

Testimony in support of SB 2058 by Nancy Pisicchio

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In 2008, before the adoption of the Kona Community Development Plan or the creation of the County of Hawaii's CDP Action Committees, the State Legislature added a new section to the State Sunshine Law. Part VII, in chapter 92, HRS, is titled "Neighborhood Board" created exceptions to the Sunshine Law.

Although this 2008 amendment to chapter 92, HRS was intended to be applied to all Counties in the State of Hawaii, the actual term "neighborhood board" does not have a definition by State law and is limited to a program in the City and County of Honolulu. This has resulted in obstacles for similar advisory community outreach boards and committees in other Counties across the State such as the Community Development Plan Action Committees in the County of Hawaii.

Therefore, new legislation, **S.B. 2058: Relating to Neighborhood Boards** is intended to overcome these obstacles with this long-overdue amendment to Part I and Part VII of Chapter 92, HRS. The purpose of this Act is to: (1) Define "community outreach board"; and (2) Include community outreach boards in existing provisions of the sunshine law that relate to neighborhood boards.

The passage of S.B. 2058: Relating to Neighborhood Boards will open the door for the County of Hawaii's Community Development Plan Action Committees to operate their meetings under Part VII, in chapter 92, HRS.

Neighborhood Boards and the Sunshine Law - from Office of Information Practices.

<https://oip.hawaii.gov/wp-content/uploads/2022/09/2022-Sunshine-GUIDE-NB-version-1.pdf>

(excerpts below)

Neighborhood Boards and 92.81-83 HRS

May a board hear testimony or presentations without quorum? (neighborhood boards only)

Section 92-81, HRS, requires a quorum for the board to conduct official board business; to engage in discussions prior to and related to voting; and to vote to validate official acts of the board.

No quorum is required for the board to receive information or testimony, as long as board members report at the next meeting on the matters presented as information or testimony. Moreover, when the neighborhood board receives testimony or information without a quorum, it cannot make a decision at that time, but must instead place the item on the agenda to report on it at the next meeting. Section 92-15, HRS, states that a majority of the members to which a

board is entitled shall constitute a quorum to do business if the board's quorum requirement is not otherwise specified by law or ordinance.

May a board hear public input on matters not listed on the agenda? (neighborhood boards only)

Neighborhood boards are allowed by section 92-81, HRS, to receive "public input" on matters not specifically listed on the agenda. To take advantage of this provision, the neighborhood board must list on its agenda a time period for public input on matters other than agenda items. No decision can be made at that meeting on a matter not listed on the agenda but raised during public input. Deliberation and decision-making on such matters can occur only at later meeting of the neighborhood board, and only if the matter is listed on that meeting's agenda.

Can a neighborhood board discuss an item not on its agenda when raised by a member of the public? (for neighborhood boards only)

Yes, but it cannot make a decision on the item. Under section 92-81, HRS, a neighborhood board may include on its agenda an opportunity for "public input" on matters not specifically identified on the agenda. To provide the opportunity for public input on matters not on the agenda, the neighborhood board must specify a time period on its agenda for public input. The neighborhood board can discuss a matter raised during public input, but it cannot make a decision at that same meeting on any matter not listed on the agenda but raised during public input, and must instead wait to act a later meeting whose agenda specifically includes that matter.

Other Meetings (neighborhood boards only).

Under section 92-82, HRS, as amended in 2015, any number of neighborhood board members may attend meetings or presentations located on Oahu on matters relating to official board business, so long as the meeting is open to the public, does not charge a fee or require registration, and is not specifically and exclusively organized for or directed toward the board members. While neighborhood board members may ask questions relating to official board business of persons other than their fellow members, no member can make a commitment to vote on any of the issues discussed.