

## JUDtestimony

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**From:** Ian Lind [REDACTED]  
**Sent:** Tuesday, March 11, 2008 8:10 AM  
**To:** JUDtestimony  
**Subject:** Testimony on SB2201 SD1

**LATE TESTIMONY**

Testimony in opposition to SB 2201 SD1  
RELATING TO LEGAL REQUIREMENTS FOR NEIGHBORHOOD BOARD MEETINGS.

House Committee on Judiciary  
Rep. Tommy Waters, Chair

Tuesday, March 11, 2008  
2:00 p.m.

Submitted by Ian Lind  
Kaaawa, Hawaii  
[REDACTED]

Thank you for this opportunity to submit testimony in opposition to Senate Bill 2201 SD1.

I have a long standing interest in the Sunshine Law as a tool for encouraging and promoting public participation in our democracy.

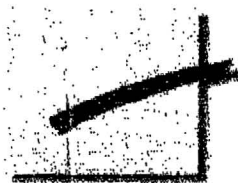
Generally, it is a very bad idea to create separate provisions for one particular type of public agency. This will undoubtedly create a cascading effect as various other agencies attempt to assert their supposedly unique needs by carving out exceptions to the general sunshine law requirements. The result will be an unnecessary fragmentation of the law which will end up substantially eroding the public's right to know.

Although the idea of allowing general discussion of issues that aren't on the agenda sounds appealing, it would allow special interests to target testimony on controversial issues without any advance notice, allowing an unfair advantage over potential opponents.

The whole idea of requiring a published agenda prior to a public meeting is to provide members of the public a chance to see what will be discussed and decide whether they want or need to be present. The proposed exception for testimony regarding matters not on the agenda would undermine a fundamental intent of the law.

Finally, the existing exception that provides for emergency meetings has been sufficient to allow agencies to address emergency situations involving threats to life and public order. There is simply no reasonable need for the neighborhood boards, which operate in advisory capacity, to be seeking an even broader exemption.

In sum, this is a bill that is not in the public interest and should be shelved.



# THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON SB 2201, SD1, RELATING TO LEGAL REQUIREMENTS FOR  
NEIGHBORHOOD BOARD MEETINGS

Committee on Judiciary  
Rep. Tommy Waters, Chair  
Rep. Blake K. Oshiro, Vice Chair  
Tuesday, March 11, 2008, 2:00 p.m.  
Conference Room 325

**LATE TESTIMONY**

Testifier: Jean Aoki

Chair Waters, Vice Chair Oshiro, members of the Committee on Judiciary,

The League of Women Voters of Hawaii cannot support SB 2201 in its present form.

When we testified before the Senate Committee on Judiciary and Labor, we were very pleased to have them adopt several amendments we proposed to tighten the language in regards to the provisions that deal with the public input segment of the meetings, activities allowed when a quorum is not present, and deliberations and action taken on unanticipated events that occur after the agenda is made public.

The part that we object to is Chapter 92-B, **permitted interactions of neighborhood members**, which would allow two or more members of a neighborhood board, but less than the number of members necessary to constitute a quorum for the board to attend informational meetings or presentations on matters relating to official board business, including meetings of another entity, seminars, and community meetings; provided that the presentation is not specifically and exclusively organized for or directed toward members of the board. It goes on to allow NB members to participate in discussions including discussions among themselves, provided that the discussions occur during and as part of the informational meeting or presentation, and no commitment to vote is made or sought. It also provides that the board members shall report their attendance and the matters presented and discussed.

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We know the importance of full discussions on matters before the boards at their duly scheduled meetings. There, the public should hear all of the information pertinent to the bills under consideration, the answers to questions board members might have which probably reflect the questions the public has, and all of the pros and cons. Prior discussions held **outside the board meetings** tend to abbreviate the deliberative process because the members have gotten answers as to facts and their reservations on the bills and have heard all of the supportive and opposing statements.

Once having made a convincing argument before a group constituting less than a quorum, what is to prevent this board member from meeting with another group of board members with the **same argument**, and having done so sees no need to repeat the same at the board meeting.

The bar set to prevent decision making behind closed doors is tenuous at best. How many ways can you think of that indicates consensus among a group discussing a certain issue, without using words like "Are we agreed?" , or nods indicating agreement after someone says, "I oppose this bill."

We urge you to delete Section 92-B, Permitted interactions of neighborhood board members, from this bill.

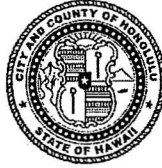
We want to emphasize our **strong support** for the Neighborhood Board system from its inception as a way of encouraging citizen participation in the political process and as a way of promoting group decisions in solving neighborhood problems and fostering pride in their communities. The neighborhood boards empower citizens and have found its niche in promoting democracy.

We should not be doing anything that raises distrust in this valuable institution. Thank you for this opportunity to testify on this bill.

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

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MUFI HANNEMANN  
MAYOR



JOAN MANKE  
EXECUTIVE SECRETARY

March 11, 2008

Honorable Tommy Waters  
Chair, House Judiciary Committee  
Hawaii State Capitol, Room 302  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: S.B. 2201, S.D. 1, Relating to Legal Requirements for  
Neighborhood Board Meetings

Dear Chair Waters and Committee Members:

As Executive Secretary of the Neighborhood Commission, I am pleased to provide testimony in support of S.B. 2001.

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. The sunshine law, however, adversely impacts the effectiveness of the neighborhood system and there is a need to bring "common sense" into the current law while conducting board meetings as openly as possible.

- 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. S.B. 2201 would allow boards to receive input on issues not specifically noticed. The board may make decisions on these matters only at a later meeting when the issue is properly noticed.
- 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 and organized for board members. Board members shall present a report of their attendance and matters discussed at their next noticed meeting.

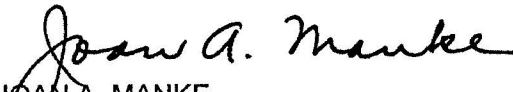
Honorable Tommy Waters  
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- 3) Because boards only meet monthly, there are times when an event will occur which will impact that board area but the agenda has already been noticed and time does not allow for calling an emergency special meeting. S.B. 2201 would provide neighborhood boards the opportunity to discuss and deliberate, only if timely action is necessary, on issues relating to public health, welfare, and safety.
- 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. S.B. 2201 will allow this information and testimony to be received without a quorum, provided that the board shall not make a decision on the issue and presentations may be presented again at a later meeting.

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 responsibilities as advisors. This can be accomplished while conducting board business as openly as possible, fully understanding that no decision-making may occur outside of the parameters set forth in S.B. 2201.

Mahalo for the opportunity to provide testimony and I strongly urge adoption of this legislation.

Sincerely,

  
JOAN A. MANKE  
Executive Secretary