

# OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary

From: Carlotta Amerino, Director

Date: February 20, 2025, 10:01 a.m.  
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 405, S.D. 1  
Relating to Neighborhood Board Meetings

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Thank you for the opportunity to submit testimony on this bill, which would expand a partial Sunshine Law exception for neighborhood boards to allow them to discuss topics not on their meeting agenda but raised in a government official's presentation, in addition to the exemption's current authorization to discuss topics not on the agenda but raised in public comments. The Office of Information Practices (OIP) offers **comments**.

OIP has jurisdiction over the Sunshine Law, found at part I of chapter 92, HRS. Section 92-81, HRS, which this bill amends, is not part of the Sunshine Law as it is found in part VII of chapter 92 which applies to neighborhood boards exclusively. However, section 92-81, HRS, comes before OIP from time to time because it is a partial Sunshine Law exception and relevant to Sunshine Law disputes involving neighborhood boards.

Sunshine Law boards generally are required to list on their meeting agendas every topic they will consider at their meetings in sufficient detail to allow the public to understand what they will be talking about well enough to decide whether to attend and testify. Under the partial exception in section 92-81, HRS,

neighborhood board members can currently talk about issues raised in public comments even though those topics were not listed on the agenda, so long as they refrain from making any decision until a later meeting where the topic is on the agenda. For scheduled presentations by government officials, though, neighborhood boards still need to ask those officials in advance for their planned topics, and list them on the agenda, for members to be able to ask detailed questions about and otherwise discuss those topics without violating the Sunshine Law's public notice requirement. If a board does not list a topic on its agenda, the fact that it was raised by a government presenter does not currently justify the board in discussing it, since doing so would violate the Sunshine Law's requirement to list all topics considered at a meeting on the meeting agenda.

OIP is aware that rather than asking government officials and other presenters in advance what topics they will speak on and listing those topics on the meeting agenda (thus notifying the public), neighborhood boards prefer to wait until the meeting to hear what issues government officials raise and then ask them questions. While this provides neighborhood boards with greater flexibility to respond to new issues raised at a meeting and makes it unnecessary for them to do the advance work of asking presenters for topics, it has the downside of leaving the public with no notice of the topics discussed by the board during much of the meeting. Given the unique role played by the neighborhood boards, OIP believes it is a policy matter for the Legislature to decide whether it is worth sacrificing the usual requirement for advance public notice of topics to allow neighborhood boards more flexibility to act as an open forum during which government officials can spontaneously raise issues that the neighborhood board members can thoroughly discuss, including asking substantive questions of the presenter. Thank you for considering OIP's testimony.

**SB-405-SD-1**

Submitted on: 2/18/2025 6:30:17 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Amanda Ybanez	Testifying for Kalihi Palama NB # 15	Support	Written Testimony Only

Comments:

In support

**SB-405-SD-1**

Submitted on: 2/18/2025 7:13:21 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jillian Anderson	Testifying for Waikiki Neighborhood Board	Support	Written Testimony Only

Comments:

**WAIKIKI NEIGHBORHOOD BOARD**

*LEGISLATIVE PERMITTED INTERACTION GROUP*

The Waikiki Neighborhood Board stands in **support** of SB405 SD1.

At their core, neighborhood board meetings serve as a forum for the public and board members alike to receive timely and valuable information, with this in large part coming from government officials. This measure allows for this goal to be more greatly achieved by permitting reports to be made by government officials despite the lack of inclusion on a publicly noticed agenda. In the interest of balancing practicality with transparency, the Waikiki Neighborhood Board supports maintaining that decisions on matters raised by these reports be made at a later meeting where an agenda provides for public notice on the matter.

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa  
808-395-3233

HEARING: 10:01 a.m. Thursday, February 20, 2025

SUBJECT: SB405, SD1, Neighborhood Board Meetings - **OPPOSED**

Aloha Chair Rhoads and Committee Members,

Thank you for this opportunity to provide testimony on SB405, SD1, which would allow neighborhood boards to discuss issues raised in third-party reports by government officials without detailing those issues on the agenda.

As a former chair of the Hawaii Kai Neighborhood Board, I know that it takes time to put the agenda together and prepare for meetings.

As someone who often testifies at various other public meetings, I also know and understand the value of having advance notice of topics to be raised at meetings. **Allowing neighborhood boards to discuss matters without providing public notice is simply not fair to the communities they serve.**

We should not be weakening the Sunshine Law but rather work to strengthen it.

