

SB 420

RELATING TO NEIGHBORHOOD BOARDS

Amends the definition of "board" to exclude neighborhood boards.

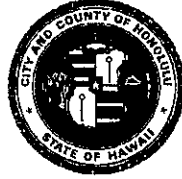
PSM, JDL

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

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KIRK CALDWELL
MAYOR

NICOLE A. VELASCO
EXECUTIVE SECRETARY



TESTIMONY OF NICOLE VELASCO,
EXECUTIVE SECRETARY OF THE NEIGHBORHOOD COMMISSION,

TO THE SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

THE TWENTY-EIGHTH
LEGISLATURE REGULAR SESSION
OF 2015

Tuesday, February 17, 2015
1:05 P.M., Room 229
Hawaii State Capitol

Testimony on S.B. No. 420, RELATING TO NEIGHBORHOOD BOARDS

Dear Chair Espero, Vice Chair Baker, and Members of the Committee:

I am Nicole Velasco, Executive Secretary of the Neighborhood Commission, writing in SUPPORT of S.B. No. 420 that amends the definition of "board" to exclude neighborhood boards.

The intent of S.B. No. 420 is to exempt the neighborhood boards from the Sunshine Law, thus removing attendance restrictions to allow all board members to attend a public meeting or informational event. At present, the Sunshine Law currently restricts to less than a quorum the attendance of neighborhood board members at meetings and events including but not limited to a district town hall, a City Council meeting, and an event designed to inform community stakeholders.

Exemption from the Sunshine Law does not mean that the neighborhood boards will be devoid of internal controls for transparency. The Neighborhood Plan—the governing policy of the neighborhood board system—already contains various elements that emulate the Sunshine Law. Later this month, the Neighborhood Commission will review for approval

various amendments to the Neighborhood Plan that incorporate additional components of the Sunshine Law to ensure that open meetings, notification, and public participation are preserved at the board level. Such amendments to the Neighborhood Plan would have the added benefit of allowing the Neighborhood Commission, which serves in a quasi-judicial role, to take action to remedy a situation when a board violates these transparency rules.

This measure is the result of consistent and widespread complaints regarding the inability of neighborhood board members to attend informational events due to the effects of the Sunshine Law on neighborhood boards, which remain purely advisory in nature and are disallowed from taking any legislative action. Despite the mission and participatory nature of the Neighborhood Board system, current state law still excludes many board members who would like to attend and participate in informational meetings and events.

S.B. No. 420 will bolster participation of neighborhood board members at a time when civic engagement matters most.

Thank you for your consideration and this opportunity to testify.

From: Sylvia Young <grammisylvia@gmail.com>
Sent: Monday, February 16, 2015 12:30 PM
To: PSMTestimony
Subject: Testimony on S.B. 419 and S.B. 420 Relating to Neighborhood Boards

Dear Chair Espero:

I am Sylvia Young, Chair of the Neighborhood Commission. The Neighborhood Commission is unable to provide an official testimony regarding these proposals by the City Administration due to the fact that we were not notified prior to our last duly convened meeting on January 26, 2015. It will be an agenda item for discussion for our February 23, 2015 meeting. The Neighborhood Commission is on the final stage of amending the Neighborhood Plan and these proposals to amend the State's Sunshine Law are not related or being considered in any of the Neighborhood Plan amendments.

As an individual, I strongly suggest that these proposals be deferred as many of the Neighborhood Boards that meet in the latter part of the month will not be able to address this matter at an duly convene meeting before your hearing.

If you should have any questions you can contact me at 808 292-7834.

Thank you.

Sent from my iPad



P.O. Box 3141
Honolulu, HI 96802
Feb. 17, 2015

Senate Public Safety, Intergovernmental and Military Affairs Committee
State Capitol
Honolulu, HI

Senate Bill 420

Chairman Will Espero and Committee Members:

Please file SB 420.

Neighborhood boards should not be exempted from the Sunshine Law. This bill would allow neighborhood boards to do what they want, including holding secret meetings.

These boards deal with everyday issues faced by residents, and openness is important.

Thank you for your time and attention.

