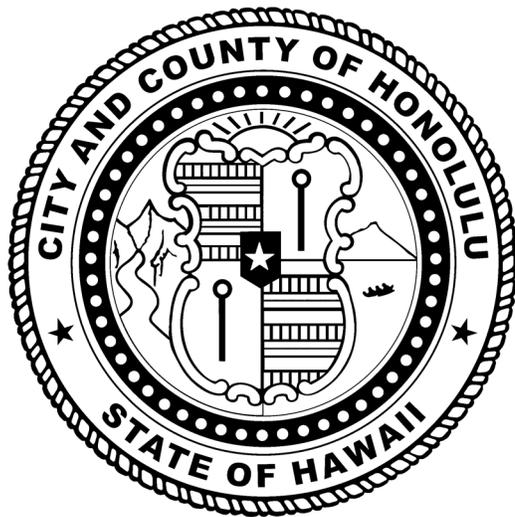


Oahu's Neighborhood Board System Member Guidebook



Revised June 2017
Kirk Caldwell, Mayor
Neighborhood Commission Office

OATH OF OFFICE

I SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL
FAITHFULLY SUPPORT
THE CONSTITUTION AND LAWS
OF THE UNITED STATES OF AMERICA,
THE CONSTITUTION AND LAWS OF THE
STATE OF HAWAII,
THE CHARTER AND LAWS OF THE
CITY AND COUNTY OF HONOLULU,
AND THE PROVISIONS OF THE NEIGHBORHOOD PLAN,
AND WILL CONSCIENTIOUSLY AND IMPARTIALLY
DISCHARGE MY DUTIES, TO THE BEST OF MY ABILITY,
AS A MEMBER OF THE NEIGHBORHOOD BOARD TO
WHICH I HAVE BEEN ELECTED (OR APPOINTED).

MESSAGE FROM THE EXECUTIVE SECRETARY

Aloha!

On behalf of the Neighborhood Commission, I am pleased to present this Neighborhood Board Member Guidebook as a valuable tool and resource in your service to your community.

This Neighborhood Board Member Guidebook provides information on the Neighborhood Board System and your duties and scope of responsibilities as a Neighborhood Board Member.

The Neighborhood Board System helps to ensure that the City and County of Honolulu remains one of the most community-based government organizations in the country. Thank you for rising to the challenge to make our city a better place to live, work and raise our families.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read "Aram Hamst". The signature is fluid and cursive, with a long horizontal stroke at the end.

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HISTORY OF OAHU'S NEIGHBORHOOD BOARD SYSTEM

WHAT IS THE NEIGHBORHOOD BOARD SYSTEM?

Oahu's Neighborhood Board System has one of the most sophisticated and effective Neighborhood Plans in the United States, created to assure and increase community participation in the decision-making process of government. The system applies the concept of participatory democracy, involving communities in the decisions affecting them. It establishes an island wide network of elected Neighborhood Boards as communication channels, expanding and facilitating opportunities of community and government interaction.

HOW WAS THE SYSTEM CREATED?

The process for development of the Neighborhood Board System began after the Revised City Charter of Honolulu (1973) was overwhelmingly approved by the electorate. The Neighborhood Commission became responsible for the development of a uniform system of citizen participation. It called for the establishment of a nine-member Neighborhood Commission serving five-year terms. The Commission was responsible for developing a Neighborhood Plan outlining a uniform system of Neighborhood Boards on Oahu. The first Commission was officially sworn in on June 29, 1973, electing YMCA executive Phillip S. Chun as its first chairman.

After an extensive program of informational meetings and public hearings, the Commission formulated a concept of "participatory democracy." A Plan was drafted and filed with the City Clerk on December 31, 1974. Neighborhood Boards were then formed in accordance with the Plan. The boundaries of each Neighborhood were depicted on an official Neighborhood Boundary Map.

A system of channeling grass-roots participation in government was born: the Neighborhood Boards. On April 23, 1975, Mililani/Waipio/Melemanu became the first neighborhood board area. Today there are 33 Neighborhood Boards actively addressing the issues and concerns for the betterment of their communities and serving as advisory groups to the Mayor and City Council.

WHAT ARE THE MAJOR POINTS OF THE NEIGHBORHOOD PLAN?

The Neighborhood Plan designates Neighborhood boundaries throughout Oahu and provides procedures for forming Neighborhood areas and Neighborhood Boards. Some of the Plan's major points are:

- Thirty-six Neighborhood areas (only 33 areas have been initiated by communities). Initiative petition of 100 registered voters or five percent of voters within the area (whichever is less) for the formation of a

neighborhood.

- Two-year terms for board members.
- Advisory role of all Neighborhood Boards.
- Anyone can be candidates and vote as long as they are 18 years and older and live in the district.

Copies of the Neighborhood Plan are available from the Neighborhood Commission Office or online.

WHAT ARE THE FUNCTIONS OF A NEIGHBORHOOD BOARD?

Neighborhood Boards are required to hold at least nine monthly meetings per year. Neighborhood Boards serve as a key mechanism through which each neighborhood may communicate its needs and desires, both in the delivery of basic government services and in economic development and land use questions. While the Neighborhood Plan emphasizes the advisory nature of the boards, suggested activities include study and review of capital improvement projects and zoning concerns. In addition, boards may conduct educational programs on governmental decision making processes and may establish community goals, objectives, and priorities.

WHO CAN RUN FOR A NEIGHBORHOOD BOARD?

Candidacy for a Neighborhood Board is open to all residents of Oahu, including military personnel and aliens, who reside in the Neighborhood Board area and Sub-district to which they are being elected. A candidacy declaration form must be filed but no filing fees or nominating papers are required. Neighborhood Board elections are conducted biennially.

HOW CAN I PARTICIPATE IN THE SYSTEM?

Community participation is encouraged and welcomed by the boards. There are many ways in which the community can participate, some of which are:

- Voicing your concerns to your board representatives through personal contact or letters.
- Attending the regular monthly meetings, public forums and other community events sponsored by your board.
- Volunteering to participate on a board committee or Permitted Interaction Group (PI Group).
- Responding to surveys conducted by the board.
- Be a candidate in your board's election.
- Vote in your board's election.
- Offering any resourceful skills or knowledge.

YOU ARE THE DIFFERENCE

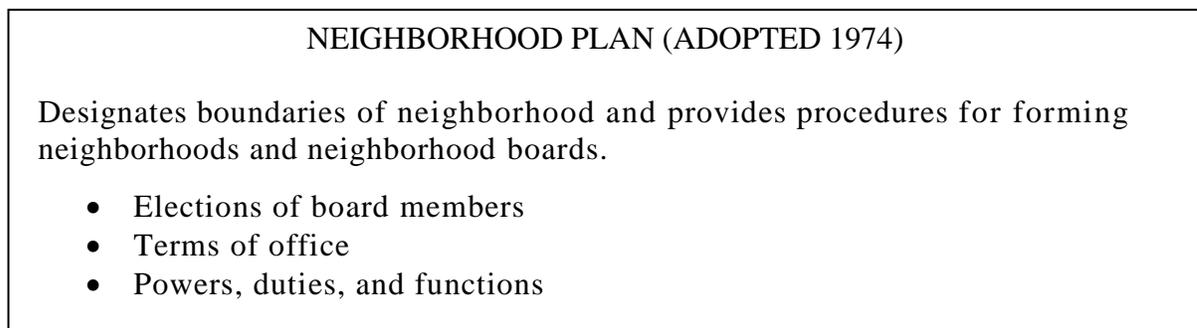
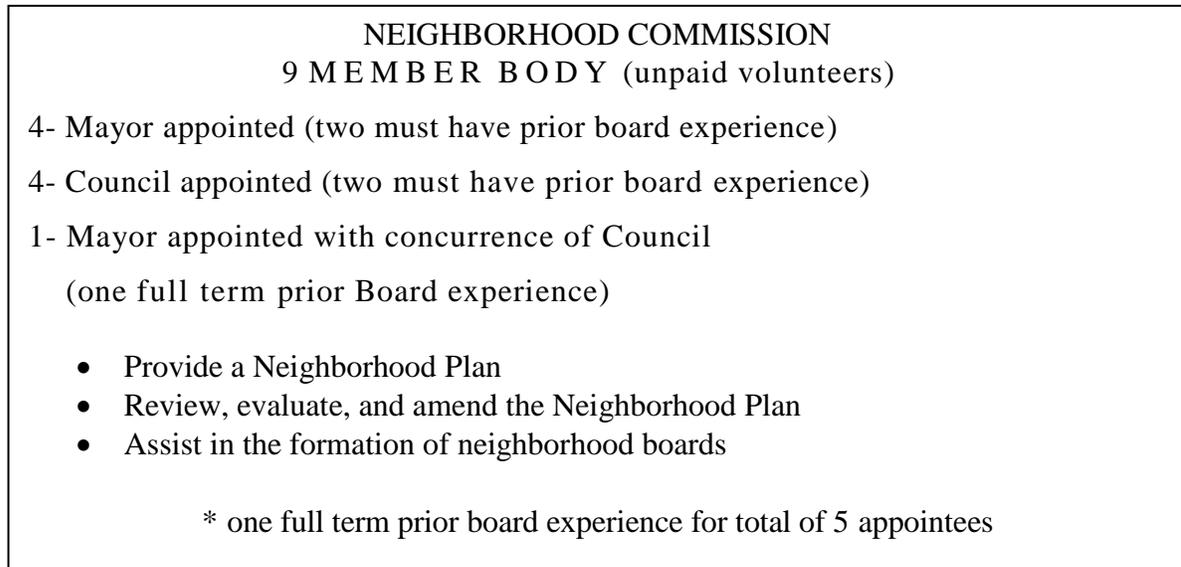
The theme, "The Responsible City," was chosen by the City Charter Commission when it presented the revised City Charter to the voters in 1972. A major component of this concept is full citizen participation in government so that the powers of the City shall properly serve and advance the aspirations of its citizens.

However, the initiative for action must come from the people. While Neighborhoods and Neighborhood Boards were established under the Charter as a means to increase and assure effective citizen participation, their creation and implementation are optional.

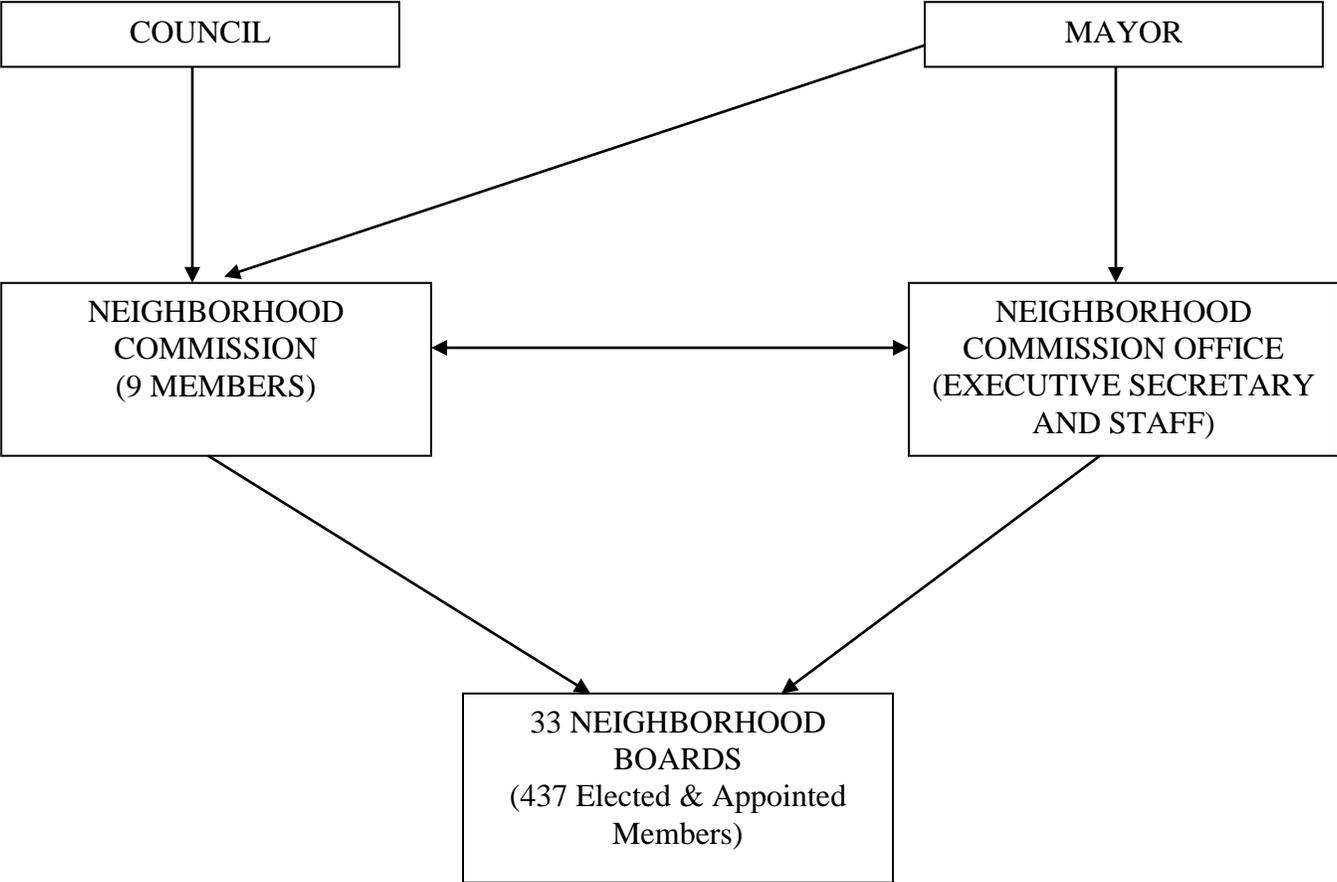
The Neighborhood Plan, which designates boundaries and provides for neighborhood formation, leaves many decisions open to the community so that a neighborhood-specific approach can be implemented.

