

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Carlotta Amerino, Director

Date: February 13, 2025, 2:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 686
Relating to Community Outreach Boards

Thank you for the opportunity to submit testimony on this bill, which would define community outreach boards and add them to part VII of chapter 92, Hawaii Revised Statutes (Part VII), which currently contains provisions specific to neighborhood boards setting out (among other things) partial exceptions to the Sunshine Law, part I of chapter 92, HRS. The Office of Information Practices (OIP) offers **comments and suggested amendments** for this bill.

OIP administers the Sunshine Law, and although Part VII is not a part of the Sunshine Law, OIP must interpret it when one of its partial exceptions to the Sunshine Law arises in the context of a Sunshine Law dispute. This bill's purpose clause makes clear that it is intended to add community outreach boards to Part VII's existing meeting provisions (including partial Sunshine Law exceptions), but the definition of a community outreach board sounds similar to a neighborhood board and the bill does not offer examples of boards that would be affected by this change. However, OIP understands that the Hawaii County Community Development Plan Action Committees are the primary example of community outreach boards that would be covered by this bill, and that although they serve a

similar function to neighborhood boards — channeling public feedback and providing recommendations to the actual decision-makers — they are not necessarily neighborhood-based.

OIP has no objection to expanding Part VII to cover community outreach boards such as the Hawaii County Community Development Plan Action Committees. OIP is, however, concerned about this bill’s proposed amendment to the terms of one of Part VII’s special permitted interactions (a situation where members are specifically authorized to talk together outside a meeting). The permitted interaction set out in section 92-82, HRS, currently allows any number of neighborhood board members to attend a meeting or presentation of another group. (The Sunshine Law has a similar permitted interaction that is limited to less than a quorum of a board’s members, whereas the Part VII version has no such limitation and allows any number of neighborhood board members to attend such an event together.)

The proposed amendment would extend this permitted interaction to meetings or presentations organized by the board itself, even though the statute currently says such events cannot be “specifically and exclusively organized for or directed toward members of the board.” This creates a conflict between the existing language saying that events cannot be “organized for” the board members, and the new language saying that the board members themselves can organize an event and then all attend it under the permitted interaction. If that conflict was resolved in favor of the new language to mean that the Part VII permitted interaction allows a board to organize and attend meetings outside the Sunshine Law’s usual requirements, there would be no reason for neighborhood boards and community outreach boards to ever hold an actual Sunshine Law meeting except to take a formal vote in a situation where they wanted to take action as a board.

To avoid this result, **OIP respectfully recommends that this Committee take out the proposed new language “or organize”** from bill page 4, line 5. OIP further recommends that this Committee amend the bill’s purpose clause to provide an example of a community outreach board and clarify why the new term was needed. Specifically, **OIP recommends replacing the purpose clause sentences** at bill page 1, lines 3-9, with the following (added language in bold):

Likewise, **boards created for the purpose of community outreach, such as the Hawaii County Community Development Plan Action Committees,** serve as an intermediary between residents and government leaders to understand local concerns, gather and disseminate information, and create solutions in a collaborative environment. **However, because such boards are not specific to one neighborhood, it is not clear that they are “neighborhood boards” and thus entitled to use the special provisions set out for neighborhood boards in part VII of chapter 92.** As community outreach boards serve as a grassroots tool, ensuring open access to board activities is essential to thriving communities statewide.

Thank you for considering OIP’s testimony.

C. Kimo Alameda, PhD.
Mayor



John Pelletier
Vacant
Heather Korotie
Vacant
Charles Young, Chair
Nancy Pisticchio, Vice-Chair
Charla Thompson
David Huerta
Roselyn Molina

County of Hawai'i

KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
(808) 961-8288 • Fax (808) 961-8742

February 11, 2025

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol, Conference Room 325
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Testimony in Support of HB686: RELATING TO COMMUNITY OUTREACH BOARDS.

Dear Chair Tarnas and Members of the Committee,

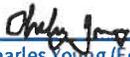
I am Charles Young and chair the Kona Community Development Plan Action Committee. I am writing to ask for your support of HB686: RELATING TO COMMUNITY OUTREACH BOARDS. On January 14, 2025, the Kona Community Development Plan Action Committee voted unanimously to support this measure.

