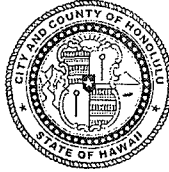


NEIGHBORHOOD COMMISSION OFFICE  
**CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 406 \* HONOLULU, HAWAII 96813  
PHONE (808) 768-3710 \* FAX (808) 768-3711 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)

MUFI HANNEMANN  
MAYOR



JOAN MANKE  
EXECUTIVE SECRETARY

February 1, 2008

Honorable Lorraine R. Inouye  
Chair, Senate Committee on Intergovernmental  
and Military Affairs  
Hawaii State Capitol, Room 201  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: H.B. 1512, H.D. 1, Relating to Public Meetings

Dear Chair Inouye and Committee Members:

As Executive Secretary of the Neighborhood Commission, I am pleased to provide testimony in support of H.B. 1512.

Since my tenure in this position began in January 2006, I have observed the importance of transparency in government and the importance of the sunshine law. I have also observed the impact the sunshine law has on the neighborhood board system, including the various interpretations of the sunshine law.

Please know that the administration of Mayor Mufi Hannemann very much supports the open government laws. We believe that no meetings should take place without quorum or the appropriate notice. However, may I take this opportunity to share with you how our neighborhood boards and residents are adversely impacted in various ways by the current sunshine law:

- 1) Most boards provide the community with the opportunity to express their concerns under the "Community Concerns" topic on their monthly agenda. There is no way to know beforehand what those concerns may be. HB 1512 would allow boards to receive input on issues not specifically noticed. The board would be able to ask questions to clarify the issue but could not discuss, deliberate or take action on the issue until the issue is properly noticed on a future agenda.
- 2) The current law does not allow more than two board members to attend meetings even within their community. Oftentimes these community meetings are scheduled at a time when forming a permitted interaction group at a noticed board meeting is not possible. This bill would allow more than two but less than quorum to be able to attend such meetings for informational purposes and fact finding, provided that the meeting is not specifically for the

Honorable Lorraine Inouye  
Page 2  
February 1, 2008

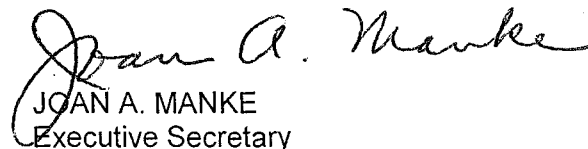
board and as long as there is no deliberation or commitment to vote on any issues outside a noticed board meeting.

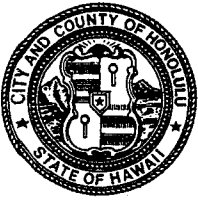
- 3) Because boards only meet monthly, there are times when an event will occur which will impact that board area but the agenda has already been noticed. HB 1512 would allow neighborhood boards to discuss and deliberate, only if timely action is necessary, on issues relating to public health, welfare, and safety. This can be accomplished with a two-thirds vote to add the item to the agenda.
- 4) The current law does not allow board members to receive information or testimony on a matter of official board business without a quorum, including public safety reports and reports by elected officials. Monthly reports made by the police and fire representatives, for example, are of great importance to board members and the community. H.B. 1512 will allow this information to be received without a quorum of board members present, provided that the board may not make any decisions on the information being reported.

The purpose of the Neighborhood Board System is to provide neighborhoods and neighborhood boards the opportunity to increase and assure effective citizen participation in the decisions of government. We need to provide our board members with the necessary tools for the timely collection of information, to do their homework, and to engage in factfinding so that they can be truly informed and fulfill their powers, duties and functions as advisors. This can be accomplished while conducting board business as openly as possible, fully understanding that no decision-making and/or deliberations may occur outside of a noticed meeting.

Mahalo for hearing H.B. 1512 and for the opportunity to provide testimony.

Sincerely,

  
JOAN A. MANKE  
Executive Secretary



## WAIKIKI NEIGHBORHOOD BOARD NO. 9

c/o NEIGHBORHOOD COMMISSION • CITY HALL, ROOM 400 • HONOLULU, HAWAII 96813

February 1, 2008

COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS  
The Twenty-Fourth Legislative Regular Session  
Senator Lorraine R. Inouye and Committee Members

Aloha Senator Inouye,

May the Waikiki Neighborhood Board add it's support to HB1512, HD1.

The current "Sunshine Law" has made the Neighborhood Board System less effective and your 1512 will allow us to participate in the issues that face the Neighborhood without violating the ordinance.

The Legislature wisely exempted certain provisions of the "Sunshine Law" from itself. Meeting only 60 days with thousands of issues would make it impossible to do any business if Agenda and Quorum issues were enforced. The Waikiki Neighborhood Board meets in open session for about 36-48 hours a year, by not allowing the WNB to have more than 2 members present at any meeting that addresses an issue that will be on our agenda severely limits our members ability to make logical and correct decisions on major issues.