DEVELOPMENT OF THE NEIGHBORHOOD BOARDS

REVISED CITY CHARTER OF
HONOLULU



NEIGHBORHOOD COMMISSION ORGANIZATIONAL CHART



NEIGHBORHOOD BOARDS ESTABLISHED

No.	Neighborhood Area	Date Formed
25	Mililani/Waipio/Melemanu	04/23/75
24	Waianae Coast	05/09/75
15	Kalihi-Palama	05/16/75
2	Kuliouou/Kalani Iki	05/16/75
32	Waimanalo	07/18/75
29	Kahalu'u	09/08/75
28	Koolauloa	02/10/76
30	Kaneohe	02/10/76
3	Waiialae/Kahala	04/16/76
16	Kalihi Valley	05/04/76
8	McCully/Moilili	05/04/76
31	Kailua	08/24/76
1	Hawaii Kai	03/01/77
7	Manoa	03/01/77
14	Liliha/Puunui/Alewa/Kamehameha	03/22/77
10	Makiki/Lower Punchbowl/Tantalus	09/20/77
11	Ala Moana/Kakaako	09/20/77
9	Waikiki	09/20/77
20	Aiea	09/20/77
6	Palolo	09/20/77
21	Pearl City	09/20/77
4	Kaimuki	09/20/77
12	Nuuanu/Punchbowl	09/20/77
23	Ewa	09/20/77
13	Downtown	09/20/77
5	Diamond Hd/Kapahulu/St. Louis Hts	09/27/77
27	North Shore	10/11/77
18	Aliamanu/Salt Lake/Foster Village	01/30/79
22	Waipahu	10/23/84
26	Wahiawa/Whitmore Village	03/19/85
34	Makakilo/Kapolei/Honokai Hale	08/29/94
35	Mililani Mauka/Launani Valley	10/02/96
36	Nanakuli/Maili	01/28/08
*17	Moanalua	
*19	Airport	
*33	Mokapu	

*indicates that the board has not yet been formed.

NEIGHBORHOOD BOARD MEETING DAYS (as of 6/1/17)		
NB #	BOARD NAME	MEETING DAYS
1	Hawaii Kai	Last Tuesday
2	Kuliouou/Kalani Iki	1 st Thursday
3	Waialae/Kahala	3 rd Thursday
4	Kaimuki	3 rd Wednesday
5	Diamond Head/Kapahulu/St. Louis Heights	2 nd Thursday
6	Palolo	2 nd Wednesday
7	Manoa	1 st Wednesday
8	McCully/Moiliili	1 st Thursday
9	Waikiki	2 nd Tuesday
10	Makiki/Lower Punchbowl/Tantalus	3 rd Thursday
11	Ala Moana/Kakaako	4 th Tuesday
12	Nuuanu/Punchbowl	3 rd Tuesday
13	Downtown-Chinatown	1 st Thursday
14	Liliha/Puunui/Alewa/ /Kamehameha Heights	2 nd Monday
15	Kalihi-Palama	3 rd Wednesday
16	Kalihi Valley	2 nd Wednesday
18	Aliamanu/Salt Lake/Foster Village	2 nd Thursday
20	Aiea	2 nd Monday
21	Pearl City	4 th Tuesday
22	Waipahu	4 th Thursday
23	Ewa	2 nd Thursday
24	Waianae Coast	1 st Tuesday
25	Mililani/Waipio/Melemanu	4 th Wednesday
26	Wahiawa/Whitmore Village	3 rd Monday
27	North Shore	4 th Tuesday
28	Koolauloa	2 nd Thursday
29	Kahalu'u	2 nd Wednesday
30	Kaneohe	3 rd Thursday
31	Kailua	1 st Thursday
32	Waimanalo	2 nd Monday
34	Makakilo/Kapolei/Honokai Hale	4 th Wednesday
35	Mililani Mauka/Launani Valley	3 rd Tuesday
36	Nanakuli/Maili	3 rd Tuesday

BASIC INFORMATION FOR A SUCCESSFUL BOARD

(BOARD CHAIRS AND MEMBERS)

DUTIES OF THE CHAIRPERSON

(NEIGHBORHOOD PLAN 2008)

§2-14-123 Duties of officers.

- (a) The chair shall be the presiding officer of a board. In the absence or disability of the chair, the vice chair shall act as the presiding officer. If both the chair and vice chair are absent or otherwise disabled, the secretary shall act as the presiding officer. If the chair, vice chair, and secretary are absent or otherwise disabled, the treasurer shall act as the presiding officer or the board may elect a chair pro tem to temporarily serve as the presiding officer.
- (b) It shall be the duty of the chair to:
 - (1) Serve as the spokesperson and representative of the board
 - (2) Prepare the agenda.
 - (3) Review or cause to be reviewed the draft meeting minutes before distribution to the members and availability to the public.
 - (4) Open all meetings of the board at the appointed time once quorum is present by taking the chair and calling the board to order.
 - (5) Call for the approval of the minutes of the preceding meeting when a quorum is present.
 - (6) Maintain order and proper decorum, with the assistance of all board members.
 - (7) Make known any standing or special rule of order when necessary or so requested.
 - (8) Make known any rule of the neighborhood board system when necessary or requested.
 - (9) Announce the business before the board.
 - (10) Receive and submit all appropriate matters properly brought before the board, to call for votes upon the same, and to announce the results.
 - (11) Receive and promptly present or report all communications to the board.
 - (12) Appoint and remove all committee chairs, unless otherwise directed by the board.
 - (13) Appoint and remove all board delegates, unless otherwise directed by the board.
 - (14) Refer matters to committees as appropriate.
 - (15) Authenticate by signature all advisory actions of the board as may be required.
 - (16) Appoint a secretary pro tem in the absence of the secretary.
 - (17) Maintain records of the board's proceedings with the assistance of the commission office.
 - (18) Perform any other duty as may be assigned by the board, as may properly appertain to the office, or as may be required by law.

QUALITIES OF A GOOD CHAIRPERSON

1. PREPARATION:

The chair organizes the business of the meeting in a certain order within a reasonable time period and sees that it is disposed in that order. This is the art of making an agenda and sticking to it.

2. IMPARTIALITY:

A chair must be an impartial moderator. When desiring to debate an issue, the chair **MUST** relinquish the gavel to the vice chair or another member and then debate from the floor. He/she then resumes the chair only after disposal of the motion. **DO NOT** use your position to comment on every issue before the board.

3. USE OF GAVEL:

The gavel is no pounding stick. A good chair uses the gavel sparingly; but when necessary, use it firmly and surely. If necessary, call a recess to restore order and decorum.

4. KNOWLEDGE OF RULES:

A chair must have knowledge of parliamentary procedure as well as the Neighborhood Plan and City policies. In all situations, the chair must rely on good common sense and a sense of courtesy and fair play. Practice time limits fairly for members and guests.

5. ABIDE BY STATE SUNSHINE LAW:

A chair **MUST** assure that everyone wanting to testify on agenda items is allowed to do so. It is recommended that on all issues, the audience be allowed to testify before the board discusses and deliberates. This would assure that a n y "call for the question" (this motion requires all discussion must cease if passed by the board) would be in order at any time once the discussion has gone to the board.

6. MAINTAIN DIGNITY AND DECORUM:

Conduct yourself in a manner that will gain the respect of your community and inspire fellow board members. **DO NOT** use your position to grandstand, nor take sides on issues, nor retaliate or belittle others. Do not use intimidating or abusive language. **DO NOT** allow others to retaliate or belittle others. If necessary, warn others that you will call police to remove persons disrupting the meeting (board members included) and follow through when necessary.

BEST PRACTICES AND CAUTIONS FOR THE CHAIRPERSON

1. Set a manageable agenda so as to get through your agenda within a reasonable amount of time.
2. It is recommended that meetings not go longer than two and one half hours. Not only will this encourage more community participation, it will also keep board minutes to a manageable length and assist your Neighborhood Assistant in transcribing draft minutes in a timely manner. Your Neighborhood Assistant (NA) serves multiple boards.
3. Assure that the public has been given the opportunity to testify on any agenda item. If there are many testifiers and time is short, the board may consider RECESSING a meeting to another date. When a meeting is continued from a previous meeting, testimony need not be taken again from the same individual(s).
4. Restate the motion clearly after it has been made and seconded.
5. Make certain there is a second when the motion requires a second, including a "call for the question."
6. Maintain only one main motion at one time.
7. Have a member or the NA state the motion before the board proceeds into a discussion.
8. No one should be permitted to speak twice on a motion until all have had a chance to speak once.
9. Vote on all motions on the floor.
10. Relinquish the chair when debating a motion; ask the vice chair or another officer to temporarily serve until the motion is disposed. Upon disposal of the motion, the temporary chair asks the regular chair to resume the chairmanship.
11. The chair's duty is to run the meeting not to provide commentary or opinion on agenda items or comments by members of the board or community. If the chair feels the need or obligation to speak he /she must relinquish the gavel.
12. Do not monopolize or let others monopolize the meeting by adding frequent commentary to issues discussed. Not only is this self-serving, it lengthens the meeting.
13. Recognize when there is a need for assistance in running a smoother meeting and request the Neighborhood Commission Office to provide a qualified observer to monitor meetings and provide feedback and suggestions.

14. Do not call "someone" out of order, but rather call the "motion "or "discussion" out of order.
15. Consider appointing one of your elected Board members as Parliamentarian to assist in parliamentary procedures.
16. When setting your Board's agenda, please take into consideration items which have been requested by your Board members or community.
17. When meetings run longer than anticipated and issues are not time sensitive, recommend that remaining agenda items be deferred.
18. When an agenda item is of wide interest in the community, consider having a light agenda to assure community input.
19. Please consider allowing the City's public safety agencies to be at the top of the agenda, including the City's M a y o r s Representative Report.
20. Do not ask the NA to write board letters or resolutions for the board. This is a board responsibility. The NA will assist with putting document into final format. It is strongly recommended to provide the NA with written material via the email.
21. If meetings are running longer than 2 ½ hours, consider putting a time limit on discussion by members and guests, and enforce time limits fairly.

BEST PRACTICES AND CAUTIONS FOR ALL BOARD MEMBERS

The list below is to help improve board meetings.