Since the creation of the County of Hawaii's advisory CDP Action Committee Program in 2009 we have had to convene our meetings under the strict regulatory Sunshine Law requirements required of all decision-making bodies, such as the County Council.

HB686 proposes to make minor updates to Part VII Chapter 92.81 related to Neighborhood Boards. In addition, HB686 proposes the adoption of a new state-wide generic definition for community outreach boards under 92-2 HRS.

The Kona CDP Action Committee believes the passage of HB686 will greatly increase the ability of all Hawai'i County's CDP Action Committees to better serve our communities and encourage public participation in local government.

Mahalo,


Charles Young (Feb 11, 2025 08:13 HST)
Charles Young, Chair
Kona CDP Action Committee

C. Kimo Alameda, Ph.D.
Mayor



Tristie Licoan, Chair
William Sanborn
Ruth Smith
Vacant
Julia Alos
Kevin McLaughlin
Scott Nagata, Vice Chair
Vacant
Karen Anderson

County of Hawai'i

SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

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February 11, 2025

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol, Conference Room 325
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Testimony in Support of HB686: RELATING TO COMMUNITY OUTREACH BOARDS.

Dear Chair Tarnas and Members of the Committee,

I am Tristie Licoan and chair of the South Community Development Plan Action Committee. I am writing to ask for your support of HB686: RELATING TO COMMUNITY OUTREACH BOARDS. On January 16, 2025, the South Kohala Community Development Plan Action Committee voted unanimously to support this measure.

Since the creation of the County of Hawaii's advisory CDP Action Committee Program in 2009 we have had to convene our meetings under the strict regulatory Sunshine Law requirements required of all decision-making bodies, such as the County Council.

HB686 proposes to make minor updates to Part VII Chapter 92.81 related to Neighborhood Boards. In addition, HB686 proposes the adoption of a new state-wide generic definition for community outreach boards under 92-2 HRS.

The South Kohala CDP Action Committee believes the passage of HB686 will greatly increase the ability of all Hawai'i County's CDP Action Committees to better serve our communities and encourage public participation in local government.

Mahalo,


Tristie Licoan (Feb 11, 2025 08:35 HST)

Tristie Licoan, Chair
South Kohala CDP Action Committee

C. Kimo Alameda, Ph.D.
Mayor



Jesse Ke
Ka'ohinani Mokuhalii
Vacant
Babette Morrow
Jason Masters, Chair
Pernell Hanoa, Vice-Chair
Catherine Williams
Kaweni Ibarra
Vacant

County of Hawai'i
KA'Ū COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

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February 11, 2025

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol, Conference Room 325
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Testimony in Support of HB686: RELATING TO COMMUNITY OUTREACH BOARDS.

Dear Chair Tarnas and Members of the Committee,

I am Jason Masters and chair the Ka'ū Community Development Plan Action Committee. I am writing to ask for your support of HB686: RELATING TO COMMUNITY OUTREACH BOARDS. On January 28, 2025, the Ka'ū Community Development Plan Action Committee voted unanimously to support this measure.

Since the creation of the County of Hawaii's advisory CDP Action Committee Program in 2009 we have had to convene our meetings under the strict regulatory Sunshine Law requirements required of all decision-making bodies, such as the County Council.

HB686 proposes to make minor updates to Part VII Chapter 92.81 related to Neighborhood Boards. In addition, HB686 proposes the adoption of a new state-wide generic definition for community outreach boards under 92-2 HRS.

Th Ka'ū CDP Action Committee believes the passage of HB686 will greatly increase the ability of all Hawai'i County's CDP Action Committees to better serve our communities and encourage public participation in local government.

Mahalo,


Jason Masters (Feb 11, 2025 15:02 HST)

Jason Masters, Chair
Ka'ū CDP Action Committee

House Committee on Judiciary & Hawaiian Affairs
Honorable David A. Tarnas, Chair
Honorable Mahina Poepoe, Vice Chair

RE: Testimony with Comments on H.B. 686, Relating to Community Outreach Boards

Hearing: February 13, 2025 at 2:00 p.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 with **comments** on H.B. 656. We strongly support the intent of increasing opportunities for public participation in government. We offer two amendments to better effectuate the intent of this measure and curb potential abuse.

