

LATE TESTIMONY

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
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To: Senate Committee on Public Safety, Intergovernmental
and Military Affairs

From: Cheryl Kakazu Park, Director

Date: February 17, 2015, 1:05 p.m.
State Capitol, Conference Room 229

Re: Testimony on S.B. No. 419
Relating to Neighborhood Boards

Thank you for the opportunity to submit testimony on this bill, which would allow neighborhood board members to attend meetings open to the public under certain conditions. The Office of Information Practices ("OIP") takes no position on the substance of this bill, and believes it is a policy question for the Legislature to resolve whether neighborhood board members should have greater freedom than other Sunshine Law board members to attend meetings or presentations without prior public notice or subsequent reporting.

The bill in its current version could be read to apply only to less than a quorum of neighborhood board members, placing further limitations on the interaction described in the existing section 92-82(a), HRS. However, OIP is aware that it was intended to create a separate provision applicable to any number of neighborhood board members, and that the Neighborhood Commission has proposed an amendment reflecting that intent. OIP's testimony is therefore based on the assumption that the bill would allow any number of neighborhood board members to attend meetings or presentations as proposed.

OIP notes that neighborhood boards serve as a formal channel to pass on neighborhood sentiment regarding the issues within their jurisdiction, over which they have only advisory power, to the boards or departments that do have the power to make binding decisions on those issues. This bill would give neighborhood board members a great deal of freedom to attend and discuss neighborhood board business at meetings or presentations open to the public, without prior public notice, subsequent reporting, or any requirement that the meetings be held in or near the relevant neighborhood or any limitation on their frequency. The bill does require that the meetings or presentations be free, open to the public, and not specifically and exclusively organized for neighborhood board members; and further requires that those members not make a commitment to vote on issues discussed.

In summary, this bill would give a quorum or more of neighborhood board members the ability to discuss board business at a gathering that, while theoretically public, may not have been previously advertised and may not be reported at a subsequent neighborhood board meeting, and would represent a significant exception to the Sunshine Law's usual requirements. Given the purely advisory role of the neighborhood boards, however, the Legislature may find as a policy matter that it is appropriate to create such a broad exception specifically for neighborhood board members, in order to facilitate their attendance at other meetings or presentations where neighborhood issues are discussed. OIP therefore takes no position on the substance of this bill.

Thank you for the opportunity to testify.



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SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
Hearing Scheduled 1:05 pm Tuesday, February 17, 2015, Conference Room 229
SB 419 RELATING TO NEIGHBORHOOD BOARDS
TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Espero, Vice-Chair Baker, and Committee Members:

The League of Women Voters of Hawaii opposes SB 419. Because of the strange way the bill amends Section 92-82(a), Hawaii Revised Statutes, we are unsure of the bill's intent. However, we think the bill's intent is to allow a quorum or even all members of a neighborhood board, without notice of a board meeting, to attend a non-board informational meeting or presentation on matters relating to official board business.

The League does not object to neighborhood board members *listening* at a non-board meeting or presentation. The problem with SB 419 is that Section 92-82(b), Hawaii Revised Statutes, authorizes all neighborhood board members attending a non-board informational meeting or presentation to participate in discussions of neighborhood board matters, including discussions among themselves, as part of the informational meeting or presentation. The League believes that discussions of neighborhood board matters by a neighborhood board quorum should take place, after public notice, at neighborhood board meetings.

Thank you for the opportunity to present testimony.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 17, 2015 10:50 AM
To: PSMTestimony
Cc: of8@hawaii.edu
Subject: Submitted testimony for SB419 on Feb 17, 2015 13:05PM
Attachments: TESTIMONY SB 420.SB419.docx

SB419

Submitted on: 2/17/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Flora Obayashi	Kahalu'u Neighborhood Board#29	Support	No

Comments: Kahalu'u Neighborhood Board #29 supports the concept of neighborhood board meetings being subject to sunshine law in order to provide an open community forum. However, Kahalu'u Neighborhood Board #29 also supports relaxing the sunshine law requirements related to the number of neighborhood board members allowed to attend public meetings.

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: louis erteschik <louiserteschik@hotmail.com>
Sent: Monday, February 16, 2015 5:12 PM
To: PSMTestimony

LATE TESTIMONY

RE: SB 419
Relating To Neighborhood Boards
Hearing Feb 17,2015 1:05PM Room 229

The Waikiki Neighborhood Board is in support of this bill. It will allow members to attend community meetings so that they can better perform their role. We concur with the testimony of the Neighborhood Commission.

Louis Erteschik
Vice Chirman

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 6:28 PM
To: PSMTestimony
Cc: clskwock@gmail.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
CHU LAN SHUBERT-KWOCK	Individual	Support	No

Comments: Support n remove curfew on members from education AI and information meetings benefitting all Board members,

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 6:05 PM
To: PSMTestimony
Cc: kevinjmulkern@gmail.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
Kevin Mulhern	Individual	Support	No

Comments: I support S. B. 419 and strongly recommend the city concill and state legeislature consider following the example of the neighborhood boards that encourage public participation by providing 14 days notice of hearings. Everyone should be encouraged to particpate in public hearings.

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 2:36 PM
To: PSMTestimony
Cc: vsc@hawaiiantel.net
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
Victoria Cannon	Individual	Support	No

Comments:

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