1. Know something about parliamentary law and the rules of the meeting. Do not be afraid to ask your Neighborhood Assistant (NA) for information.
2. Be respectful of board members, residents, and others who come before the board. Debate the issue, not the person who represents it. All board members are responsible for order and decorum. Do not be the cause of a disruptive meeting.
3. Ask for information when in doubt.
4. Enter the debate if you have something to say that you have not already said.
5. Be recognized before speaking.
6. Address the chair at all times and refrain from private conversations.
7. Keep informed about the organization and its activities.
8. When you believe discussion has gone on long enough, you may make a motion to "call for the question" or "call for the vote." The chair must stop discussion and ask for a second to the motion. If the motion passes, no further discussion from the board can take place and the question is put to a vote. CAUTION: if the public has not had an opportunity to testify, they must be allowed to do so. For this reason, it is recommended that the public be given the opportunity to testify before the board starts discussion.
9. Respect and follow time limits set by the board.
10. When meetings have run longer than anticipated and issues are not time sensitive, recommend that remaining agenda items be deferred.
11. Do not ask the NA to write board letters or resolutions for the board. This is a board responsibility. The NA will assist with putting into final format. It is strongly recommended to provide the NA with written material via the email.

COMPLETION OF MINUTES

The Neighborhood Commission Office (NCO) strives to provide the best services possible in the production of monthly board meeting minutes.

The following steps and timeframe should allow adequate time to review the draft minutes. It should also provide the NCO with sufficient lead time to produce the final set, print, prepare and mail the minutes to fulfill legal requirements.

1. In order to meet deadlines set by law, draft minutes shall be emailed to only one person designated by the board within ten (10) work days after the board meeting.
2. Upon receipt, the delegated board person should review the material only for non-substantial errors (spelling, grammar, dates, etc.) and return the corrected draft minutes to the NCO by email within four (4) work days from the date the drafts are sent by the NCO.
3. Should the board fail to return the revised draft minutes revisions within the specified time frame, the draft minutes as prepared by the Neighborhood Assistant (NA) will be used.
4. All action(s) to correct and approve the minutes shall take place only at a regular meeting of the board. If corrections are substantial, please bring written corrections of the minutes to the regular meeting.
5. Accepted corrections will be attached to the official file copy of the minutes and appear in the board of the minutes for the meeting at which they are made.

This process should give the NCO staff two to three work days to make necessary corrections and to prepare the minutes for mailing. A total of thirty-three (33) sets of minutes and agendas are due and produced each month. A standard process used by all boards, therefore, is needed to assist the NCO in the timely delivery of its services.

Occasionally, delayed delivery of the draft minutes may occur. In these circumstances, communication between the board's review person and the NA will be essential in order to produce the document by scheduled deadlines.

Minutes are legally required to be available to the public upon request 30 days after the meeting, even if the minutes are still in draft form.

Should there be any comments regarding the process, please feel free to contact the Neighborhood Commission Office.

DUTIES/RESPONSIBILITIES OF NEIGHBORHOOD ASSISTANTS

Neighborhood Assistants (NA) provide support and services to Neighborhood Boards.

1. Record minutes of regular monthly meetings.
2. Assist chairperson or designated board member with filing agendas.
3. Prepare, type, and reproduce copies of minutes of regular board meetings and type and reproduce copies of board correspondence.
4. Assure timely mailing of agendas of regular and special board meetings, minutes of regular meetings, and other materials as directed by the Executive Secretary.
5. Assure accuracy of Neighborhood Board mailing lists.
6. Maintain current and adequate files of Neighborhood Board agendas, minutes, correspondence and other board-related material.
7. Provide the general public with pertinent information regarding assigned Neighborhood Boards and the Neighborhood Board system as a whole.
8. Assist in arranging and coordinating adequate meeting facilities. However, the Board is responsible for actual opening and closing of facilities.
9. Assist the Neighborhood Commission office (NCO) in the planning and implementing of workshops and training session for board members.
10. Assist in distributing Neighborhood Commission generated information and materials to the Neighborhood Boards.
11. Assist in updating information on Neighborhood Board members, attendance forms, mailing lists and other materials, as necessary.
12. Assist in the preparation, monitoring and follow up on the Neighborhood Board election process.
13. Assist in basic research for Neighborhood Boards.
14. As necessary, serve as liaison between Neighborhood Boards.
15. Assure all purchases above the chair's limit are approved by the Board, authorized by the Executive Secretary and the paperwork processed with the NCO Administrative Section.
16. Assure all reimbursements are properly submitted and processed.

TIPS ON WORKING WITH YOUR NEIGHBORHOOD ASSISTANT

1. Allow the Neighborhood Assistant (NA) to sit next to the chairperson at Board meetings.
2. If detailed reports or presentations are given at meetings, provide a copy of written materials or fact sheet to the NA.
3. Instruct the NA how the Board's mail at the Neighborhood Commission Office (NCO) should be handled. Is the NA permitted to open the mail to make copies?
4. It is the Board's responsibility to draft its correspondence. Do not ask the NA to write these letters. The NA will type the letters, but the board must provide a legible draft, preferably by email. PLEASE do not ask the NA to take dictation over the phone.
5. If the chair or secretary types and distributes board correspondence, provide a copy to the NA for the board's centralized files. (The NCO is the central depository for all board files).
6. Work with the NA to update the Board's mailing list. If Board members are aware of changes, let the NA know. Also, be sure the NA has the names and addresses of community associations in the board area
7. All correspondence and testimony by the Board should be approved by the board.
8. No last minute requests. The NAs are assigned to multiple boards and must service them as well. This requires precise time management.
9. Draft minutes will be emailed within ten (10) working days to ONE designated board member.
10. Only the chair or designated board member may send revisions back to the NA. The revisions must be emailed within four (4) business days after receipt of the draft.
11. When planning to visit your NA, it is advisable to call ahead for an appointment to assure his/her availability.
12. Work with NA to determine how to handle mail from NCO mail box.
13. REMEMBER: The key to a good working relationship between the NA and the board is clear communication by both parties.

NETWORKING

Networking, defined as "the exchange of information among individuals, groups, and institutions," can be a valuable tool to promote, encourage, and allow widespread participation in Neighborhood Board activities and government processes.

As a collaborative process, networking can assist the Neighborhood Board to:

- Reach out to residents.
- Reach out to other Neighborhood Boards.
- Reach out to other community associations and the business community.
- Reach out to officials at all levels of government.

Users of this mechanism have discovered that it can effectively serve as an early notification process to keep citizens informed of upcoming agenda items and other matters of potential concern to the residents and neighborhood groups. Application of the process can also help to improve citizen-government relations and trust in public officials.

In general, Neighborhood Boards tend to concentrate on neighborhood-related issues and concerns. Networking, however, can be expanded to effectively address issues of an island wide scope. Through networking a stronger sense of community in a local area can be developed which ultimately can stimulate community solidarity and cohesiveness.

How does a Board begin networking? The following are basic techniques:

- Send a letter to an adjacent board(s) soliciting their opinion on an issue(s).
- Mail a letter, with the Board's agenda and minutes, to community groups highlighting the issues of concern and inviting their input.
- Invite members of community groups and the business community to Board meetings.
- Delegate a Board liaison to attend the meetings of the community groups to elaborate on the targeted issues to promote the group's discussion.
- Invite government departments/agencies and/or representatives of private sector to give talks on issues of concern at Board meetings.
- Jointly sponsor board meetings or informational forums with adjacent Neighborhood Board(s) and/or community organizations.

USE OF NEIGHBORHOOD BOARD LETTERHEAD

Neighborhood Board letterhead is used for official board correspondence only. Board members are accountable for all matters reflected on letterhead. Since the chair is the official spokesperson for the board, letters should bear the signature of the chair or designated Board member. Committee correspondence should be approved by the chair or a designated representative and should relate to its fact finding functions. The Neighborhood Plan states that no committee may speak for the Board.

For convenience, some Boards prefer to provide its chair with a blanket authority to generate communications using the Board's letterhead. However, when this option is exercised, a copy of the chair's written communication must be provided to the Board for its information and files to document the chair's action.

Please note that unauthorized use of the City Seal is a violation of the Revised Ordinances of Honolulu.

CORRESPONDENCE

GENERAL - i.e. letters of inquiry, acknowledgement and/or thanks.

Action needed: Board chair or authorized representative's approval.

SPECIFIC - i.e. letters reflecting board's positions, recommendations, complaints and invitations.

Action needed: Board authorization. Board action must be documented to preclude expression of an individual's opinion and/or recommendation, or independent unauthorized action.

NEIGHBORHOOD BOARD MEMBER CONTACT INFORMATION

EXCLUSIVELY FOR OFFICIAL NEIGHBORHOOD BOARD BUSINESS

PURPOSE:

To provide contact information on the Neighborhood Commission Office (NCO) website at www.honolulu.gov/nco in the Board Member's Directory accessible to the general public; and

To provide a standard size business card which will identify the Neighborhood Board, the member's name as well as the board term serving, for use as contact information pertinent to the fulfillment of official Neighborhood Board business.

POLICY:

As an elected member of the Neighborhood Board, contact information should be accessible to your community.

Board members are responsible for notifying the Board Chair and the NA when their contact information has changed.

PROCEDURES:

Business Cards

- To assure information is accurate; a request for cards must be made to the NCO on the form provided for board member contact information.
- Printing of business cards will be limited to 100 cards per board member for each Neighborhood Board term. A new request must be submitted for subsequent terms.
- Business cards will be printed in strict adherence to specifications and design established by the NCO.
- Cards will not be printed in the two months prior to the Neighborhood Board elections.

Board Members' Directory on Website

- To assure accuracy, information posted will be taken from the board member contact information form.

NEIGHBORHOOD BOARD MASS-MAILING GUIDELINES

Boards may choose to use their publicity funds to either videotape their monthly meetings or send out an annual mass-mailings (newsletters, surveys, flyers and other board-related publicity). These guidelines are intended to assist the Neighborhood Boards in the development of their annual mass- mailings.

DEVELOPMENT/PRODUCTION/TIMETABLE

1. Funding to produce one mass-mailing for each Neighborhood Board is reserved in a centralized Publicity Account. A board should vote on if it intends to produce an annual newsletter at its initial meeting of a fiscal year or as soon as possible thereafter.
2. The cut off date to submit draft-packages is the 2nd workday in May of the fiscal year. After this date, there is no guarantee that funds can be encumbered for the fiscal year or distribution completed before June 30.
3. The board or its designated committee representative shall contact the Neighborhood Commission Office (NCO) staff in charge of COMMUNICATIONS to discuss the board's mass-mailing needs, guidelines, layout details, cost estimates, the production process and firm timetables.
4. The board shall be wholly responsible for the composition of articles and the gathering of other material to be incorporated in the publication (maps, photos, charts, etc). The board's assistance in proofreading all articles before submittal will help the NCO staff to expedite publication.
5. In order to maintain the objectivity and quality of Neighborhood Board publications, the NCO reserves the right to review all publicity materials prior to printing and to recommend grammatical and format changes. Also, revisions may be recommended to correct inaccurate information and to eliminate libelous statements.
6. All articles and publication materials must be submitted together to the NCO in one complete draft package. Piece meal submittal is discouraged.
7. Mass-mailings for distribution during the six months prior to a Neighborhood Board election year shall contain no articles, stories, or profiles which may be construed as publicity or electioneering for candidates.

PRODUCTION SERVICES

1. All requests are subject to availability of funds, reasonable quantities (board area household count) and required approvals.
2. Due to cost and manpower constraints, each board's mass-mailing will be limited to four (4) pages (i.e., one 11"x 17" sheet folded to 8-1/2"x 11").
3. Every effort will be made to expedite publication requests containing dated material. However, due to varying workloads, a firm guarantee on delivery date may not always be possible. The average turnaround time from production to delivery is six weeks. Please consider this time frame when writing articles or making announcements in the publication.
4. A mass-mailing posted in December may be delayed at the post office due to a large volume of holiday season mailings.
5. Given adequate lead time, the NCO will be able to conduct selected mailings in lieu of the traditional mass-mailings which cover an entire board area. This process may allow for targeted mailings to a smaller population. Contingent upon format, production time should be about four (4) weeks.
6. One-page flyers are reproduced by the NCO. Please allow at least five (5) work days for layout and printing.