First, section 5 creates a loophole by allowing part VII boards to “organize” meetings “on matters relating to official board business” without following the open meeting requirements of the Sunshine Law. The intent behind HRS § 92-82 is to allow board members to attend informational meetings organized by *other* groups. If a meeting about board business is organized by a board, it should be a regular meeting – not a permitted interaction as proposed here. We thus **recommend deletion of “or organize” at page 4, line 5** and conforming the preamble consistently.

Second, section 2 authorizes county *commissions* to create community outreach boards. That appears to be unnecessary. The examples of community outreach boards cited by Senate Standing Committee Report No. 317 (2025), regarding this bill’s companion (S.B. 869 S.D. 1), are groups organized by the County of Hawai`i’s planning department only. Additionally, commission members may already attend informational meetings organized by community groups and others under HRS § 92-2.5(e). We thus **recommend deletion of “county commission or” at page 2, line 6**.

We further note that this measure does not provide a process or framework for the creation of a community outreach board, nor does it set any parameters or guidance on board composition.

Thank you again for the opportunity to testify with comments on H.B. 686.



HB-686

Submitted on: 2/11/2025 12:36:01 AM

Testimony for JHA on 2/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Strengthening community liaison and outreach is crucial to better governance and citizen participation in government. Ensuring clear, concise, and common sense guidance is crucial to ensuring broader success of community outreach boards. I believe this bill accomplishes this goal. I urge the Committee to SUPPORT this bill!

HB-686

Submitted on: 2/11/2025 9:36:13 AM

Testimony for JHA on 2/13/2025 2:00:00 PM

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

Comments:

To: The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs

From: John Pelletier

RE: HB686 - Relating to Community Outreach Boards - In Support

February 11, 2025

Aloha nui kākou, aloha Chair, Vice Chair, and members of the committee. I'm John Pelletier, a member of the Kona Community Development Action Committee, and I'm testifying in support of HB686.

HB686 is primarily a technical update. In 2008, the State Legislature added a new section to the State Sunshine Law, specifically Part VII of Chapter 92.81-83, HRS, which is titled "Neighborhood Board."

Although this 2008 amendment to Chapter 92, HRS applies to all counties in Hawai'i, the term "neighborhood boards" itself lacks a statewide definition. As a result, the language unintentionally refers solely to the program in the City and County of Honolulu. This has created challenges for similar advisory boards and committees in other counties, including the Community Development Plan Action Committees in Hawai'i County.

The aim of the proposed legislation, "Relating to Community Outreach Boards (2025)," is to make minor amendments to the existing language in "Neighborhood Boards and 92.81-83 HRS," ensuring it is relevant and applicable to similar advisory boards and committees across all counties in Hawai'i.

Now, more than ever, it is critical to find and implement additional strategies that will strengthen community education, communication, and collaboration.

Mahalo for the opportunity to testify, and mahalo ā nui for your ongoing service to the people of Hawai‘i!

Ke aloha nō,

John Pelletier

‘Ahupua‘a ‘o ‘O‘oma, North Kona, Island of Hawai‘i

February 11 2025

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair,
Rep. Mahina Poepoe, Vice Chair,
and Members of the Committee

RE: HB 686 RELATING TO COMMUNITY OUTREACH BOARDS
POSITION: SUPPORT

Aloha Chair Tarnas and Vice Chair Poepoe and members of the House committee on Judiciary and Hawaiian Affairs,

My name is Brad Kurokawa from Hawai'i island. I currently live in Hakalau on the Hamakua coast of Hawai'i island. I have been an active community advocate for many years. I was a Hawai'i island representative on the task force for the state Hawai'i 2050 Sustainability plan (HRS 226-65) as well as a long time contributor to the Hawai'i Physical Activity & Nutrition Plan (PAN) effort. I currently serve on the Hamakua Community Development Plan (CDP) Action committee, an advisory committee comprised of community members tasked with serving as the liaison between our Hamakua District communities and county government advocating for implementation of the Hamakua CDP as adopted by county ordinance in 2018. I previously served on the Hamakua CDP Steering committee as its chair from 2008-2018 when the Hamakua CDP was adopted.

