



SB2058 SD1
RELATING TO NEIGHBORHOOD BOARDS
Senate Committee on Judiciary

February 28, 2024

10:00 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2058 SD1**, which defines a community outreach board serve in a community advisory compacity under a county department and meet provisions of the sunshine law that relate to neighborhood boards.

OHA believes that community outreach boards will give even greater accessibility, transparency and engagement for Hawai‘i residents, but especially Native Hawaiians that live in rural communities. Community outreach boards can be used to advance policies, programs, and practices that strengthen rural communities’ capabilities to pursue multiple pathways toward economic stability and self-determination. This measure allows for an additional mechanism for effective collaboration between county government and specific communities through outreach strategies for a greater understanding of local and community concerns.

As reported by the Census, most Native Hawaiians live in rural locations. According to OHA’s “Native Hawaiian Data Book” which uses 2010 Census data, the communities with the greatest Native Hawaiian representations are Waimānalo, O‘ahu (81.3%); Kualapu‘u, Moloka‘i (71.9%); Nānākuli, O‘ahu (71.5%); ‘Ualapu‘e, Moloka‘i (70.6%); Maunaloa, Moloka‘i (67.3%) and Hāna, Maui (65.9%). Rural communities like those noted face challenges with restricted access to resources and infrastructure. These community outreach boards can serve as an additional mode for county governments and residents to build pilina and communication. We are specifically interested in the way Native Hawaiians can engage in these community outreach boards and look forward to supporting kānaka maoli in joining and serving on these boards. We support the amendments made to the SD1 to provide clarity.

OHA appreciates the opportunity to testify on SB2058 SD1 and urges the Committee to **PASS SB2058 SD1**. Mahalo nui for the opportunity to testify on this important issue.

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: February 28, 2024, 10:00 a.m.
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 2058, S.D. 1
Relating to Neighborhood Boards

Thank you for the opportunity to submit testimony on this bill, which would define community outreach boards within part I of chapter 92 (Part I), the Sunshine Law, and would include them in the provisions of part VII of chapter 92 (Part VII), which is titled “Neighborhood Boards” and provides neighborhood boards with limited exceptions to the Sunshine Law’s usual requirements. The Office of Information Practices (OIP) offers **comments and recommends an amendment.**

Based on the purpose section, it appears the intent of this measure is to include community outreach boards in the Sunshine Law and also allow them to use the limited exceptions to the Sunshine Law that are provided for neighborhood boards in a separate part of chapter 92 specific to neighborhood boards. However, **this measure does not accomplish the bill’s intent, perhaps because it fails to distinguish between Part I (the Sunshine Law) and Part VII (Neighborhood Boards) of chapter 92.**

To begin with, this measure would add a definition of “community outreach board” to section 92-2, HRS, which lists definitions of words “as used in this part,” *i.e.* as used in Part I, the Sunshine Law. But Part I does not refer to “community

outreach boards” at any point, being instead focused on “boards” as defined in section 92-2, and this measure would not add any references to “community outreach boards” to Part I. Instead, it would add all references to “community outreach boards” to Part VII, in which the term is not defined. In other words, **the bill would define “community outreach boards” for the purpose of Part I, which does not use the term “community outreach boards,” but would not define “community outreach boards” for the purpose of Part VII, which (as amended) would use the term “community outreach boards.”**

Neighborhood boards are already included in the Sunshine Law’s provisions because they meet the Sunshine Law definition of a board. Thus, the provisions in Part VII do not have the effect of making neighborhood boards subject to the Sunshine Law, but instead have the effect of giving neighborhood boards some limited partial exceptions to the Sunshine Law to allow them more flexibility in responding to community concerns.

Similarly, if the community outreach boards addressed in this bill meet the definition of a board in the Sunshine Law, as is likely from their description, then they are already subject to the Sunshine Law and including them in the neighborhood board provisions of Part VII will ensure they, too, can use those limited exceptions. If the community outreach boards did not already meet the definition of a board in the Sunshine Law, then adding a definition of “community outreach board” to the Sunshine Law without using the term anywhere else in the Sunshine Law would not cause the community outreach boards to be subject to the Sunshine Law’s requirements for holding public meetings, posting notice, accepting testimony, keeping minutes, and so on.