OTHER PUBLICATIONS

Purchase of space in a community publication must be authorized by board motion and approved by the Executive Secretary of the Neighborhood Commission. The publication must:

- be reviewed prior to printing by the Neighborhood Commission Office for libelous statements and accuracy of information; and
- be published by June 30 of the fiscal year.

NEIGHBORHOOD BOARD BUDGETS

ANNUAL BUDGETS

Annual budgets for Neighborhood Boards are prepared to assist each board in determining eligible purchases in accordance with items provided under the Mayor's Operating Budget for the Neighborhood Commission.

The annual board allocations are based on projected costs for printing and mailing of agendas and minutes, facility rentals and mass media efforts.

Board chairs have discretion in using up to \$25 without board approval. All other expenditures must be approved by the board PRIOR to purchase or service rendered. Boards must approve videotaping and room rental fees at their first meeting after the start of each fiscal year. Expenditures for refreshments must also be made prior to purchases.

BUDGET STATEMENTS

Each month, the chairperson (or treasurer) of the board will receive a Board Statement reflecting charges to the board for the previous month. This statement can assist the board in planning its activities to assure the board stays within its allotted annual budget. Board authorized expenditures made at the initial meeting for facility rentals and mass media efforts will be encumbered (deducted) so the board is aware that those monies have been committed.

The board chairperson (or treasurer) is responsible to assure that charges reflected are correct.

REQUISITION PROCESS

The following process is used to request funds from the board's account with the NCO.

1. Determine if the expenditure is allowable. Generally, items with a large dollar amount or materials which convey board positions or information on board activities must have prior board approval.
2. Place the issue on the agenda for board action to approve expenditure.
3. Upon approval by the Executive Secretary to release the funds, the purchase of the service or product will be coordinated by the NCO, who will follow through with the ordering and payment of the service or product for the board.

***THE BOARD CANNOT ENTER INTO ANY CONTRACTS, BUT MAY REQUEST THE NCO DO SO ON THEIR BEHALF**

The Board has to formally approve all purchases over \$25 and a request must be submitted to the NCO on a RFP Form and approved by the Executive Secretary. Unless these requirements are accomplished by the Board, the item purchased would be considered an unauthorized purchase. All such items will be returned to the Board for disposition.

Example of After- the - Fact purchases: Board members take it upon themselves to purchase a banner for the Board and then submit the receipt to the Board for payment. This is considered an "After- the - Fact purchase.

Expenditure Criteria - Expenditures by Neighborhood Boards will be for activities to directly increase and assure citizen participation in government decision-making process in accordance with our Neighborhood Plan and City Charter.

The Executive Secretary has final approval for all expenditures.

EXPENDITURES

AUTHORIZED EXPENDITURES

A. OPERATING

1. Agenda/Minutes
2. Correspondence
3. Office Supplies
4. Reference Materials
5. Maps
6. Lei
7. Postage
8. Photographic Service and Supplies (Frames)
9. Rental of Meeting Sites
10. Workshops and Conferences

B. PUBLICITY - (MASS MAILING)

1. Newsletters
2. Surveys/Flyers
3. Community Newspaper Column
4. Video Taping
5. Banners/Signs

UNAUTHORIZED EXPENDITURES

- Any amount over \$25 not approved by the board.
- Cash reimbursement for unauthorized out-of-pocket expenditures.
- Rental of office space.
- Funds to hire staff.
- Contractual Services.
- Office equipment.
- Food or Beverages.
- Gifts, T-shirts and related items.
- Mileage and travel allowances.
- Subscriptions.
- Maintaining a petty cash fund.
- Request for copying work when submitted by a non-board member.
- Other items which are not specifically budgeted.

LAWS AND RULES GOVERNING THE NEIGHBORHOOD BOARD SYSTEM

EXCERPTS FROM THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU ARTICLE XIV. NEIGHBORHOODS AND NEIGHBORHOOD BOARDS

Section 14-101. Neighborhoods and Neighborhood Boards - Neighborhoods and neighborhood boards to increase and assure effective citizen participation in the decisions of government shall be established in accordance with a neighborhood plan (Reso. 84-231)

Section 14-102. Neighborhood Commission - There shall be a neighborhood commission which shall consist of nine members chosen from the city at large. The mayor shall appoint four members, at least two of whom shall have served on a neighborhood board for at least one full term. The presiding officer of the council, with the approval of the council, shall appoint four members, at least two of whom shall have served on a neighborhood board for at least one full term. The ninth member shall be appointed by the mayor and confirmed by the council. The ninth member shall have served on a neighborhood board for at least one full term.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment.

The commission shall act by majority vote of its membership and shall establish its own procedures. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. The council shall appropriate funds to the neighborhood commission necessary for the performance of its official duties.

The terms of members initially appointed shall be for five years, and their successors shall serve for staggered terms of five years in the manner provided in subsection 13-103(c) of this charter. (Reso. 83-357; 1992 Gen. Election Charter Amendment Question No. 25; Reso, 04-18)

Section 14-103. Powers, Duties and Functions - The neighborhood commission shall:

- (a) Develop, after public hearings, a neighborhood plan which shall be effective upon filing with the city clerk.
- (b) Review and evaluate the effectiveness of the neighborhood plan and neighborhood boards and report thereon.
- (c) Assist areas of the city in the formation and operation of their neighborhoods and neighborhood boards, upon their request.

Section 14-104. The Neighborhood Plan - The neighborhood plan shall designate the boundaries of neighborhoods and provide procedures by which registered voters within neighborhoods may initiate and form neighborhoods and the manner of selection of the members of neighborhood boards, their terms of office and their powers, duties and functions.

The plan may be amended by the commission, after public hearings to be held in various areas of the city, and amendments shall become effective upon filing with the city clerk.

Section 14-105. Executive Secretary - There shall be an executive secretary to the neighborhood commission who shall be appointed by the mayor and confirmed by the council, and may be removed by the mayor. (Reso. 95-261)

EXCERPTS FROM THE NEIGHBORHOOD PLAN 2008

2-13-102 General powers, duties, and functions of the boards. (a) The boards are responsible for actively participating in the functions and processes of government by identifying, addressing, communicating, and seeking solutions to neighborhood issues and concerns, both within and outside of their respective neighborhood areas. Their actions should reflect the needs, wants, and interests of the neighborhood. Boards may take the initiative in selecting and prioritizing their activities, and provide reasonable means to increase and assure effective citizen participation in the decisions of government.

(b) The powers, duties, and functions of boards shall include:

- (1) Increase and assure effective citizen participation in the decisions of government by providing additional and improved opportunities for public input and interaction, and communicating that input to the appropriate persons and agencies;
- (2) Initiate, review, comment, and make recommendations concerning any general plan, development and sustainable communities plan, zoning, planning, permitting, and other land use issues within the city;
- (3) Identify, prioritize, review, comment, and make recommendations concerning any government capital improvement proposal, plan, or project;
- (4) Assist with evaluations of the efficiency and effectiveness of government services and programs, whether provided by government agencies or their contractors;
- (5) Initiate, review, comment, and make recommendations concerning any other substantive issue reasonably related to the processes or decisions of government;
- (6) Encourage understanding of the decision-making processes of government; and
- (7) Encourage the role of the board as a public and informational forum on community and governmental issues.

(c) Boards, in compliance with this plan and all other applicable laws, may communicate and cooperate with each other, especially on a regional basis, to promote general awareness and understanding of issues of mutual concern, explore opportunities for collaboration, and foster beneficial relationships to further increase and assure effective citizen participation in the decisions of government.

(d) Each board may express its neighborhood's view, opinion, or advice on matters within the scope of the board's jurisdiction to properly fulfill its duty. No deference is required of a board to any other board.

(e) Boards may cooperate and collaborate with persons, agencies, and community organizations so long as the cooperation and collaboration does not exceed the powers, duties, and functions of boards as allowed by law.

(f) The commission shall provide reasonable assistance and reasonable operating expenses for the boards for the performance of their powers, duties, and functions. [Eff 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

§2-14-111 Meeting notice and agenda. (a) A board shall give written public notice of any and all regular, special, or anticipated executive meetings. The notice shall state the day, date, time, and place of the meeting, and include an agenda which lists all of the items to be considered. In the case of an anticipated executive meeting, the purpose shall be stated on the agenda.

(b) The meeting notice and agenda shall be prepared by the chair or presiding officer and shall be filed in the Neighborhood Commission Office at least seven calendar days before the meeting. The notice and agenda shall also be posted at the site of the meeting whenever feasible.

(c) If the chair receives a written request from any member of the chair's board to include an item on the agenda, the chair shall:

- (1) Include the item on the agenda for the next regular meeting; or
- (2) Include the request for inclusion of the item on the agenda for the next regular meeting for the board to decide whether to include the item on the agenda for the following regular meeting;

provided that if the request is not received at least ten days before the next regular meeting, the item or the request shall be included on the agenda for the following meeting.

(d) Once filed with the city clerk, no item shall be added to the agenda for that duly noticed meeting except by a recorded two-thirds vote of all members to which the board is entitled, and provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons. [Eff 10/20/08; am 2/5/11] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

BASIC LEGAL ASPECTS

Being an integral part of the City government, members of the Neighborhood Boards act under color of law in performing their respective duties. Failure to comply with applicable rules and procedures could affect the actions taken by the board as well as have a detrimental effect on the board members themselves.

I. DEFINITIONS OF FREQUENTLY USED TERMS - Abbrev. (Acronym)

- HRS Hawaii Revised Statutes. Laws or statutes enacted by the State of Hawaii Legislature.
- ROH Revised Ordinance of Honolulu. Regulations or laws of the City and County of Honolulu.
- RCH Revised Charter of the City and County of Honolulu, 2000. Rules or provisions by which the City currently operates.
- NP or
PLAN Neighborhood Plan. Development by the Neighborhood Commission,
as mandated under RCH 14-104. The document designates:
1) boundaries of neighborhood areas,
2) provides for procedures to initiate and form neighborhoods,
3) manner of selecting members and their terms,
4) powers, duties and functions of neighborhood boards.
- (H)APA (Hawaii) Administrative Procedures Act. Chapter 91, Hawaii Revised Statutes. Laws covering Public Proceeding and Records. The Neighborhood Commission adopts the Plan in compliance with procedures as set forth in this statute. Procedures for adoption, amendment or repeal of rules are defined in HRS Chapter 91.
- "Sunshine
Law" Chapter 92, Hawaii Revised Statutes - Public Agency Meetings. Often referred to as State Sunshine Law, it virtually covers every governmental board that is created by law or by executive order. The statute requires that meetings be open to the public and records are made available to the public.
- Act 153 Act 153 establishes a provision wherein Neighborhood Boards may hear reports and discuss matters which come before them without the presence of a quorum. Note, no formal action by the Boards may occur unless a quorum is present.

II. BASIC LEGAL REQUIREMENTS, RULES AND REGULATIONS

A. OPERATIONAL

1. "Sunshine Law" (Chapter 92, HRS, as amended)

What? Basic intent of this law is the public's right to know when and where boards meet, the right to attend such meetings, the right to speak on any agenda item, and the right to obtain minutes of these meetings. More simply--an open system of government meetings and records.

Who? Applicable to Neighborhood Boards as units of the City, boards and commissions, City Council.

How? Written Notice (Agenda)

File with the City Clerk at least 6 calendar days prior to regular or special meetings and post notice at Neighborhood Commission Office. (*The Neighborhood Plan requires 7 days prior to meeting). Permitted Interactive Groups need not be noticed.

List date, time, place of meeting, and itemize business to be conducted.

No change once filed by adding items unless 2/3 vote of board's entire membership concurs, except as provided under Section 92-7(b), HRS.

Open Meetings

Every meeting shall be open to the public. All persons shall be permitted to attend.

Afford all interested persons an opportunity to present oral or written testimony on any agenda item.

Written Minutes

Available for public review within 30 days after meeting.

Record: Date, time and place of meeting, board members present, absent, substance of what was discussed, votes by each individual member; and any information board member submits. (§92-9, HRS; §2-14-113(a), NP).

