

SB 419

RELATING TO NEIGHBORHOOD BOARDS

Allows neighborhood board members to attend certain meetings under certain circumstances.

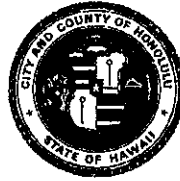
PSM, JDL

**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. 419, 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 **STRONG SUPPORT** of S.B. No. 419 that allows neighborhood board members to attend certain meetings under certain circumstances.

S.B. No. 419 creates a new permitted interaction for Neighborhood Board members that would allow more than a quorum of members to attend a meeting or event of another entity that is free, open to the public, and does not require registration to attend. Examples of such a meeting or event include but are not limited to a district town hall, a City Council meeting, and an event designed to inform community stakeholders.

In consultation with the Office of Information Practices (OIP), we offer the below substantive amendments to clarify the permitted action allowing more than a quorum to attend, and to add a reporting requirement so that member attendance and a summary of topics discussed are disclosed at the next neighborhood board meeting to be entered into official public record:

[[§92-82] Permitted interactions of neighborhood board members. (a) Two or more members of a neighborhood board, but fewer than the number of members necessary to constitute a quorum for the board, may 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.

(b) Neighborhood board members may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation allowed by subsection (a); and provided further that there is no commitment made relating to a vote on the issue. The board members, at the next duly noticed meeting of the neighborhood board, shall report their attendance and the matters presented and discussed that related to official board business at the informational meeting or presentation.

(c) Without limitation on the number of members, neighborhood board members may attend meetings or presentations that are open to the public and do not charge a fee or require registration on matters relating to official board business provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board and that no member may make a commitment to vote on any of the issues discussed. The board members, at the next duly noticed meeting of the neighborhood board, shall report their attendance and the matters presented and discussed that related to official board business at the informational meeting or presentation. [L 2008, c 153, pt of §1]

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. At present, the Sunshine Law currently restricts to less than a quorum the attendance of neighborhood board members at informational events. 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. 419 and the suggested amendments 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 419

Chairman Will Espero and Committee Members:

We ask you to shelve SB 419.

For many years, lawmakers have wrestled with the issue of what boards can do outside a regular board meeting and they came up with "(a) Two or more members of a board, but fewer than the number of members necessary to constitute a quorum for the board, may 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."

Now this bill would apparently expand that exemption: "Neighborhood board members may attend meetings or presentations on matters relating to official board business that are open to the public and do not charge a fee or require registration; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the neighborhood board and that no member may make a commitment to vote on any of the issues discussed."

We have long opposed allowing boards to meet in private group meetings outside the scrutiny at a regular board meeting. Such changes have led to twisted wording that could propel the Sunshine Law into darkness. We continue to oppose such proposals.

Sincerely,

Stirling Morita
President
Hawaii Chapter SPJ

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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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 Commenting on S.B. 419, 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. 419. The Law Center provides comments on this bill.

The intent of S.B. 419 is unclear. As drafted, the plain language of the bill most logically further limits the existing neighborhood board exemption for informational meetings by requiring that such meetings be open to the public, free, and not require registration. In which case, the provisos that the meeting not be specifically organized for the neighborhood board and that no member make a commitment to vote are repetitive of conditions that already exist in HRS § 92-82(a) and (b).

As part of the City & County of Honolulu package – that separately proposes to exempt neighborhood boards entirely from the Sunshine Law (S.B. 420) – a different intent may be presumed. To the extent S.B. 419 is intended to create a new permitted interaction, the amending language should be a new subsection of section 92-82, not part of (a).

As a new subsection, however, S.B. 419 remains confusing. The amending language permits board members to “attend” an outside meeting, but limits the members’ ability to commit to vote on any issue. That limitation erroneously presupposes that members who attend an outside meeting may participate in discussions at that meeting. Authority to attend a meeting is not authority to participate in discussions. *See, e.g.,* HRS 92-82(b) (authorizing board members to participate in discussions at a subsection (a) meeting under certain limitations and reporting requirements).

To the extent S.B. 419 – contrary to the current draft – seeks to create a new exception for all neighborhood board members to attend and participate in certain outside meetings, such as lobbyist or developer presentations, without any public notice or accountability reporting, the bill is objectionable and should be rejected.

Thank you again for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 9:24 AM
To: PSMTestimony
Cc: psnerney@yahoo.com
Subject: Submitted testimony for SB419 on Feb 17, 2015 13:05PM

SB419

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 419 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 9:42 AM
To: PSMTestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for SB419 on Feb 17, 2015 13:05PM

SB419

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: I urge you to defer this ill advised bill. It is no more than an attempt by the Mayor of the City and County of Honolulu to circumvent the meaning and spirit of the sunshine law, in the hope that by permitting neighborhood board members to go en masse to meetings where they could well be brainwashed by what happens at the meetings. The legislature several years ago made some carve outs to the sunshine law, and those are sufficient. This is just a run around the law. Executive Secretary Velasco's testimony saying the boards are purely advisory, does not sit well. Other boards and commissions as well as the Council and Legislature take the boards' comments seriously. Grass roots civic engagement is paramount foar 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. 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.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 11:33 AM
To: PSMTestimony
Cc: czahn@hawaii.rr.com
Subject: Submitted testimony for SB419 on Feb 17, 2015 13:05PM

SB419

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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