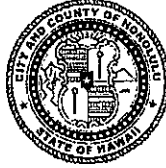


NEIGHBORHOOD COMMISSION OFFICE
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 408 * HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



JOAN MANKE
EXECUTIVE SECRETARY

March 25, 2008

Honorable Brian Taniguchi
Chair, Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

RE: HB 1512, HD1, SD1: Relating to Public Meetings; and
HB 2730, HD1, SD1: Relating to Legal Requirements for Neighborhood
Board Meetings

Dear Chair Taniguchi and Committee Members:

As Executive Secretary of the Neighborhood Commission, I am pleased to provide testimony in support of the abovenamed House Bills.

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 adverse impact the sunshine law has on the neighborhood board system, including its various interpretations.

Please know that the administration of Mayor Mufi Hannemann very much supports the open government laws. However, the effectiveness of the neighborhood system is compromised when our board members are not given the necessary tools to collect information on a timely basis, to do their homework, and to engage in factfinding so that they can be truly informed and fulfill their powers, duties and responsibilities as advisors.

There are specific ways in which this legislation will help to bring "common sense" into the neighborhood board system:

- 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. Therefore, boards should be able to receive input on issues not specifically noticed and be able to make decisions at a later meeting when the issue is properly noticed and discussed.
- 2) The current law does not allow more than two or less than a quorum number of board members to attend community meetings without first forming a permitted interaction

group (PIG). Oftentimes community meetings are scheduled at a time when it is not possible for form a PIG before the next board meeting or the agenda has already been filed. As a result, board members are prevented from attending community meetings to hear information firsthand and become informed. Given these circumstances, common sense should prevail and board members should be allowed to operate under the guise of a PIG, then place the subject matter on its next board agenda, provide the full board with a report, and ensure that any decision-making, if any, is made at a noticed meeting.

- 3) There are times when an unanticipated event will occur and the community has an urgent need to discuss issues relating to public health, welfare and safety. It is important that board members are able to add the subject matter to the agenda for discussion and/or timely action, if necessary.
- 4) The current law does not allow board members to receive information or testimony on a matter of official board business without a quorum present at its meeting. As a result, board and community members are denied the opportunity to hear reports by the police and fire representatives and other government agencies and organizations. This practice is unreasonable. Testimonies should be heard without a quorum, provided that the board may not make any decisions on the information being received until it is appropriately noticed and discussed.

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. This can be accomplished, while conducting board business as openly as possible, with the passage of HB 1512, HD1, SD1 and HB 2730, HD1, SD1.

Mahalo for the opportunity to provide testimony and I strongly urge adoption of these two pieces of legislation that will serve to benefit our elected neighborhood board members in their advisory role to our government leaders.

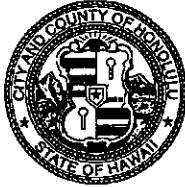
Sincerely,


JOAN A. MANKE
Executive Secretary

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

March 25, 2008

The Honorable Brian T. Taniguchi, Chair
and Members of the Committee on
Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

**Subject: House Bill 2730 HD1 SD1
Relating to Neighborhood Board Meetings**

The Department of Planning and Permitting **supports** House Bill 2730 HD1 SD1, which clarifies the actions of neighborhood boards and neighborhood board members. It addresses: actions that may be taken on issues arising from public input; which actions require a quorum; and which actions do not require a quorum. It also addresses board members participation at seminars and other community meetings.

This bill would remove unnecessary barriers that prevent key community leaders from participating in planning for their communities at public information meetings and workshops for the various City plans. Paradoxically, the Sunshine Law, as interpreted, keeps the members of the Neighborhood Boards on Oahu in the dark about what is going on in their communities by prohibiting them from attending any event that might involve discussion of something that could come before their Board.

For your information, all city land use and regional plans are submitted to the neighborhood boards for review and comment prior to submittal to the Planning Commission and City Council. These plans are developed with input from the public through meetings which are open to all other members of the community and are widely publicized. It is not only unfortunate that neighborhood board members are at a disadvantage by the restriction imposed by the current interpretation of the Sunshine law in that only two board members may attend such meetings and are not allowed to participate in discussions or raise questions at those meetings. This prohibition denies the City the benefit of the views and insights of members of the boards and limits the ability of the Board members to be fully briefed on the City's plans and proposals.