Should a contractor propose a 350 foot mega million dollar project and correctly hold several public presentations of this project we the people who have 10 minutes to support or oppose it are not allowed to attend and ask questions. This is certainly not the intent of the law or of the Neighborhood Plan.

Your and the support of any committee members considering this change to the law will go far to support the ability of the Neighborhood Board System to support the communities it is designed to represent.

The Waikiki Neighborhood Board voted 10-0-0 in support of this measure on February 22, 2007.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Finley".

Robert J Finley  
Chair





February 1, 2008

**LATE TESTIMONY**

Testimony on HB 1512, HD1: Relating to Public Meetings

Madam Chairman and Members of the Committee:

Madam Chairman and members of the Committee. My name is Richard Oshiro and I am the Chairman of the Waipahu Neighborhood Board No. 22.


The Waipahu Neighborhood Board supports amendments to the Sunshine Law that will remove current restrictions that inhibit efficient functioning of the Neighborhood Boards. The Neighborhood Boards are advisory in nature and comprised of citizen volunteers. Current interpretation of the Sunshine Law provisions have had the effect of reducing citizen participation in government, therefore, the Waipahu Neighborhood Board supports amendments that will remove those restrictions. HB 1512, HD1 helps to address our concerns by removing those restrictions.

The neighborhood board system on Oahu is a grassroots mechanism that encourages citizen participation in government. Citizen volunteers run for office and advise the city administration on issues important to their communities. Transportation, crime, community development are a few of the many issues which come before the neighborhood boards for review and discussion.

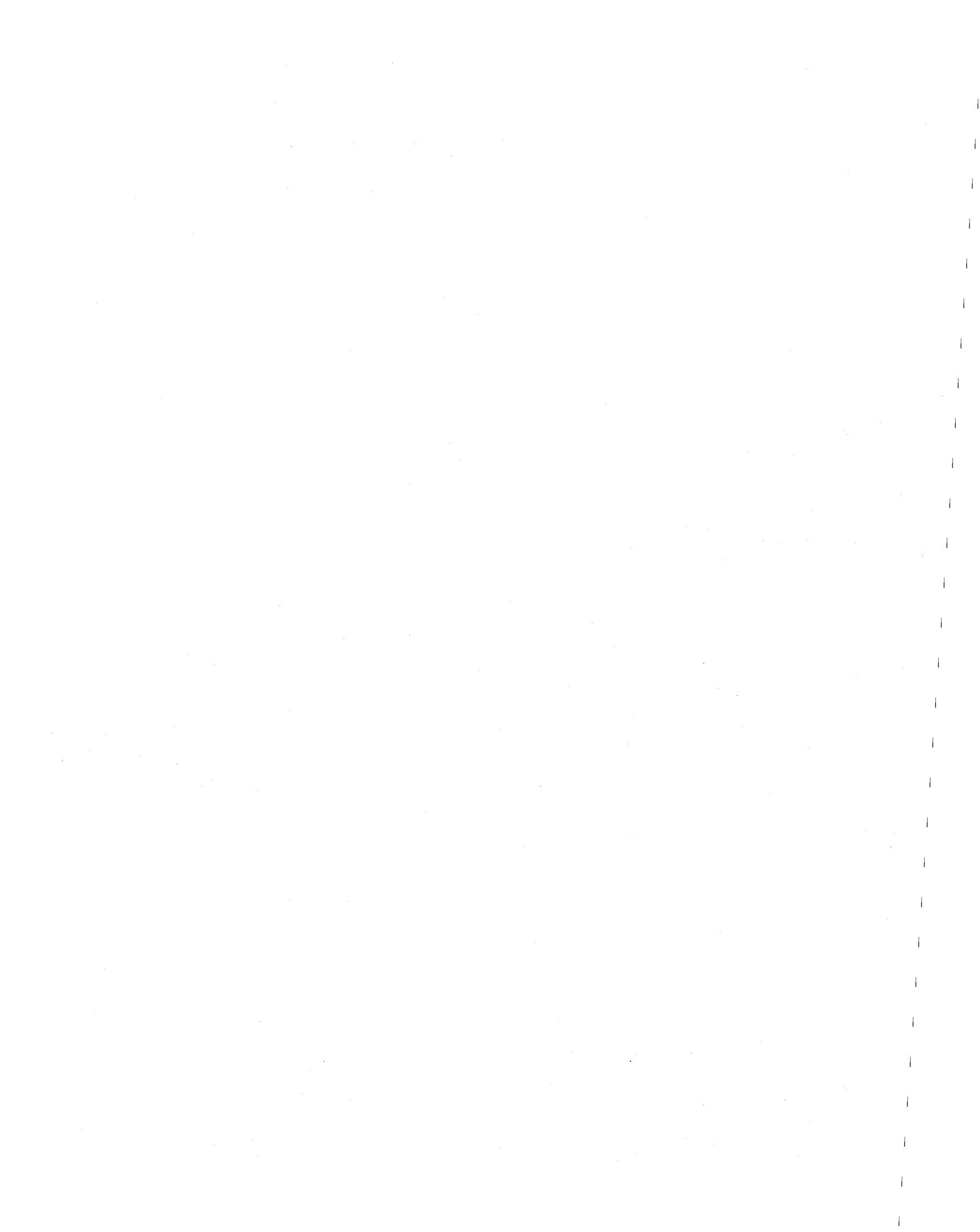
The purpose of the Sunshine Law is to open up the inner workings of government so that its deliberations will be open and transparent to the public. Over the years, the interpretation of this law has evolved to the point today that it has had the opposite effect of stifling the work of our neighborhood boards and and if left unamended, will discourage citizen participation in government in the long term.