Assuming that the community outreach boards do meet the Sunshine Law definition of a board, as the new definition suggests they do (it

describes them as a particular type of “board”), **OIP recommends that the new definition of community outreach board be added to Part VII, where they could use the neighborhood boards’ limited exceptions to the Sunshine Law, instead of to Part I, which does not include the neighborhood boards’ limited exceptions or refer to community outreach boards.** This could be done by adding a new definitions section to Part VII that includes the proposed definition of “community outreach board.” The following language would do that:

“Part VII of chapter 92, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§ 92- Definitions. As used in this part:

“Community outreach board” means a board established to serve in a community advisory capacity under a county commission or a county department.””

Thank you for considering OIP’s testimony.

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director

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KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

February 21, 2024

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary
Hawai'i State Capitol, Conference Room 016
415 South Beretania Street
Honolulu, HI 96813

RE: SB 2058, Relating to Neighborhood Boards

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

At the meeting of the Kona Community Development Plan (CDP) Action Committee held on February 6, 2024 at the West Hawai'i Civic Center, the Action Committee voted unanimously (with five of its eight members present) to endorse as its own statement a letter in support of SB 2058. Attached is the letter submitted, Communication Number 2024-11.

Sincerely,



[Charles Young \(Feb 22, 2024 08:34 HST\)](#)

Charles Young, Chair
Kona CDP Action Committee

During the February meeting of the Kona Community Development Plan (CDP) Action Committee, the members voted to support the passage of SB 2058, the bill introduced by Senator Dru Kanuha.

Since the creation of the program, the County of Hawai'i's advisory CDP Action Committees have had to convene our meetings under the strict regulatory Sunshine Law rules that are required of decision-making bodies such as the County Council.

SB 2058 proposes to make minor technical improvements to Chapter 92.81 HRS of the State Sunshine Law. The addition of a new generic definition for community outreach board to §92-2 would apply to (existing or future) similar boards or committees in other counties. This language would allow our CDP Action Committees to operate under the Sunshine Law Chapter 92.81 HRS, the section of the Sunshine Law that applies to Neighborhood Boards.

The Kona CDP Action Committee believes the passage of SB 2058 will greatly increase the ability of all of Hawai'i County's CDP Action Committees to better serve our communities and encourage public participation in local government.

Mahalo,



[Charles Young \(Feb 22, 2024 08:34 HST\)](#)

Charles Young, Chair
Kona CDP Action Committee



Senate Committee on Judiciary
Honorable Karl Rhoads, Chair
Honorable Mike Gabbard, Vice Chair

RE: Testimony in Support of S.B. 2058 S.D. 1, Relating to Neighborhood Boards

Hearing: February 28, 2024 at 10:00 a.m.

Dear Chairs and Members of the Committees:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony **in support of S.B. 2058 S.D. 1**.

S.B. 2058 S.D. 1 amends part VII of chapter 92, Hawai`i Revised Statutes, to allow neighborhoods and communities across the State to enjoy the benefits of “community outreach boards” that are similar in operation and subject to the same requirements as neighborhood boards. We very much support the intent to increase opportunities for public participation in government – which, in turn, helps build public trust in government.

This Committee may wish to provide a process or framework for the creation of a community outreach board and parameters or guidance on board composition.

Thank you again for the opportunity to testify in support of S.B. 2058 S.D. 1.



February 23, 2024

The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

RE: SB 2058 SD1, Relating to Neighborhood Boards – Please SUPPORT

Dear Chair Rhoads and Committee Members:

Please support SB 2058 SD1. This bill expands the privileges given to the City and County of Honolulu Neighborhood Boards to similar advisory boards or committees on the outer islands.

I have recently finished my tenure serving on the all-volunteer advisory Kona Community Development Plan Action Committee. I served for nine years without missing a single meeting, I consider my advocacy for the KCDP Kona Open Space Network as a great test of perseverance and test of being able to hold hands with many different stakeholders.

I have read through the testimony that the Legislature received in 2008 that resulted in the creation of Sunshine Law Section 92.81 (which currently only applies to Honolulu Neighborhood Boards). The issues that we on the outer islands advisory committees and boards face are almost identical to those issues faced by the Honolulu Neighborhood Boards prior to 2008.

For example, the current law does not allow more than two or less than a quorum number of board members to attend a community interest meeting without first forming a permitted interaction group (PIG). Oftentimes community interest meetings are scheduled at a time when it is not possible to form a PIG before the community interest meeting. As a result, board members are prevented from attending the community interest meeting for fear of violating the Sunshine Law. The Sunshine Law has done the opposite of promoting true grassroots community engagement.

Please help us to fix this now. Support SB 2058 SD1.