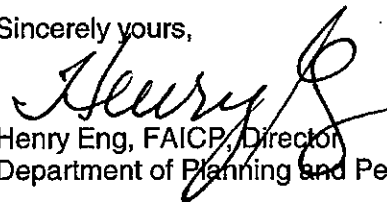
The Honorable Brian T. Taniguchi, Chair
and Members of the Committee on
Judiciary and Labor

The Senate
HB2730 HD1 SD1
March 25, 2008
Page 2

Further, we support the allowance to have the boards receive information even if there is no quorum. Many times, there are time-sensitive announcements that would be useful to both board members and any public representatives attending the meeting. By at least being able to receive this information, board members and members of the public who attended, as well as presenters have not wasted their time.

Please adopt either this bill, or House Bill 1512 HD1 SD1.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Henry Eng", written over a printed name and title.

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE: jmf
hb2730hd1sd1-kh.doc

March 25, 2008

Testimony on HB 2730, HD 1, SD 1

Mr. Chairman and Members of the Committee:

Mr. 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 2730, HD 1, SD 1 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 if left unamended, will discourage citizen participation in government in the long term.

Your favorable consideration and passage of HB 2730, HD 1, SD 1 is appreciated. Thank you for the opportunity to share our views.

Respectfully submitted,

Richard Oshiro, Chairman
Waipahu Neighborhood Board No. 22

537-7104 (B)
671-1040 (R)

testimony

From: Ron Mobley Roadrunner [ronmobley@hawaii.rr.com]
Sent: Monday, March 24, 2008 10:28 AM
To: testimony
Subject: HB 2730, HD1, SD1

To Judicial Committee hearing of 3/25/2008 at 9:45am

I am always amazed when we orally say one thing and then implement policies that say the complete opposite. Currently, we say the Neighborhood Boards exist to get inputs from our communities, and then we enact laws, and interpretation of laws that only impede that input. The Sunshine Laws, as now interpreted, does just that, and provisions are necessary to allow the Neighborhood Boards to be more effective.

HB 2730 is a move in the right direction in that it will allow items to be presented and openly discussed that were in a public announcement of a meeting even if a quorum does not exist. At present, many members may show up to learn about an agenda item and make their thoughts known only to be told they cannot do so because of the lack of quorum. This then not only wastes their time and effort to attend the meeting, but may also deprive them of their opportunity to make their thoughts known. To allow them to hear about the matter and discuss it at the time they are present is sensible and reasonable especially in that HB 2730 specifies that no vote or decision will happen without the required board quorum.

HB 2730 additionally expands the ability for Neighborhood Board members to attend public meetings on subjects that may later come before them at an official board meeting. It is vital that we permit our board members to learn as much as they can about items so that they make more informative decisions. Increasing the number of board members that can be present at such public meetings clearly enhances the process.

I ask for you to support this bill so that the Neighborhood Boards and community members may be even more informed and productive in the future.

Mahalo nui loa. Ron Mobley,
98-238 Paleo Way
Aiea, Hawaii 96701-2173
H/F (808) 487-8703 C (808) 223-9591
ronmobley@hawaii.rr.com

LATE



NEIGHBORHOOD COMMISSION

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March 25, 2008

The Honorable Brian Taniguchi
Chair, Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: H.B. 1512, H.D.1, S.D.1, Relating to Public Meetings
H.B. No. 2730, H.D.1, S.D. 1, Relating to Legal Requirements for Neighborhood Board Meetings

Dear Chair Taniguchi and Committee Members:

I am the Chair of the Neighborhood Commission (Commission) and we thank you for hearing these bills. The Commission strongly supports this bill and respectfully requests that the Committee pass both bills.

Both of these bills are very similar to S.B. No. 2201, S.D.1, which was passed by this Committee and crossed over to the House.¹

The Neighborhood board system was created in 1972 by the Honolulu City Charter Commission as a means for individual citizens to be heard effectively and to provide a better sense of connectedness between citizens and our government. Neighborhood Boards provide advice to government agencies and elected officials. The changes proposed in these bills are necessary for the Boards to carry out this mission.

Neighborhood Boards are subject to the sunshine law, a "one-size fits all" law, which has prevented Boards from carrying out their mission. For example under the current law, Boards cannot even receive reports from public safety officials and elected officials or discuss issues if a quorum is not present; Boards must either wait for a quorum or dismiss all attendees without hearing any reports or discussing any issues because there can be no "meeting" if a quorum is not present.

