting is held, if timely
 13 action on the matter is necessary to protect the
 14 health, safety and welfare of the public in the same
 15 manner as if the board had held an emergency meeting
 16 pursuant to section 92-8."

17 SECTION 3. Section 92-15, Hawaii Revised Statutes, is
 18 amended to read as follows:

19 "~~§~~92-15~~§~~ Boards and commissions; quorum; number of
 20 votes necessary to validate acts. (a) Whenever the number of
 21 members necessary to constitute a quorum to do business, or the
 22 number of members necessary to validate any act, of any board or



1 commission of the State or of any political subdivision thereof,
2 is not specified in the law or ordinance creating the same or in
3 any other law or ordinance, a majority of all the members to
4 which the board or commission is entitled shall constitute a
5 quorum to do business, and the concurrence of a majority of all
6 the members to which the board or commission is entitled shall
7 be necessary to make any action of the board or commission
8 valid; provided that due notice shall have been given to all
9 members of the board or commission or a bona fide attempt shall
10 have been made to give the notice to all members to whom it was
11 reasonably practicable to give the notice. This section shall
12 not invalidate any act of any board or commission performed
13 prior to April 20, 1937, which, under the general law then in
14 effect, would otherwise be valid.

15 (b) A neighborhood board overseen by the neighborhood
16 commission of the city and county of Honolulu may receive
17 information or testimony on a matter of official board business
18 without a quorum, provided that the board does not take any
19 action on the issue in the absence of a quorum."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Neighborhood Boards; Public Meetings

Description:

Permits neighborhood board discussion on topics not listed on the meeting notice, but prohibits any action until proper notice may be given. Allows two or more neighborhood board members, but fewer than a majority, to attend outside meetings related to board business. Permits neighborhood board actions on unanticipated events.