2. Quorum
 Majority of entire membership to which the board is entitled (at least 1/2 plus 1) required to conduct board meeting and to take formal board action. (§92-15, HRS; §13-103(g) and (i), RCH; S1-2.1, §2-14-114, NP, Act 153).
 No board action can be taken without a quorum.
 No board meeting can be convened without a quorum.
 Boards may hear reports and discuss matters without a quorum.
3. Voting The affirmative vote of a majority of the entire membership to which the board is entitled is required to take action. Such action shall be made at an open meeting. (§92-15, HRS; §13-103(i), RCH; §2-14-114, NP).
- Minutes shall include a record, by individual member, of any votes taken. Therefore, voting by secret ballot is prohibited on any action(s) of the board, including the election of officers or the filling of vacant seats. (§92-9, HRS; §2-14-113(a)(4), NP).
- Acceptable methods of voting: (§2-14-115(c), NP)
- roll call
 - show of hands
 - voice vote
 - unanimous consent
4. Meetings Regular Meeting
 Hold not less than 9 regular monthly meetings per year on a pre-established day of the month. At no time shall two consecutive months elapse between regular meetings. (§2-14-109(a), NP).
- Special Meeting
- Special meetings open to the public may be called at any time by the chairperson or the majority of the board. (§2-14-109(c), NP).
5. Agenda Written public notice of any meeting is required, with the exception of Permitted Interaction Groups. Notice to include an agenda listing all items to be considered; date, place, and time of meeting. (Chapter 92, HRS; §2-14-111(a), NP)
- Regular Meeting - Filing with Neighborhood Commission Office at least seven calendar days prior to scheduled meeting. (§2-14-111(b), NP).

Special Meeting - Filing with Neighborhood Commission Office at least seven calendar days prior to scheduled meeting. (§2-14-111(b), NP).

B. BOARD MEMBERSHIP

1. General Requirements

Minimum 9 members for each board. (§2-15-102(b), NP)
Uneven number of members. (§2-14-102(b), NP)
Each term consists of 2 years - commencing July 1 and ending 24 months later on June 30. (§2-14-102, NP).

2. Qualifications

- Must be a legal resident of neighborhood and subdistrict (as applicable) to which elected. (§2-13-108(a)(1), §2-17-204(a)(1), NP).
- Minimum age of 18 years. (§2-13-108(a)(2), §2-17-204(a)(2), NP).
- May be a legal resident alien. Does not have to be a citizen or national of the United States. (§2-13-108(a), §2-17-204(a), NP).

3. City, state or federal employees may be elected to a Neighborhood Board.

4. Dual Membership

Member of a Neighborhood Board may accept a position on another State or City board, commission or committee. (§78-4, HRS, as amended in May, 1984).

A board member elected to public office must relinquish their seat on the board effective immediately after winning election. (§2-13-109(a) and (b), NP)

C. BOARD ACTIONS/ACTIVITY

PURPOSE: "TO INCREASE AND ASSURE EFFECTIVE CITIZEN PARTICIPATION IN THE DECISIONS OF GOVERNMENT." (§2-13-101, NP)

The board plays an ADVISORY role in the "decisions of government." Nowhere in the Charter is the board given sovereign power. Thus, a Neighborhood Board can only advise or make recommendations to the City Council, the Mayor and the executive agencies of the city, State of Hawaii

legislators, Congressional representatives, state and federal agencies and citizens in general.

Methods of ADVISING government decision makers:

1. Written correspondence or comments.
2. Written and/or oral testimony. While boards may appear before various government bodies, caution should be exercised so as not "to speak FOR the City."

Office of Information Practices Guide to "The Sunshine Law" for Neighborhood Boards

Part I of Chapter 92, Hawaii Revised Statutes.

INTRODUCTION

This guide was prepared by the Office of Information Practices ("OIP") as a reference tool for board members and members of the public to understand the open meetings requirements of Hawaii's Sunshine Law (Part I of Chapter 92, HRS). Originally enacted in 1975, the Sunshine Law applies to all state and county boards, including neighborhood boards.

In 2008, however, the Legislature added provisions applicable only to neighborhood boards in a new Part VII, in chapter 92, HRS, which is separate from the Sunshine Law and is entitled "Neighborhood Board." Because the 2008 changes created exceptions to the Sunshine Law that apply only to neighborhood boards, OIP developed this edition of the guide specifically to explain how the Sunshine Law applies to neighborhood boards. Other state and county boards have a different Open Meetings Guide, available on the OIP website at www.hawaii.gov/oip.

This guide will help neighborhood board members understand the Sunshine Laws' requirements and restrictions on how the neighborhood board can conduct its business. Many neighborhood board members, especially those who serve or have served on non-governmental boards, are surprised by the restrictions placed on the manner in which they, in their capacity as governmental board members, must conduct board business. This guide will remove the surprise factor for those who diligently study and apply it.

If there are any questions concerning the Sunshine Law, neighborhood board members should first seek advice from the Neighborhood Commission, which has primary jurisdiction over neighborhood board issues. The Commission will then refer appropriate questions to OIP. Questions should be submitted directly

to OIP only when they allege Sunshine Law violations by the Commission itself.

GENERAL INFORMATION

What is the Sunshine Law?

The Sunshine Law is Hawaii’s open meetings law. It governs the manner in which all state and county boards must conduct their business. The law is codified at part I of chapter 92, Hawaii Revised Statutes (“HRS”).

What is the general policy and intent of the Sunshine Law?

The intent of the Sunshine Law 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. The Legislature expressly declared that “it is the policy of this State that the formation and conduct of public policy—the discussions, deliberations, decisions, and actions of governmental agencies—shall be conducted as openly as possible.”

In implementing this policy, the Legislature directed that the provisions in the Sunshine Law requiring open meetings be liberally construed and the provisions providing for exceptions to open meeting requirements be strictly construed against closed meetings. Thus, with certain specific exceptions, all discussions, deliberations, decisions, and actions of a board relating to the official business of the board must be conducted in a public meeting.

In other words, absent a specific statutory exception, board business cannot be discussed in secret. There must be public notice; public access to the board’s discussions, deliberations, and decisions; opportunity for public testimony; and board minutes.

What boards are covered by the Sunshine Law?

There is no list that specifically identifies the boards that are subject to the Sunshine Law. As a general statement, the Sunshine Law applies to all state and county boards, commissions, authorities, task forces, and committees that have supervision, control, jurisdiction, or advisory power over a specific matter and are created by the State Constitution, statute, county charter, rule, executive order, or some similar official act. A committee or other subgroup of a board that is subject to the Sunshine Law is also considered to be a “board” for purposes of the Sunshine Law and must comply with the statute’s requirements.

Examples of state and county boards that are subject to the Sunshine Law include the county councils, the neighborhood boards, the Board of Water

Supply, the liquor commissions, the board of the Hawaii Tourism Authority, the police commissions, the board of the Aloha Tower Development Corporation, the Board of Land and Natural Resources, the Board of Agriculture, the Board of Health, the board of the Hawaii Health Systems Corporation, the University of Hawaii's Board of Regents, the Board of Education, the island burial councils, the Small Business Regulatory Review Board, the Real Estate Commission, the board of the Natural Energy Laboratory of Hawaii Authority, and the board of the Stadium Authority.

The Sunshine Law does not apply to the judicial branch or to the adjudicatory functions exercised by certain boards (with the exception of Land Use Commission hearings, which are open to the public). The legislative branch sets its own rules and procedures concerning notice, agenda, minutes, enforcement, penalties, and sanctions, which take precedence over similar provisions in the Sunshine Law.

What government agency administers the Sunshine Law?

Since 1998, OIP has administered the Sunshine Law. OIP also oversees the Uniform Information Practices Act (Modified) ("UIPA"), chapter 92F, HRS, which is commonly referred to as Hawaii's "open records" or freedom of information act.

PUBLIC MEETINGS

MEETINGS DEFINED

Are all meetings of state and county boards open to the public?

Generally, yes. All meetings of state and county boards are required to be open to the public unless an executive meeting or other exception is authorized under the law. The open meeting requirement also applies to the meetings of a board's committees or subgroups.

Are site inspections, presentations, workshops, retreats and other informal sessions that involve board business considered to be meetings open to the public?

Generally, yes. Apart from the permitted interactions set forth in section 92-2.5, HRS, which are discussed below, the Sunshine Law requires all of a board's discussions, deliberations, decisions, and actions regarding matters over which the board has supervision, control, jurisdiction, or advisory power to be conducted in either an open or executive meeting.

Moreover, based upon the express policy and intent of the legislature—that the formation and conduct of public policy be conducted as openly as possible—OIP interprets the statute to require that any site inspection or presentation regarding a matter before the board, or which is reasonably likely to come before the board for a decision in the foreseeable future, be conducted as part of a properly noticed meeting.

That conclusion is based upon OIP’s determination that the site inspection or the presentation is an integral part of the board’s deliberation and decision-making process, two types of actions that the statute expressly requires be conducted in a properly noticed meeting. If it is not practical to allow the public to attend a site inspection as part of a meeting, a portion of the board may still be able to participate in the site inspection under certain circumstances. See Permitted Interactions, discussed below.

With respect to board retreats, if board business is to be discussed at the retreat, the retreat must be conducted as a meeting, which requires public notice, the keeping of minutes, the opportunity for public testimony, and public access to the board’s discussions, deliberations, and decisions.

TELEPHONIC AND VIDEOCONFERENCE MEETINGS

May a board hold a meeting via telephone?

Yes. As of July 1, 2012, board members may participate in a board meeting by “interactive conference technology,” which includes teleconference, Skype, videoconference, or voice over internet protocol. See answer below for further details.

May a board convene a meeting via videoconference?

Board members may remotely participate in a board meeting through “interactive conference technology,” which includes teleconference, Skype, videoconference, or voice over internet protocol. If audio communication cannot be maintained at all locations, then the meeting must be terminated, even if a quorum of board members is physically present in one location.

Members generally may only participate in a meeting from public locations listed in the meeting notice. But “a board member with a disability that limits or impairs the member’s ability to physically attend the meeting” may attend a meeting via a connection by audio and video means (i.e., by videoconference, Skype) from a private location not open to the public, such as a home or hospital room. A disabled board member attending from a private location must identify the location and any persons who are present at that location with the

member. To protect the disabled member's privacy interests and because members of the public are not able to participate from the private location, the disabled member's location during a meeting may be generally identified, such as "home" or "hospital," without providing an exact address.

When noticing a meeting to be held using interactive conference technology, boards must indicate all locations where board members will be physically present, and must indicate that the public can attend the meeting at any of the specified locations. A disabled member's private address need not be identified as a meeting location on the notice.

If copies of visual aids are brought to the meeting by board members or members of the public, they must be available to all meeting participants at all locations. If audio-only interactive conference technology (e.g., teleconference) is being used, all visual aids must be available within 15 minutes to all participants, or those agenda items for which visual aids are not available cannot be acted upon at the meeting.

TESTIMONY

Must a board accept testimony at its meetings?

Yes. Boards are required to accept testimony from the public, both oral and written, on any item listed on the meeting agenda. Boards can decline to accept public testimony that is unrelated to a matter listed on the agenda.

Can the public provide testimony from a remote location by telephone, videoconference, or using other interactive technology?

OIP has interpreted HRS section 92-3.5 to allow board members' remote participation in a meeting, and when board members are present at more than one location, members of the public may participate (including providing testimony) from any site listed on the notice as a location where board members would be present. However, this section has NOT been interpreted to require a board to allow public testimony or participation from a remote location which has not been properly noticed and when there are no board members present at that location and participating remotely in the meeting. Thus, a board may choose, but is not required by the Sunshine Law, to hear speakerphone testimony from members of the public who are not physically present at a meeting location. Similarly, a board may accept public testimony via videoconference or Skype from sites that were not included in the public notice.

A board may also list in its notice a courtesy videoconference or teleconference site where the public can attend and offer testimony, even though no board

member will be physically present, and the board would not be required to cancel the remainder of its meeting if a courtesy site were to lose its audio or video connection to the meeting site. To avoid public confusion, however, the board's notice must make clear that no board member will be physically attending from that videoconferenced or teleconferenced site and that the meeting will continue even if the connection to the site is lost.