Sincerely,

Stirling Morita
President
Hawaii Chapter SPJ

THE CIVIL BEAT
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Senate Committee on Public Safety, Intergovernmental and Military Affairs
Honorable Will Espero, Chair
Honorable Rosalyn H. Baker, Vice Chair

RE: Testimony Opposing S.B. 420, Relating to Neighborhood Boards
Hearing: February 17, 2015 at 1:05 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony on S.B. 420. The Law Center opposes this bill.

Neighborhood boards are the most basic building block for government decisions, and the easiest forum for members of the general public to become involved in the policy making process.

Consider these Sunshine violations by neighborhood boards in the last five years:

- Board let developer make presentation, then adjourned without permitting any member of the public to testify, OIP S Memo. 13-6.
- Board refused to permit testimony at some meetings and discriminated in applying testimony limits at other meetings, giving preferential treatment to some testifiers, OIP S Memo. 12-13.
- Board members deliberated on board matters by e-mail, OIP S Memo. 12-12, OIP S Memo. 11-10.
- Board committee failed to prepare any minutes, OIP S Memo. 10-1.

The public is entitled to the fundamental protections provided by the Sunshine Law to preserve the right to observe and participate in decision-making by their local neighborhood boards.

Thank you again for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 9:25 AM
To: PSMTestimony
Cc: psnerney@yahoo.com
Subject: Submitted testimony for SB420 on Feb 17, 2015 13:05PM

SB420

Submitted on: 2/16/2015

Testimony for PSM on Feb 17, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Nerney	Individual	Support	No

Comments: I SUPPORT SB 420 and favor the position of the Neighborhood Commission Office. This testimony is submitted individually. It is not the testimony of NB12, which I chair.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 9:59 AM
To: PSMTestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for SB420 on Feb 17, 2015 13:05PM

SB420

Submitted on: 2/16/2015

Testimony for PSM on Feb 17, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Oppose	No

Comments: No! No! No! What shibai. Openness should begin at the grass roots level, i.e., neighborhood boards. This is a disgrace. Executive Secretary Velasco in her written testimony claims that the Neighborhood Commission will review for approval various amendments to the Neighborhood Plan that incorporate additional components of the Sunshine Law. There is no guarantee that approval will take place. After the Commission votes, corp counsel will have to review, and the Mayor will have to sign any amendments. It is not a fait accompli. This is her spin in an attempt to weaken the transparency of the boards, and she and the Mayor should be ashamed of themselves. The sunshine law exists for the benefit of the public, not to make things easy for board and commission members. These people should be held to a higher standard. The legislature several years ago made some carve outs to the sunshine law, and those are sufficient. Now the City wants the Neighborhood Boards exempt from the law. No! Grass roots civic engagement is paramount for the public to be heard. It is at the grass roots level that the law needs to be more stringent, not watered down as Mayor Caldwell wants. As a long-time neighborhood board member I am appalled by this proposal. Former Mayor Jeremy Harris created the vision teams as a way to circumvent the boards because the boards would not do his bidding. Senate President Kim and others back then went to the Office of Information Practices which ruled that the vision teams were subject to the sunshine law, and the vision teams died a well deserved death. At the meeting with OIP, Mayor Harris packed the room with his appointees. I brought that to OIP's attention, and it was made more clear when they were asked to raise their hands. Please defer and do not take any action. Long standing boards and commissions, with legal representation at their meetings, often violate the sunshine law, and the attorneys say nothing unless an audience member challenges them. Some of these groups do it time and time again, even after having been cited by OIP. Go back through the records. You will particularly note the Honolulu Liquor Commission and UH Board of Regents. They want life easy too. They don't want everyone who wants to testify to testify. They want shorter meetings. Well, if they can't stand the heat in the kitchen, they should get out. Others will be willing to take their place. But, the Neighborhood Boards need to be subject to the sunshine law. Please defer this ill advised bill. Lynne Matusow 60 N. Beretania, #1804 Honolulu, HI 96817 531-4260

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 11:37 AM
To: PSMTestimony
Cc: czahn@hawaii.rr.com
Subject: Submitted testimony for SB420 on Feb 17, 2015 13:05PM

SB420

Submitted on: 2/16/2015

Testimony for PSM on Feb 17, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Zahn	Individual	Oppose	No

Comments: Strongly Oppose.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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