Aloha,

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Kona Community Development Plan Action Committee Member 2014-2023



Nancy Pisicchio

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February 25, 2024

The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

RE: SB 2058 SD1, Relating to Neighborhood Boards

Dear Chair Rhoads and Committee Members:

As a member of the Kona Community Development Plan Action Committee, I am writing to offer strong support for SB 2058 SD1.

This bill corrects a technical problem in Section 92.81 hrs. the section of the state Sunshine Law [PART VII.] specifically related to neighborhood boards. Although the 2008 amendment to chapter 92 of the Hawaii Revised Statutes, was intended to benefit all counties, the term “neighborhood board” actually refers only to a program adopted in the City and County of Honolulu. Therefore, SB 2058 SD1 updates Section 92.81 hrs. by defining “community outreach boards”. This generic definition will serve to accommodate the intended state-wide applicability to other similar advisory community outreach boards and committees established in other counties such as the Community Development Plan Action Committees (CDP ACs) in the County of Hawaii.

The County of Hawaii’s Community Development Plan Action Committee program was adopted in 2008 by the County Code and is overseen by the Department of Planning. Similar to the Neighborhood Board program in the City and County of Honolulu, these advisory committees have been established in six Districts around Hawaii Island to serve to build partnerships and increase communication between citizens and our government. However, since the creation of our program, the County of Hawaii’s advisory CDP ACs have had to convene our meetings under the strict Sunshine Law rules required of regulatory decision-making bodies such as the County Council. For example, in December Kona CDP AC had a meeting agendized, with staff driving over from Hilo to Kona to give presentations. And members of the public showed up to listen and participate. However, a Committee Member became ill and could not make the meeting, so we failed to have a quorum. Therefore, the meeting had to be shut down without hearing the presentations or listening to public testimony and everyone was sent home.

The changes proposed in SB 2058 SD1 will vastly increase our ability to carry out our mission to facilitate grassroots citizen participation and build collaboration with local government.

Thank you for your consideration.

Respectively,

Nancy Pisicchio

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February 26, 2024

Senate Bill 2058, S.D. 1

Senator Karl Rhoads
Chairman, Judiciary Committee
Hawaii State Legislature

Dear Chairman Rhoads and
Members of the Committee:

I am writing **IN SUPPORT** of **Senate Bill 2058, S.D. 1**, which addresses a situation where public participation in government affairs is strongly encouraged, but at the same time is nonetheless hindered by procedural rules that force County advisory committees and bodies to comply with rigid rules under Chapter 92, HRS. This unintended consequence actually interferes with the work of such committees and bodies and prevent them from providing the valuable assistance to their respective county leaders that they are expected to provide.

These advisory committees and bodies support the decision-making process of their respective departments by providing valuable information that community leaders are in a unique position to provide. The unintended consequence that has arisen is that procedural matters like quorum requirements and member interaction restrictions actually hinder the ability of these advisory committees and bodies to effectively assist their respective departments.

Senate Bill 2058, S.D. 1 will allow these advisory committees and bodies to focus on the merits of the subjects that they are being asked to study, rather than to focus on procedural matters like quorum and member interaction. Please vote **IN FAVOR** of this important measure. Thank you.

Yours truly,



Michael J. Matsukawa

SB-2058-SD-1

Submitted on: 2/26/2024 5:28:27 PM

Testimony for JDC on 2/28/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John Pelletier	Individual	Support	Written Testimony Only

Comments:

Aloha nui kākou,

The passage of S.B. 2058 marks a significant development for Hawaii's County of Hawaii's Community Development Plan Action Committees. These committees will now be able to conduct their meetings under Part VII, section 92.81 of the State Sunshine Law. Previously, despite the existence of similar advisory boards and committees in other counties, the term "neighborhood board" lacked a clear definition in state law, primarily referencing the program in the City and County of Honolulu. This discrepancy inadvertently excluded committees like the Community Development Plan Action Committees in the County of Hawaii. S.B. 2058 addresses this issue by amending Part I and Part VII of section 92.81 HRS, providing a more inclusive framework that encompasses these outreach boards within the provisions of the Sunshine Law.

Originally introduced in 2008, Part VII of chapter 92, HRS, aimed to increase flexibility in community interaction for advisory Neighborhood Boards, primarily established in Honolulu. However, the lack of a precise definition for "neighborhood board" led to oversight regarding similar committees in other counties. With the enactment of S.B. 2058, a broader category termed "outreach board" is defined, encompassing various advisory community outreach bodies. This legislative amendment seeks to rectify long-standing disparities by extending the provisions of the Sunshine Law to include "community outreach boards," such as the Community Development Plan Action Committees in the County of Hawaii, ensuring equitable treatment across counties in Hawaii.