HB 686 is the House companion bill to SB 869. It adds a definition for **community outreach boards** in existing provisions of the Sunshine Law **Chapter 92, PART VII Neighborhood Board**. This will allow for the participation of the County of Hawaii's Community Development Plan Action Committees (CDP ACs). PART VII provides additional flexibility including:

- **Allows the opportunity for board members and members of the public to discuss issues NOT ON THE AGENDA or WITHOUT A QUORUM AS LONG AS** no decision is made "at that time, but must instead place the item on the agenda to report on it at the next meeting".
- **Under PART VII, any number of neighborhood board members and community outreach board members may attend meetings or presentations.**

"The intent of the Sunshine Law (Chapter 92) is to open up governmental processes to public scrutiny and participation by requiring State and county boards to conduct their business as openly as possible." (OIP)

But a huge deterrent to open government in decision-making is the lack of information and participation at the grassroots level.

With this additional flexibility provided by HB 686, neighborhood boards and community outreach boards help to provide a broader venue for the two-directional flow of information between the community and local government.

I am writing to strongly SUPPORT HB 686 RELATING TO COMMUNITY OUTREACH BOARDS. The proposed bill is simple common sense legislative REFINEMENT that enables our Hawai'i island Community Development Plans' Action committees and other similar community outreach entities statewide to function more effectively and efficiently as community liaisons between our communities and local and government. I think we can all agree that better community outreach and engagement is especially critical for democracy in these crazy times we find ourselves in.

Mahalo for your consideration and support! Please encourage your legislative colleagues to support HB 686.

Warm Aloha,

Brad Kurokawa

A handwritten signature in black ink, appearing to read "Brad Kurokawa", written over the printed name.

HB-686

Submitted on: 2/11/2025 3:23:16 PM

Testimony for JHA on 2/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Meizhu Lui	Individual	Support	Written Testimony Only

Comments:

Dear friends,

Easing the restrictions on community people who simply want to talk with other community people on boards that do not have decision making power would encourage greater grassroots participation. Right now, the Sunshine rules frustrate residents who want to work together with our elected officials to improve our communities. We are losing the valuable input and capacity of neighborhood people by imposing too many bureaucratic processes on them. It reinforces the view that government does not work for us.

Thank you for your support of this important reform which will expand democracy.

Mahalo,
Meizhu Lui

Papaaloa HI



Nancy Pisicchio

74-5576 Pawai Place, Suite J, Box 695
Kailua-Kona, HI 96740
(808) 987-9195
npisicchio1@gmail.com

February 12, 2025

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol, Conference Room 225
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Testimony in Support of HB686: RELATING TO COMMUNITY OUTREACH BOARDS.

Dear Chair Tarnas and Members of the Committee,

My name is Nancy Pisicchio. I live in Kailua-Kona. As Vice Chair of the Kona Community Development Plan Action Committee, I am writing to ask your Committee's support of HB 686.

HB 686 corrects a technical problem in Chapter 92 HRS, PART VII, which is the section of the State Sunshine Law specifically related to neighborhood boards. Although this 2008 amendment to chapter 92 HRS PART VII states the intention to apply to all counties in the State of Hawai'i ("as may be created in other counties"), the term "neighborhood board" does not have a definition under State law and refers to a program in the City and County of Honolulu. Therefore, HB 686 includes language to accommodate the intended state-wide applicability of Chapter 92 HRS PART VII with the addition of a generic definition for community outreach boards.

The County of Hawai'i's Community Development Plan Action Committee (CDP AC) program was adopted in 2009 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 serve different districts around Hawai'i Island and strive to increase grassroots education and build collaboration between citizens and local government. However, due to the limited language within Chapter 92 HRS PART VII, the County of Hawai'i's Community Development Plan Action Committees have had to convene meetings under the strict Sunshine Law rules required of regulatory bodies such as City and County Councils. The minor changes proposed in HB 686 will vastly increase CDP AC's ability to carry out this mission.

Thank you for your consideration.

Respectively,

Nancy Pisicchio
Nancy Pisicchio