

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Carlotta Amerino, Director

Date: April 7, 2026, 2:00 p.m.  
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 2397, S.D. 1  
Relating to Neighborhood Boards

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Thank you for the opportunity to submit testimony on this bill, which would amend the quorum requirement for neighborhood boards of the City and County of Honolulu. The Office of Information Practices (OIP) takes no position on this bill, but offers comments.

Part VII of chapter 92, Hawaii Revised Statutes, which sets out several provisions specific to neighborhood boards and community outreach boards, is not part of the Sunshine Law, part I of chapter 92, and thus not administered by OIP. Nonetheless, a board's quorum requirement affects the applicability of several Sunshine Law requirements. The Sunshine Law requires a board to have a quorum of members present to be in a meeting, so calculating quorum to require a majority only of filled seats, rather than all seats to which a neighborhood board is entitled, will make it easier for neighborhood boards to meet and do business. It will also mean that for the Sunshine Law's permitted interactions (situations in which members can discuss board business outside a meeting), most of which are limited to less than a quorum of members, the number of neighborhood board members who can discuss board business under a particular permitted interaction may be smaller due to this amendment than under current law.

Thank you for considering OIP's testimony.

**SB-2397-SD-1**

Submitted on: 4/4/2026 12:00:21 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2397 SB RELATING TO NEIGHBORHOOD BOARDS.

TO: Representative David Tarnas, Chair, and Members  
House Committee on Judiciary and Hawaiian Affairs

FROM: Tom Heinrich, Attorney at Law [tomheinrich808@gmail.com](mailto:tomheinrich808@gmail.com)

RE: **Testimony IN SUPPORT of SB 2397 SD1:**  
Relating to Neighborhood Boards

TO BE HEARD: Tuesday April 7, 2026 2:00 PM at CR 325 Agenda Item 16 of 16

Aloha Chair Tarnas and Judiciary Committee Members!

I submit this testimony **IN SUPPORT of Senate Bill 2397 SD1** in my individual capacity.

I am a Honolulu resident and attorney at law admitted to practice in Hawaii in 1987. I am fortunate to have considerable experience with the City and County of Honolulu Neighborhood Board System established by Article XIV of the Revised Charter of Honolulu, having served for many years as a member and presiding officer of the Manoa Neighborhood Board No. 7 (17 seats), then as a member of the Neighborhood Commission (9 seats), and subsequently as Executive Secretary to the Neighborhood Commission – responsible as the Director of the Neighborhood Commission Office (17 staff members) and Administrator of the Neighborhood Board System (33 boards on Oahu with about 434 members) – under Mayor Peter Carlisle.

Section 14-101 of the Revised Charter of Honolulu states that the purpose of the neighborhood boards is “to increase and assure effective citizen participation in the decisions of government.” Adopted by the electorate in 1972, the original limitation to “city” government decisions was repealed in 1984, making **all** decisions and their processes of the counties, state, and federal governments open to consideration. Based on the New England town hall meeting model, the neighborhood boards serve as effective community forums to facilitate dialogue on issues of the day and communicate input from that community to the elected officials and appropriate agencies of all branches of government.

In the State of Hawaii, the Neighborhood Board System is unique to the City and County of Honolulu, and a formal part of city government due to its creation by Article XIV of the Charter. Accordingly, Chapter 92, Part I, Hawaii Revised Statutes – the “Sunshine Law” -- applies to the Neighborhood Commission and neighborhood boards.

Compared to all other boards and commissions of the State of Hawaii and the four counties, the City and County of Honolulu’s Neighborhood Commission is unique for being responsible for the governance and oversight of a system of subordinate boards – now a total of 33 Neighborhood Boards duly established to represent the people of geographic districts in accordance with the Neighborhood Plan and the Rules and Procedures of the Neighborhood Commission.

Also unique to the neighborhood boards is the fact that, except for their internal operations, they serve in an advisory capacity only and have absolutely **no** authority. Due to that distinction, some flexibility for the elected representatives serving on neighborhood boards to conduct their community forum role was provided by adding Part VII to HRS Chapter 92 in 2008 (Act 153, Session Laws of Hawaii 2018).

Senate Bill 2397 SD1 proposes to further address a difficulty long experienced by the neighborhood boards: what should constitute quorum and what should the denominator and numerator be to determine the necessary voting majority required to validate an act of the board as part of official board business pursuant to HRS Section 92-81(d)(3)?

HRS Section 92-15, Revised Charter of Honolulu Sections 13-103.1(i) and 14-102, and Sections 2-11-102 and 2-11-308 of the Rules and Procedures of the Neighborhood Commission clearly apply to the **Neighborhood Commission** and state that the affirmative vote of a majority of the entire membership shall be necessary to take any action. Section 2-11-102 states: ““Quorum” means a majority of the total authorized number of members to which the commission, board, or any committee of the commission or board is entitled.”

That principle has been consistently applied to the **neighborhood boards** through the Neighborhood Plan established pursuant to Sections 14-101 and 14-103, Revised Charter of Honolulu. Section 2-14-114 of the Neighborhood Plan states:

“§2-14-114 Quorum and majority vote. (a) The presence of a majority of all the members to which the board is entitled shall constitute a quorum to do business.

(b) The vote of not less than the majority of the entire membership to which the board is entitled shall be necessary to take any official action, unless otherwise specifically provided by this plan or by law.

(c) A board member who is present at the meeting shall be counted for the purpose of determining quorum.”

But the Charter itself does NOT specifically set forth the quorum required for the Neighborhood Plan that provides the primary governance of the neighborhood boards.

**Senate Bill 2397 SD1 proposes the preferred recommendation of amending HRS Section 92-81(d) in Part VII of HRS Chapter 92** to address the unique circumstances of the City and County of Honolulu Neighborhood Boards by:

- (1) changing the determination of the quorum **denominator**
  - from:** the total number of authorized members (a static number),
  - to:** the number of seats presently filled at the time of the vote on any official action (a variable number that reflects any vacancies); and

(2) changing the basis of making any act of the neighborhood board's official board business valid (the *numerator*)

**from:** the concurrence of a majority of all the members to which the board is entitled,

**to:** the concurrence of a majority of all members present at a meeting at which quorum is established.

These changes would well address the situations often faced by the advisory only neighborhood boards that experience numerous vacancies or absences at each properly noticed meeting and are therefore unable to conduct official business by virtue of not attaining the necessary majority of ALL the members to which the board is entitled.

Especially inappropriate is that a member's absence counts as a *de facto* NO on any question presented for vote, making some members "more equal than others" under different circumstances.

In short, the Robert's Rules of Order Newly Revised, 12<sup>th</sup> Edition standard as proposed in Senate Bill 2397 SD1 is more appropriate and reasonable for the City and County of Honolulu Neighborhood Boards!

If enacted, the Neighborhood Commission can then amend the Neighborhood Plan appropriately for conformance.

I respectfully request the House Committee on Judiciary and Hawaiian Affairs to **amend Section 3 to provide a different effective date**, thereby positioning the bill for the Senate to Agree or Disagree, and a Conference Committee to be appointed if necessary to reach a final resolution. The preferred effective date would be as in SB 2397: "This Act shall take effect upon its approval."

**Accordingly, I respectfully urge the House Committee on Judiciary and Hawaiian Affairs to move SB 2397 SD1 forward with the suggested amendment for passage on Second and Third Readings, return to the Senate, and assignment to a Conference Committee if necessary to resolve the present issue of the effective date in Section 3.**

***Mahalo*** for your consideration of my testimony!

Tom Heinrich