Your favorable consideration and passage of HB 1512, HD1 is appreciated. Thank you for the opportunity to share our views.

Respectfully submitted,



Richard Oshiro, Chairman  
Waipahu Neighborhood Board No. 22





**MILILANI/ WAIPIO/ MELEMANU NEIGHBORHOOD BOARD NO. 25**

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813  
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET: <http://www.honolulu.gov>

**Testimony of  
DICK POIRIER, CHAIR  
MILILANI/WAIPIO/MELEMANU  
NEIGHBORHOOD BOARD NO. 25  
before the  
SENATE COMMITTEE ON INTERGOVERNMENTAL AND MILITARY  
AFFAIRS  
on  
HB 1512, HD1 – RELATING TO PUBLIC MEETINGS  
held at  
1:15 p.m.  
on  
February 1, 2008**

Chair Inouye and Members of the Committee,

On behalf of Neighborhood Board No. 25, I want to express our support for HB 1512, HD1 being heard by you today.

We have spent far too much time and energy in recent years on debating process and procedures, most of which do little to enhance the public's right to know or facilitate our Board's mission to advise and recommend on public sector matters of neighborhood concern.

HB 1512, HD1 will help in addressing the ongoing issues that have affected neighborhood boards either because of what we believe to be onerous or unnecessary provisions contained in the so-called "Sunshine Law," or by conflicting or untoward interpretations of these provisions by the Corporation Counsel and/or the State Office of Information Practices.

Thank you for the opportunity to testify.







LATE

TO: Senate Committee on Intergovernmental and Military Affairs (IGM)  
Senator Lorraine Inouye, Chair  
Senator Shan Tsutsui, Vice Chair  
Senator Fred Hemmings

FROM: Tom Heinrich Cell 551-4098  
2426 Armstrong Street  
Honolulu, Hawaii 96822-1932

DATE: February 1, 2008

RE: **House Bill 1512, HD1 Relating to Public Meetings**

TO BE HEARD: Friday February 1, 2008 1:15 PM Conference Room 229

I offer this testimony in support of House Bill 1512, HD1 in my individual capacity only and not as a member of the Manoa Neighborhood Board No. 7, as the board has not considered the substance of this bill.

HB 1512 addresses three issues that have caused considerable difficulties for the neighborhood boards of the City & County of Honolulu, which serve primarily as community forums and have no official authority in any governmental decision-making process.

On that basis, some of the limitations presently included in the "Sunshine Law", Hawaii Revised Statutes Chapter 92, are inappropriate and unnecessarily interfere with the neighborhood board members' ability to best serve their communities.

A separate issue, so far not yet legally challenged, is whether such limitations on neighborhood board members violates the First and Fourteenth Amendments of the United States Constitution (freedom of association; equal protection of the laws). No assertion is made concerning elected or appointed officials who in fact have authority to make decisions within an official governmental process. Neighborhood board members are **not** empowered to make decisions within any governmental process, and serve more in a commentary role than advisory role to any governmental process or public issue.

Other issues should be addressed in the context of HB 1512, and that work is best consolidated in the respective House and Senate Judiciary committees. (E.g., see SB 2936, SB 2201/HB 2730, SB 2371, HB 1968, HB 2950, SB 2295, SB 2023, SB 2609, SB 3105/HB 3183, and SB 2174/HB 2216.)

**I respectfully ask the Senate Committee on Intergovernmental and Military Affairs to pass HB 1512, with\* or without amendments, and move it forward to the Senate Committee on Judiciary and Labor for further consideration.**

\* An appropriate amendment would be to Section 3 as follows: This Act shall take effect [on January 1, 2112] upon its approval.

Thank you!