Is a board required to read aloud the written testimony during its meeting?

No. There is no requirement that a board read aloud each piece of written testimony during its meeting for the benefit of those attending the meeting. A board, however, must ensure that written testimony is distributed to each board member for that member's consideration before the board's action. Moreover, upon request, any member of the public is entitled to receive copies of the written testimony submitted to the board.

Is written communication received by only one board member regarding a matter on the board's meeting agenda considered written testimony?

Possibly. For instance, on occasion, the board chair or individual board members may receive e-mail or other written correspondence regarding a matter on the board's agenda. If a writing is received prior to the meeting and reasonably appears to be testimony relating to an agenda item (as opposed to correspondence directed only to the recipient), irrespective of whether the writing is specifically identified as "testimony," the board member receiving the communication must make reasonable efforts to cause the testimony to be distributed to the other members of the board.

How can a board avoid the possible problem of only one board member receiving testimony intended for the entire board?

To avoid possible confusion as to whether an e-mail or other written communication received by only one board member is intended as to be "testimony" to the entire board, the meeting notice could specifically identify a mailing address and an e-mail address to where written testimony should be directed.

While such a process does not completely relieve individual board members of their obligation to consider whether written communication that they individually receive is intended by the sender to be "testimony" for consideration by the entire board, it may reduce the likelihood of written testimony being received by individual board members and may excuse a board member's reasonable failure to recognize that a written communication was intended to be "testimony."

How must a board distribute written testimony to its members?

The board is empowered to determine how to best and most efficiently distribute the testimony to its members, e.g., whether to transmit it electronically or to circulate copies in paper format, so long as the testimony is distributed in a way that is reasonably calculated to be received by each board member.

May a board limit the length of each person's oral testimony offered at its meetings?

Yes. Boards are authorized to adopt rules regarding oral testimony, including, among other things, rules setting limits on the amount of time that a member of the public may testify. For instance, a council could adopt rules limiting each person's oral testimony to three minutes. Boards also are not required to accept oral testimony unrelated to items on the agenda for the meeting.

Testimony or Presentations Without Quorum (neighborhood boards only)

Neighborhood boards are allowed by HRS § 92-81 to receive testimony or information on a matter of official board business, even when the neighborhood board does not have a quorum. However, 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.

Public Input (neighborhood boards only)

Neighborhood boards are allowed by HRS § 92-81 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 the matter can occur at later meeting of the neighborhood board, but only if the matter is listed on that meeting's agenda.

RECESSING AND RECONVENING MEETINGS

Can a board recess and later reconvene a meeting?

Boards are authorized to recess their meetings, both public and executive meetings, and reconvene at another date and time to continue and/or complete public testimony, discussion, deliberation, and decision-making relating to the items listed on the agenda. The meeting must be continued to a reasonable date and time, and the date, time, and location of the reconvened meeting must be

announced at the time that the meeting is recessed.

Can the meeting be reconvened at a different location?

Yes. A board may reconvene a meeting at a location different from where the meeting was initially convened, as long as the board announces the location where the meeting is to be reconvened at the time when it recesses the meeting. OIP also strongly recommends that the new location be included in all announcements and other such publications, if any, regarding the reconvened meeting.

DISCUSSIONS BETWEEN BOARD MEMBERS OUTSIDE OF A MEETING

Can board members discuss board business outside of a meeting?

The Sunshine Law generally prohibits discussions about board business between board members outside of a properly noticed meeting, with certain statutory exceptions. While the Sunshine Law authorizes certain interactions between board members outside of a meeting, the statute expressly cautions that such interactions cannot be used to circumvent the requirements or the spirit of the law to make a decision or to deliberate towards a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

In practical terms, this means that board members cannot “caucus” or meet privately before, during, or after a meeting to discuss business that is before the board or that is reasonably likely to come before the board in the foreseeable future.

The statute, however, does not prohibit discussion between board members outside of a properly noticed meeting about matters over which the board does not have supervision, control, jurisdiction, or advisory power. For instance, where the chair of a board has the sole discretion and authority to dictate how the board will expend certain funds allocated to it, the board has no “power” over that decision and, therefore, board members may discuss the expenditure outside of a properly noticed meeting.

Does the Sunshine Law also prohibit board members from communicating between themselves about board business by telephone, memo, fax, or e-mail outside of a meeting?

Yes. Board members cannot discuss board business between themselves when they are outside of a properly noticed meeting by way of the telephone or by memoranda, fax, e-mail, or social media, such as Facebook. As a general rule, if the statute prohibits board members from discussing board business face-to-

face, board members cannot have that same discussion through another type of media.

Can board members discuss board business with non-board members outside of a meeting?

Generally, yes. The Sunshine Law only applies to boards and their discussions, deliberations, decisions, and actions. Because the Sunshine Law does not apply to non-board members, a board member may discuss board business with non-board members outside of a meeting.

It is contrary to the spirit of the statute, however, for a board member to engage in a public discussion with non-board members about a matter that is board business in the presence of other board members. For instance, four county council members cannot participate in a discussion at a neighborhood board meeting about a matter that is council business, even if the council members do not discuss the matter between themselves. In OIP's opinion, such an exchange is part of the discussion and deliberation process that can only take place in a properly noticed meeting. Additionally, board members should not discuss with non-board members any matters discussed during a closed executive session, or the members could risk waiving the board's ability to keep the matters confidential.

SOCIAL EVENTS

What about social and ceremonial events attended by board members?

The Sunshine Law does not apply to social or ceremonial gatherings at which board business is not discussed. Therefore, board members can attend functions such as Christmas parties, dinners, inaugurations, orientations, and ceremonial events without posting notice or allowing public participation, so long as they do not discuss official business that is pending or that is reasonably likely to come before the board in the foreseeable future.

If I am a board member, what should I do if another board member starts talking about board business at a social event?

The Sunshine Law is, for the most part, self-policing. It is heavily dependent upon board members understanding what they can and cannot do under the law. In the situation where a board member raises board business with other board members outside of a meeting, board members should remind each other that such discussion can only occur at a duly noticed meeting. If a board member persists in discussing the matter, the other board members should not participate in the discussion and should physically remove themselves from the discussion.

PERMITTED INTERACTIONS

What are “permitted interactions”?

In 1996, the Legislature added six “permitted interactions” to the law that are designed to address instances and occasions in which members of a board may discuss certain board matters outside of a meeting and without the procedural requirements, such as notice, that would otherwise be necessary. The statute specifically states that the “[c]ommunications, interactions, discussions, investigations, and presentations described in [the permitted interaction] section are not meetings for purposes of [the Sunshine Law].”

In 2008, the Legislature added a new permitted interaction for neighborhood boards only. This neighborhood board provision was modified and extended to all Sunshine Law boards in a new permitted interaction added in 2012. Another new permitted interaction relating to cancelled meetings was also added in 2012. All permitted interactions are summarized below.

What are the types of “permitted interactions” allowed by the statute?

- **Two Board Members.** Two board members may discuss board business outside of a meeting as long as no commitment to vote is made or sought. Nevertheless, it would be contrary to the Sunshine Law for a board member to discuss the same board business with more than one other board member through a series of one-on-one meetings.
- **Investigations.** A board can designate two or more board members, but less than the number of members that would constitute a quorum of the board, to investigate matters concerning board business. The board members designated by the board are required to report their resulting findings and recommendations to the entire board at a properly noticed meeting. This permitted interaction can be used by a board to allow some of its members (numbering less than a quorum) to participate in, for instance, a site inspection outside of a meeting or to gather information relevant to a matter before the board.
- **Presentations/Negotiations/Discussion.** The board can assign two or more of its members, but less than the number of members that would constitute a quorum of the board, to present, discuss, or negotiate any position that the board has adopted.
- **Selection of Board Officers.** Two or more board members, but less than the number of members that would constitute a quorum of the board, can discuss between themselves the selection of the board’s officers.

• **Acceptance of Testimony at Cancelled Meetings.** If a board meeting must be cancelled due to lack of quorum or conference technology problems, the board members present may still receive testimony and presentations on agenda items from members of the public and may question them, so long as there is no deliberation or decision-making at the cancelled meeting. The members present must create a record of the oral testimony or presentations. At the next duly noticed meeting of the board, the members who were present at the cancelled meeting must provide the record and copies of the testimony or presentations received at the cancelled meeting. Deliberation and decision-making on any item, for which testimony or presentation were received at the cancelled meeting, can only occur at a subsequent duly-noticed meeting of the board.

• **Discussions With the Governor.** Discussions between one or more board members and the Governor are authorized to be conducted in private, provided that the discussion does not cover a matter over which a board is exercising its adjudicatory function.

• **Administrative Matters.** Certain routine administrative matters, such as board budget or employment matters, can be discussed between two or more members of a board and the head of a department to which the board is administratively assigned.

• **Attendance at Informational Meetings or Presentations.** The Sunshine Law allows two or more members of a board, but less than quorum, to attend an informational meeting. The board members may participate in discussions, even among themselves, so long as the discussions occur as part of the informational meeting or presentation and no commitment relating to a vote on the matter is made or sought. At the next duly noticed meeting of the board, the members who attended the informational meeting or presentation must report their attendance and the matters presented and discussed that related to official board business.

This Sunshine Law provision thus allows less than a quorum of board members to attend, for example, neighborhood board meetings, legislative hearings, and seminars, at which official board business is discussed, so long as no commitment to vote is made and the subsequent reporting requirements are met. The law is intended to improve communication between the public and board members and to enable board members to gain a fuller understanding of the issues and various perspectives. As with the rest of the law, this permitted interaction will be interpreted to prevent circumvention of the spirit of the Sunshine Law and its open meeting requirements.

• **Other Meetings (neighborhood boards only).** Under HRS § 92-98 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.

EXECUTIVE MEETINGS

What is an executive meeting?

An executive meeting is a meeting of the board that is closed to the public. Executive meetings are authorized in eight specific circumstances and cannot be convened for any other purpose.

All governmental boards are prohibited from holding an executive session except for limited specified purposes, such as to discuss the hiring or evaluation of personnel, attorney-client discussions, land acquisition, or information made confidential by law. Neighborhood boards' discussions will rarely, if ever, fall within one of the specified executive session purposes. Therefore, neighborhood boards generally may not hold executive sessions.

What are the eight purposes for which an executive meeting can be convened?

- *Licensee Information.* A board is authorized to meet in executive session to evaluate personal information of applicants for professional and vocational licensees.
- *Personnel Decisions.* A board may hold a meeting closed to the public to consider the hire, evaluation, dismissal or discipline of an officer or employee, if consideration of the matters may affect that individual's privacy. However, if the person who is the subject of the board's meeting requests that the board conduct its business about him or her in an open meeting, the request must be granted and an open meeting must be held.
- *Labor Negotiations/Public Property Acquisition.* A board is allowed to deliberate in an executive meeting concerning the authority of people designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations.
- *Consult with Board's Attorney.* Boards are authorized to consult in an executive meeting with their attorneys concerning the board's powers, duties, immunities, privileges, and liabilities.
- *Investigate Criminal Misconduct.* A board with the power to investigate criminal misconduct is authorized to do so in an executive meeting.

- *Public Safety/Security*. A board may hold an executive meeting to consider sensitive matters related to public safety or security.
- *Private Donations*. A board may consider matters relating to the solicitation and acceptance of private donations in executive meetings.
- *State/Federal Law or Court Order*. A board may hold an executive meeting to consider information that a state or federal law or a court order requires be kept confidential.

Does “embarrassing” or “highly personal” information allow a board to hold an executive meeting?

Not unless the discussion falls within one of the eight circumstances listed in the statute for which an executive meeting is allowed.

Can confidential or proprietary information be considered in a closed door meeting?

Again, unless there is an exception that permits the board to convene in an executive meeting, no matter how sensitive the information may be, a board cannot consider such information outside of an open meeting.

Must a board give notice that it intends to convene an executive meeting?

Yes, if the executive meeting is anticipated in advance.

What must the agenda contain when the board anticipates convening an executive meeting?

Generally, the agenda for the open meeting must indicate that an executive meeting is anticipated. The agenda also must state, at a minimum, the statutory authority for convening the anticipated executive meeting and should describe the subject of the executive meeting with as much detail as possible without compromising the closed meeting’s purpose.