These bills authorize public input at noticed neighborhood board meetings and discussion but not decision-making on those issues; allows two or more neighborhood board members, but less than a quorum, to attend meetings relating to board business; and clarifies neighborhood board actions on unanticipated events. All of these provisions would allow citizens to be heard by the Boards and allow Boards to provide better advice to agencies and elected officials.

Thank you for the opportunity to testify on this bill.

Aloha,

Grant Tanimoto

¹ S.B. No. 2201, S.D. 1 was heard by the House Judiciary Committee on March 11, 2008 and that committee recommended that the bill be deferred.



LATE

Honorable Senator Bran T. Taniguchi,
Committee on Judiciary and Labor, Chair

Honorable Senator Clayton Hee
Committee on Judiciary and Labor, Vice Chair

**RE: HB 2730 HD1 SD1 – relating to Public Input, Neighborhood Board Notice
and Agenda, Unanticipated Event – IN SUPPORT**

Good Morning Chair Taniguchi, Vice Chair Hee
and Members of the Committee:

I am Daisy Murai, a resident and Community member of Kapahulu. I have attended Neighborhood Board meetings from several Districts that surround my Kapahulu Neighborhood, whenever I am able to attend. I support HB 2730 HD1 SD1, which address concerns Residents and Neighborhood Board members may have with projects within their community, which will heavily impact the Community, be discussed at the Board Meeting, after the agenda has been set. I support the portion relating to formation of a Permitted Interactive Group (better known as P.I.G.) to attend Public Meetings for informational purposes only by more than 2 board members, but less than a quorum. This group is only advisory and the public matter is not placed before the entire board for decision making, till the following meeting.

I also appreciate the additional clause of being able to bring up Unanticipated Events at the Neighborhood Board meeting – especially if the matter is urgent and for public safety, welfare and health. I do find it puzzling, that under points Number 3 & Number 4, that a County Attorney or Corporation Counsel would need to be present for comments and be recorded in the minutes of that meeting. Question: does this mean that a County Attorney or Corporation Counsel must be present at all Neighborhood Board Meetings. I would suggest, perhaps they make comments and a ruling after that meeting – while the Neighborhood Assistance works on the Minutes, as there will not be enough members to attend all 32 Neighborhood Board meetings.

I have submitted earlier testimony IN SUPPORT FOR HB 2730 and I urge the passing of HB 2730 HD1 SD1 with comments.

Thank you for the opportunity to speak.

Daisy Murai
3039 Kaunaoa Street
Honolulu, HI 96815
March 24, 2008

Date: March 25, 2008 (Tuesday)
Time: 9:45 am
Conference Room 016
FAX: 586-6659, Senate Sgt.-At-Arms

*total v
-phy
same time
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testimony

From: leiahi [leiahi@hawaii.rr.com]
Sent: Tuesday, March 25, 2008 12:00 AM
To: testimony
Subject: 3/24/08, HB 1512 and HB 2730; 9:45 AM

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

DATE: Tuesday, March 25, 2008
TIME: 9:45 a.m.
PLACE: Conference Room 016 State Capitol 415 South Beretania Street

Aloha Chair Senator Taniguchi, Vice Chair Senator Hee and Fellow Committee Members,

I urge you to vote affirmative on HB 1512 and HB 2730. We in the Neighborhood Board System need some safeguards to go to community meetings without being penalized for our support for community affairs. Surely we do this for no pay so we are not looking for monies. This is not a vocation for me not an avocation. I sometimes need to go to community meetings other than my Neighborhood Board meeting and feel prohibited by the Sunshine Law in it's current form. It is not uncommon for members of Neighborhood Boards, including myself, to spend time, resources, energy, etc. trying to figure out whom is going to a community meeting, if it will be on the agenda or for action of a vote, and if we will be breaking the Sunshine Law in it's current form.

If you vote affirmative for this current Bill it will afford us another opportunity to broaden our opportunities to participate in our democracy and thus provide for the public good without the prior hindrance which sometimes proves to be hardship.

I urge you to vote affirmative for HB 2730.

Mahalo for this opportunity to testify.

Linda Wong
Member, Diamond Head, Kapahulu, St. Louis Heights Neighborhood Board
3071 Pualei Circle
Honolulu, Hawaii 96815
923-7484