**Please vote "no" on SB405, SD1.**

**LATE**

**SB-405-SD-1**

Submitted on: 2/19/2025 12:08:12 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Rae Gee	Individual	Support	Written Testimony Only

Comments:

Aloha Honorable Senator Karl Rhoads, Chair & Honorable Senator Mike Gabbard and Honorable Members of the Senate Judiciary Committee:

Subject: SB 405, SD1 Relating to Neighborhood Board Meetings

Thank you for the opportunity (on my personal behalf and not as a Neighborhood Board member) to testify on Senate Bill No. 405 that amends Chapter 92-81 of the Hawai‘i Revised Statutes (“HRS”) that allows neighborhood boards (“Boards”) to discuss and receive information from third-party reports by any government official not included in a publicly noticed agenda. I **appreciate the intent and support the measure.**

Neighborhood boards were created under Article XIV of the Revised Charter of Honolulu (“RCH”) and under Section 2-13-102(b)(1) of the Hawai‘i Administrative Rules (aka Neighborhood Plan), provides that the **neighborhood boards** formed by the neighborhood plan **“increase and assure effective citizen participation in the decisions of government”** by providing additional and improved opportunities for public input and interaction and communicating that input to the appropriate persons and agencies”.

The law allows Board members to discuss and receive information on matters or issued raised by the public during a public input agenda item, but, in accordance with an interpretation from the State Office of Information Practices (“OIP”) letter to the Neighborhood Commission Executive Secretary relating to the Chapter 92, HRS, the Sunshine Law, that Board members cannot deliberate, or make decisions, and cannot ask questions to a third party reporter for clarification, statements, or discussion without property noticed agenda items providing further detail to invite the public for discussion.

The measure allows Board members to receive public input and reports from a third-party government official provided, that the Board does not make a decision relating to any of those matters reported for informational purposes.

My personal observation is that the members on the Board that I serve feel that their voices are restricted or even censored from the OIP letter and are even considering not running for re-election, since the members are unable to have discourse with the Reporter and only “listen and receive the information”. Many reporters are emergency responders that provide their reports at the beginning of the meeting, then leave the meeting to prepare and respond to emergency calls

for their jobs, even if there is a subsequent related agenda item. Members want to quickly ask questions and obtain clarifying information firsthand on issues relating to crime and fire prevention based on the information that is reported.

The OIP letter also says that Board members can further inquire with a Reporter prior to the meeting and create a detailed agenda item for discussion and approval for the next meeting. Board members provide effective citizen participation as an elected official and relay concerns from neighbors, who are unable to attend the meeting and, to Reporters, then report the information back to our neighbors. Many elderly neighbors rely on old school in-person or telephone calls to receive and share information, and are unable to attend the meeting.

I ask that you adopt this measure so that the Board members can continue to increase and assure effective citizen participation in the decisions of government by receiving information from Reporters, ask clarifying questions and have discussion with Reporters as long as decisions are not made to violate the sunshine law. Otherwise, if OIP guidance is followed, Reporters should just turn in their written reports and not even bother to attend the Board meetings; then Board members can only rely on the public members who to attend the meeting and will not be able to obtain direct info at the meeting from Reporters to have a sunshine law appropriate meeting.

The measure, if passed, will further discussion on this topic with the OIP and the sunshine law. Thank you again for the opportunity to provide my personal comments.

**LATE**

**SB-405-SD-1**

Submitted on: 2/19/2025 9:19:57 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gregory Misakian	Individual	Oppose	Written Testimony Only

Comments:

I do not support SB405 SD1 or any bill that will weaken the rights of the residents of Hawaii.

I currently serve on the Waikiki Neighborhood Board where rules are often seen broken, and the public is not provided the proper opportunity to speak on agenda items even listed on the agenda, as many meetings end without them ever being discussed.

The Neighborhood Boards should never be a place for rules to be broken, and the Sunshine Law has been in place for a very long time. Our legislators should also respect the Sunshine Law, but as they exclude themselves from it, the shining light that the public needs is not present. Backdoor deals and campaign contributions, to assist in decision making, seem to be the norm in Hawaii, and this too needs to end.

I respectfully ask our legislators to please stop weakening laws, and please start strengthening them, and start with your own House first, at the State Capitol.

Gregory Misakian