For instance, if the board is to consider a proposed settlement of a lawsuit in an executive meeting, the agenda could note that the meeting will be convened for the purpose of consulting with the board’s attorney on questions or issues regarding the board’s powers, duties, privileges, immunities, and liabilities, and cite section 92-5(a)(4), HRS. Unless such description would compromise the purpose of closing the meeting from the public, the agenda should describe the purpose of the meeting as a proposed settlement and state the case name and civil number.

Can a board convene an executive meeting when it is not anticipated in advance?

The statute also allows the board to convene an executive meeting when the need for excluding the general public from the meeting was not anticipated in advance. If, for example, during the discussion of an open meeting agenda item, the board determines that there are legal issues that need to be addressed by its attorney, the board is entitled to immediately convene an executive meeting to discuss those matters pursuant to section 92-5(a)(4), HRS.

The board, however, cannot convene an executive meeting to discuss a matter that is not on the meeting agenda without first amending the agenda in accordance the statute's requirements.

How does a board convene an executive meeting?

To convene an executive meeting, a board must vote to do so in an open meeting and must publicly announce the purpose of the executive meeting. Two-thirds of the board members present must vote in favor of holding the executive meeting, and the members voting in favor must also make up a majority of all board members, including members not present at the meeting or membership slots not currently filled. The minutes of the open meeting must reflect the vote of each board member on the question of closing the meeting to the public.

Can non-board members participate in an executive meeting?

The board is entitled to invite into an executive meeting any non-board member whose presence is either necessary or helpful to the board in its discussion, deliberation, and decision-making regarding the topic of the executive meeting. Once the non-board member's presence is no longer needed, the non-board member must be excused from the executive meeting.

Because the meeting is closed to the general public, the board should allow the non-board members to be present during the executive meeting only for the portions of the meeting for which their presence is necessary or helpful. OIP, however, interprets the statute to allow the board's attorney to participate in the entire executive meeting, even when the executive meeting is called for a purpose other than to consult with the board's attorney.

May a board vote in an executive meeting?

Generally, no. In most instances, the board must vote in an open meeting on the matters considered in an executive meeting. In rare instances, the Sunshine Law allows the board to vote in the executive meeting when the vote, if conducted in

an open meeting, would defeat the purpose of the executive meeting, such as by revealing the matter for which confidentiality may be needed.

OTHER TYPES OF MEETINGS

EMERGENCY MEETINGS

Where public health, safety, or welfare requires a board to take action on a matter, can a board convene a meeting with less than six days' notice?

A board may hold an emergency meeting with less notice than required by the statute or, in certain circumstances, no notice when there is “an imminent peril to the public health, safety, or welfare.” When the board finds that an emergency meeting is appropriate, (1) the board must state its reasons in writing, (2) two-thirds of all members to which the board is entitled must agree that an emergency exists, and (3) the board must file an emergency agenda and the board’s reasons in its office and with the Office of the Lieutenant Governor or the appropriate county clerk’s office.

UNANTICIPATED EVENTS

What happens when an unanticipated event requires a board to take immediate action— can a board convene a meeting with less than six days' notice?

A board may convene a special meeting with less than six calendar days’ notice because of an unanticipated event when a board must take action on a matter over which it has supervision, control, jurisdiction, or advisory power. The law defines an unanticipated event to mean (1) an event that the board did not have sufficient advance knowledge of or reasonably could not have known about; (2) a deadline beyond the board’s control established by a legislative body, a court, or an agency; and (3) the consequence of an event for which the board could not have reasonably taken all necessary action.

The usual rule is that a state or county board may deliberate and decide whether and how to respond to the unanticipated event as long as (1) the board states, in writing, its reasons for finding that an unanticipated event has occurred and that an emergency meeting is necessary; (2) the attorney general and two-thirds of the board members concur with the board’s finding; and (3) the board’s findings and the agenda for the emergency meeting are filed in the board’s office and with the Office of the Lieutenant Governor or the appropriate county clerk’s office. At an emergency meeting, the board can only take those actions that need to be immediately taken.

For neighborhood boards only: When an unanticipated event occurs after a neighborhood board has already given notice of a meeting, the neighborhood board is allowed by HRS § 92-83 to discuss and take action on that unanticipated event at its noticed meeting, if timely action is necessary for public health, welfare, and safety. As with actions that can be taken by other boards during an emergency meeting under the Sunshine Law, the neighborhood board can only take those actions that need to be immediately taken.

LIMITED MEETINGS

If a board finds it necessary to inspect a location that is dangerous or impracticable for public attendance, may the board hold a meeting that is not open to the public?

Boards may hold a “limited meeting” that is not open to the public when it determines it necessary to inspect a location that is dangerous or that is impracticable for public attendance, and the OIP director concurs in that determination. The board must deliberate on the need for the limited meeting at the prior open meeting of the board, and two-thirds of the board’s members must then agree that it is necessary to hold the limited meeting at the specified location.

If a limited meeting is held, notice must be provided, and a videotape of the meeting must be made available at the next regular board meeting, unless the OIP director waives the videotape requirement. No decision-making can occur during the limited meeting.

PROCEDURAL REQUIREMENTS

NOTICE AND AGENDA

What are the Sunshine Law’s requirements for giving notice of meetings?

With the exception of emergency meetings, a board must give at least six calendar days’ advance notice of any regular, special, or rescheduled meeting or any anticipated executive meeting.

The notice must be filed with either the Office of the Lieutenant Governor or the appropriate county clerk’s office, and posted at the meeting site, whenever feasible.

In addition to the date, time, and place of the meeting, the meeting notice must include an agenda, which lists all of the items to be considered at the

forthcoming meeting. If an executive meeting is anticipated, the notice must also state the purpose of the executive meeting.

Does a board have to notify individual members of the public of every meeting?

The statute requires the board to maintain a list of names and addresses of those persons who have requested notification of meetings and to mail a copy of the notice to those persons at the time that the notice is filed.

What happens if a board files its notice less than six days before the date of the meeting?

If a board files its notice less than six calendar days before the meeting, the meeting is cancelled as a matter of law and no meeting can be held. The Lieutenant Governor or the appropriate county clerk is to notify the board chair or the director of the department within which the board is established of the late filing, and the board must post a notice canceling the meeting at the meeting site.

What must the agenda contain?

The agenda must list all of the business to be considered by the board at the meeting. It must be sufficiently detailed so as to provide the public with adequate notice of the matters that the board will consider so that the public can choose whether to participate.

Although neighborhood boards generally do not qualify to hold executive meetings, they should be aware of the special agenda requirements in the rare instance that an executive meeting may nevertheless be permitted. An executive meeting agenda must be as descriptive as possible without compromising the purpose of closing the meeting to the public and must identify the statutory basis that allows the board to convene an executive meeting regarding the particular matter.

For neighborhood boards only: Under HRS § 92-81, 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 cannot make decisions 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.

Are general descriptions such as “Unfinished Business” or “Old Business” allowed?

No. The practice of certain boards of listing general descriptions on their agendas such as “Unfinished Business” or “Old Business” without any further description is insufficient and does not satisfy the agenda requirements.

Can a board amend its meeting agenda once it has been filed?

Boards may amend an agenda during a meeting to add items to be considered by the board by the affirmative vote of two-thirds of all board members, including members not present at the meeting or membership slots not currently filled. Adding an item to the agenda, however, is not permitted if (1) the item to be added is of reasonably major importance and (2) action on the item by the board will affect a significant number of persons. Determination of whether a specific matter may be added to an agenda must be done on a case-by-case basis.

MINUTES

Is a board required to keep minutes of its meetings?

Written minutes must be kept of all meetings and must include the date, time, and place of the meeting; the members recorded as either present or absent; the substance of all matters proposed, discussed, or decided; a record by individual member of votes taken; and any information that a board member specifically asks at the meeting to be included. Boards are not required to create a transcript of the meeting or to electronically record the meeting.

Are the minutes of a board’s meeting available to the public?

Yes. Minutes of public meetings are required to be made available to the public within 30 days after the meeting. If the official minutes are not available within 30 days after the meeting, the board must make available, upon request, the draft or yet-to-be-approved minutes of the meeting. Minutes of executive meetings can be withheld only so long as publication would defeat the lawful purpose of the executive meeting.

Once disclosure of the executive meeting minutes would not defeat the purpose of closing the meeting to the public those minutes should be made available to the public. For example, minutes of an executive meeting to discuss a property’s acquisition should be disclosed after the property has been acquired.

RECORDINGS

Must a board allow a member of the public to tape record or video record the meeting?

The board must allow the public to tape record any portion or all of an open meeting as long as the recording does not actively interfere with the meeting. The current statute does not address newer technologies, such as videotaping or live streaming. Given the intent of the law, however, if recording activities do not unduly interfere with a board's ability to do its business, OIP suggests that a board should allow them.

SUIT TO VOID BOARD ACTION

Can a member of the public file a lawsuit for an alleged Sunshine Law violation?

Yes. When the open meetings and the notice provisions of the Sunshine Law are not complied with, any person may file a lawsuit to void the board's action within 90 days of the allegedly improper board action. Enforcement is in circuit court of the circuit in which the prohibited act occurred.

Under certain circumstances, the judge may grant an injunction, but the filing of a lawsuit challenging a board's action does not stay enforcement of the action. Attorneys' fees and costs may be awarded to the prevailing party.

What is the penalty for an intentional violation of the statute?

A willful violation of the Sunshine Law is a misdemeanor and, upon conviction, may result in the person being removed from the board. The Attorney General and the county prosecutor have the power to enforce any violations of the statute.

Can a board appeal an OIP decision regarding the Sunshine Law?

Yes, effective January 1, 2013, a board may appeal an OIP decision to the courts in accordance with Section 92F-43, HRS. For more information, see OIP's Guide to Appeals to the Office of Information Practices, available on OIP's website at www.hawaii.gov/oip.

OFFICE OF INFORMATION PRACTICES

If I have additional questions about the Sunshine Law, where can I go?

Sunshine Law questions concerning neighborhood boards should first be directed to the Neighborhood Commission, which has primary jurisdiction over neighborhood board issues. Calls or e-mail correspondence relating to a pending request for OIP's investigation or advisory opinion should be initially directed to the Neighborhood Commission by calling its office at (808) 768-3710, e-mailing nco@honolulu.gov, or visiting the Commission's website at www1.honolulu.gov/nco.

The Neighborhood Commission office will undertake the initial investigation, will determine if any issues are Sunshine Law questions appropriately directed to OIP, and may subsequently submit those questions to OIP. Requests for opinions or investigations relating to neighborhood boards should not be sent directly to OIP, as they will be returned to the senders with directions to submit the requests through the Commission. However, requests for opinions or investigations relating to the Commission's own compliance with the Sunshine Law may still be directly addressed to OIP.

For general information on the Sunshine Law or alleged violations by the Commission, please visit OIP's website at www.hawaii.gov/oip, call OIP at (808) 586-1400, or e-mail oip@hawaii.gov. The full text of the Sunshine Law, as well as OIP's opinions relating to various open meeting issues, are posted on the website.

EXCERPTS FROM THE REVISED ORDINANCES
OF THE CITY AND COUNTY OF HONOLULU

Chapter 3
ADDITIONAL BOARDS, COMMISSIONS AND COMMITTEES

Article 12. Sunshine Law Training

Sections:

3-12.1 Definitions.

3-12.2 Establishment of sunshine law training program.

3-12.3 Requirement for participation in training program.

3-12.4 Contents of program.

3-12.5 Certification of participation.

Sec. 3-12.1 Definitions.

For purposes of this article, the following terms shall have the following meanings:

“Administrator” means the city officer or employee designated by the mayor to administer this article.

“Board” means any agency, board, commission, authority, or committee of the executive branch of the city which is created by constitution, statute, charter, ordinance, rule, or executive order, to have supervision, control, jurisdiction or advisory power over specific matters and which is required to conduct meetings and to take official actions, and includes the neighborhood boards and the city’s community visioning teams.

“Date of taking office” means the following:

- (1) For a member of a board who is appointed by the mayor and confirmed by the council, the date of the council confirmation;
- (2) For a member of a board who is appointed by the mayor or a department head, without the necessity of council confirmation, the date of the appointment, even if the appointing document is received by the member on a later date;
- (3) For a member of a board who is appointed by the council, the council chair, a council committee or a council committee chair, the date of the appointment, even if the appointing document is received by the member on a later date;
- (4) For a member of a neighborhood board, the date on which the member is sworn into office; and
- (5) For a person who has attended a meeting of a community visioning team, the date on which the person attends his or her third meeting of the community visioning team for a particular geographical area.

“Meeting” means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

“Office of information practices” means the office of information practices of the State of Hawaii or any successor state agency designated by state law to administer the sunshine law.

“Sunshine law” means HRS Chapter 92, Part I.

(Added by Ord. 03-30)

Sec. 3-12.2 Establishment of sunshine law training program.

- (a) The city administration shall establish a sunshine law training program for members of city boards no later than July 1, 2004.
 - (b) The program shall be under the supervision and control of an administrator designated by the mayor and shall be conducted by the office of information practices; provided that if the office of information practices cannot or will not conduct the program, it shall be conducted by:
 - (1) The administrator or a city officer or employee designated by the administrator;
 - (2) Persons with whom the administrator contracts to conduct the program; or
 - (3) A combination of the foregoing.
 - (c) The administrator shall maintain records on all persons participating in the program. The records shall be open to the public and shall include, for each participant, his or her full name, the name of the applicable board, the participant's affiliation with the board, and the date of participation.
- (Added by Ord. 03-30)

Sec. 3-12.3 Requirement for participation in training program.

- (a) A board member whose date of taking office is prior to July 1, 2004 and who continues to serve as a board member on July 1, 2004 shall participate in the sunshine law training program as soon as practicable, but no later than December 31, 2004.
 - (b) Any board member whose date of taking office is after July 1, 2004 shall participate in the sunshine law training program within three months from the date of taking office.
 - (c) A board member shall not be required to participate in the sunshine law training program again if, on the date of taking office, the board member had participated in the sunshine law training program within the two immediately preceding calendar years.
 - (d) Notwithstanding any other provision of this section, a member of a community visioning team who has participated in the sunshine law training program need not participate again unless the member is appointed or elected to a board other than a community visioning team.
 - (e) The following may participate in the sunshine law training program on a space available basis in the following order of priority:
 - (1) City officers or employees who are not members of a board, but who prepare agendas or minutes for, or otherwise provide service to a board;
 - (2) Persons who have been appointed, but not yet confirmed, as a member of a board; and
 - (3) Candidates for election to the neighborhood boards.
- (Added by Ord. 03-30)

Sec. 3-12.4 Contents of program.

- (a) If the office of information practices conducts the sunshine law training program, the program content shall be as prescribed by that office. The office is encouraged to include, at a minimum, the information enumerated in subsection (b).
- (b) If the office of information practices does not conduct the program, the program shall, at a minimum, include information on the following:
 - (1) The purposes of the sunshine law;
 - (2) Agenda and notice requirements;
 - (3) Open meeting requirements, including the requirements on the acceptance of oral public testimony;

- (4) Permitted and prohibited interactions among members of a board;
- (5) Permissible grounds and required procedures for holding a meeting closed to the public;
- (6) The taking of, and public availability requirements for, minutes of board meetings;
- (7) Penalties for sunshine law violations; and
- (8) Administration of the sunshine law.

The program may include such additional information as the administrator and persons conducting the program deem appropriate.

(c) Nothing in this article shall be construed to prohibit board members from participating in the sunshine law training program by viewing an online training video, provided that an online training video that is not created and maintained by the Office of Information Practices shall comply with subsection (b).

(Added by Ord. 03-30; Am. Ord. 12-5)

Sec. 3-12.5 Certification of participation.

(a) A member of a board, other than a member of a community visioning team, shall provide the chair of the board with a certification of the member's participation in the sunshine law training program no later than:

- (1) Thirty days after the date of participation; or
- (2) Thirty days after date of taking office, whichever is later; provided that if the member is the chair of the board, the certification shall be provided to the board's vice-chair.
The certification of participation may be mailed or hand-delivered, and, if mailed, shall be deemed to have been provided on the postmark date.

(b) No member of a board shall provide false certification of participation in the sunshine law training program to the chair or vice-chair of the board.

(c) A standard form certification shall be prescribed by the administrator and shall be provided to all participants in the sunshine law training program.

(d) A board member who participates in the sunshine law training program by viewing an online training video shall sign a notice of self-certification, as prescribed by the administrator.

(Added by Ord. 03-30; Am. Ord. 12-5)

FILLING A BOARD VACANCY

When a vacancy occurs on a neighborhood board, §2-14-104 of the Revised Neighborhood Plan 2008 (2008 Edition), states:

“§2-14-104 Membership vacancy. (a) Any board member vacancy occurring shall be filled by the board as soon as practicable after its occurrence. The remaining members of the board shall appoint a successor of requisite qualifications to fill the vacancy for the remainder of the unexpired term. The Board may only fill vacancies for the board's current term.”

Board members must be at least 18 years old, live in the district they represent and claim no residency outside the jurisdiction of the City and County of Honolulu for purposes of voting in any state or national election. (§2-13-108, §2-17-204, NP)

These provisions should be followed when filling a vacancy:

1. Filling of vacancy is considered an issue of major importance and must be placed on the agenda with the proper 7 day notice. A 2/3 vote to add the item to the agenda at the time of the meeting is not allowed.
2. Residency and other qualifications of nominees shall be confirmed before a board may fill a vacancy; each individual seeking appointment to the vacant seat shall provide evidence, satisfactory to the executive secretary or designee, that the individual is duly qualified to fill the vacancy.

Nominations should not be carried out in a hasty manner or in a manner which may appear to exclude other prospective nominees.

1. Only board members may nominate.
2. Nominations do not require a second.
3. If no nominee receives the majority vote, the board should vote again.
4. Nominee receiving lowest number of votes is never automatically eliminated from the slate.
5. Nominees may withdraw their names from consideration.
6. To nominate an individual does not mean one must vote for the individual.

COMMITTEES

§2-14-124(a) and (b), REVISED NEIGHBORHOOD PLAN 2008:

"(a) The board may establish committees from among its membership and the public without regard to place of residence. The committee chair shall be a member of the board.

(b) Committee responsibilities shall include, but not be limited to, the evaluation of matters presented to the board, information gathering, and initiation of proposals for the consideration of the full board."

As stated in §2-14-124(b), the purpose of committees is to gather data and to make recommendations for the Neighborhood Board to consider. There is no specific number of committees a Neighborhood Board may establish. In general, however, boards have included publicity or newsletter committees, planning and zoning committees, transportation committees, and parks and recreation committees.

Ordinary committees are of two types - standing committees and special committees. Standing committees have a continuing function and may exist throughout the life of the Neighborhood Board. An example of a standing committee is a planning and zoning committee which can deal with related matters on a weekly or monthly basis.

A special committee is formed by a Neighborhood Board to work on a specified task for a specific time period. When the task is completed, the committee is dissolved. A Neighborhood Board monthly committee or an election committee are examples of a special committee.

The chairperson of a committee, whether standing or special, shall be selected from the board membership. Members of the public and other non-board members may become members of standing and special committees. The Neighborhood Commission advocates the recruitment of non-board members to serve on committees as a vehicle to stimulate and expand resident involvement in board activities.

All committees should operate under the direction and guidance of the Neighborhood Board who may want to set parameters or guidelines by which the committees operate. Ultimately, committees and the work performed can have beneficial results for the boards and their communities.

All committees shall operate under the provisions of the State Sunshine law.

STANDARDS OF CONDUCT

The Neighborhood Plan states:

§2-13-103 Political Activity.

(a) The boards and their members shall not use the official board title or membership position to:

- (1) Endorse a candidate for elective public office; or
- (2) Engage in any political activity which could reasonably be implied to endorse or support a candidate for elective public office.

(b) The boards may conduct candidate forums.

(c) This section shall not preclude the right of any member, while not engaged in the performance of the member's scope of official duties, (1) to engage in these political activities as a private citizen, or (2) to list the member's position as a part of the member's experience if the member is a candidate for elective public office. [Eff. 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

The Neighborhood Plan states:

§2-13-104 Standards of conduct.

(a) Board members, in the performance of their duties, shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of the neighborhood board system. Board members shall hold their offices or positions for the benefit of the public, shall recognize that the public's interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

(b) Board members shall not use their positions to secure or grant special consideration, treatment, advantage, privilege, or exemption to themselves or any person beyond that which is available to every other person.

(c) Board members are not officers or employees of the city by reason of their position. However, the standards of conduct policy shall apply to all board members. [Eff 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §§14-104)

§2-13-105 Conflicts of interest.

(a) No board member shall:

- (1) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the member in the performance of the member's official duties. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns;
- (2) Disclose confidential information gained by reason of the member's office or position, or use that information for the member's personal gain or benefit of anyone; or
- (3) Engage in any business transaction or activity, or have a financial interest, direct or indirect, which is incompatible with the proper discharge of a member's official duties or which may tend to impair the independence of judgment in the performance of the member's official duties. When a condition exists which

qualifies under this section, the member shall recuse themselves from any discussion or voting relating to the particular issue. [Eff 12/17/16; am 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

The Neighborhood Plan states:

§2-14-116 Disclosure.

(a) Any board member who knows he or she has a personal or private interest, direct or indirect, in any proposal before the board shall disclose the interest either orally or in writing to the board. The disclosure shall also be made a matter of public record before the board takes any action on the proposal.

(b) A member who makes any disclosure shall not be disqualified from participation in the discussion or vote on the matter. A member may choose to be recused. A recused member shall not participate in the discussion or vote. [Eff 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

In certain situations, the relationship is so close that the members should recuse themselves from the discussion and vote. This usually is the case when a member or their immediate family member has a direct financial stake in the outcome of the issue before the board.

When a board member has a potential conflict of interest, they must disclose that on the record. Disclosing a conflict of interest does not preclude a board member from participating in the discussion or voting. A conflict exists when the board member(s) has a relationship to the issue that would cause a reasonable person to question the board member's ability to impartially discuss and vote on the issue. The board and its members must never assume that the relationship in question is general public knowledge. Disclosure must occur every time the topic comes before the board.

If a member is uncertain if a disclosure or recusal needs to be made, the member should contact the Neighborhood Commission Office: 768-3710; nco@honolulu.gov.

PARLIAMENTARY PROCEDURES

ROBERT'S RULES OF ORDER

§2-14-126 REVISED NEIGHBORHOOD PLAN 2008:

"The most current edition of Robert's Rules of Order Newly Revised shall be the parliamentary authority of all boards when the Hawaii Revised Statutes, the charter, the Revised Ordinances of Honolulu, and the plan are silent."

FUNDAMENTAL PRINCIPLES OF PARLIAMENTARY LAW:

1. Justice and courtesy to alleven when someone shares opposite viewpoints.
2. Do only one thing at a time.
3. The majority rules.
4. The rights of the majority must be respected.
5. Each main motion or debatable proposition is entitled to a full and free debate.
6. There should be no partiality shown.

PARLIAMENTARY PROCEDURE HAS BEEN DESIGNED TO:

1. Expedite business.
2. Maintain order.
3. Insure justice and equality to all.

RESOURCES AVAILABLE ON THE
NEIGHBORHOOD COMMISSION OFFICE WEBSITE

www.honolulu.gov/nco

- A. Agendas and minutes for the boards and Commission starting in 2001.
- B. Sign up form to receive agendas and/or minutes via email for boards and commission.
- C. Monthly meeting schedule and monthly calendars.
- D. Olelo broadcast schedule.
- E. Commission Findings of Fact in official complaint proceedings.
- F. Commission office staff contact information and board assignments.
- G. Board, board chairs, and Commission member directory.
- H. Neighborhood Plan 2008.
- I. OIP Handbook for Neighborhood Board members.
- J. Street Index and boundary maps
- K. Board members guidebook.
- L. Sunshine law training video and self certification forms.
- M. Links to other important agencies.
- N. Election results.
- O. Links to NCO social media accounts.