

OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU
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HONOLULU, HAWAII 96813-3077
TELEPHONE:(808)768-3810 • FAX:(808)768-3835

GLEN I. TAKAHASHI
CITY CLERK

January 3, 2020

Mr. James Skizewski, Acting Executive Secretary
Neighborhood Commission Office
City and County of Honolulu
Honolulu, Hawaii 96817

Dear Mr. Skizewski:

I am transmitting the original amendments to the Neighborhood Plan of the Neighborhood Commission Office, filed by your office on December 31, 2019.

Sincerely,

A handwritten signature in black ink, appearing to be "Glen I. Takahashi", is written over a circular stamp or watermark.

GLEN I. TAKAHASHI
City Clerk

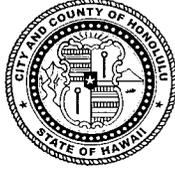
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Attachment

NEIGHBORHOOD COMMISSION OFFICE
CITY AND COUNTY OF HONOLULU

925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: www.honolulu.gov/nco

KIRK CALDWELL
MAYOR



JAMES SKIZEWSKI
ACTING EXECUTIVE SECRETARY

December 26, 2019

MEMORANDUM

TO: The Honorable Kirk Caldwell

VIA: Roy K. Amemiya, Jr.
Managing Director

FROM: James Skizewski, Acting Executive Secretary
Neighborhood Commission Office

SUBJECT: Signature for Neighborhood Plan Amendments

A large, bold, handwritten signature in black ink, likely belonging to James Skizewski, is written over the "FROM" field of the memorandum.

At its regular meeting on July 23, 2018 the Neighborhood Commission approved 11 amendments to the Neighborhood Plan.

§2-20-105 of the Neighborhood Plan states that prior to filing a certified copy of the amendments with the city clerk, the amendments are subject to the approval of the mayor. Please review and sign or take any other appropriate action as needed.

Should you have any questions please contact me at 768-3705 or via email at james.skizewski@honolulu.gov.

Enclosure

APPROVED:

Roy K. Amemiya, Jr.
Managing Director

*19DEC31 PM 8:26 CITY CLERK

NEIGHBORHOOD COMMISSION

Amendment to sections 2-11-103, 2-11-110, 2-14-111, 2-14-124, 2-15-108, 2-18-101, 2-18-103, 2-20-101, and 2-20-102.

Neighborhood Plan

DECEMBER 11, 2019

SUMMARY

1. §2-11-103 (e) is amended.
2. §2-11-110 (a) is amended
3. §2-14-111 (d) is amended.
4. §2-14-124 (a) and (h) is amended.
5. §2-15-108 (b) is amended.
6. §2-18-101 (b) is amended.
7. §2-18-101 (b) is repealed and amended.
8. §2-18-103 (a) is repealed and amended.
9. §2-18-103 (d) is amended.
10. §2-20-101 is amended.
11. §2-20-102 (c) is repealed and amended.

§2-11-103 To obtain information. (e) Any person that requests to receive notice of the meetings of the commission or a specific board shall be placed on an appropriate mailing list to be maintained by the commission office. The commission office and boards may periodically update the mailing list by inquiring whether those persons on the mailing list wish to continue to receive notices, and may remove from the mailing list any person that does not respond to the inquiry. Wherever possible electronic messaging shall be the primary communication method.

[Eff 10/20/08] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-11-110 Transition. (a) This subtitle supersedes the Rules of the Neighborhood Commission adopted December 19, 1974, amended May 12, 1998, and effective June 29, 1998, and the Revised Neighborhood Plan 2008 (June 2015 version), as amended. Both sets of rules are expressly repealed upon the effective date of this subtitle.

(b) All proceedings pending before the commission including initiative petitions, other petitions, hearings and investigations not completed by the effective date of this subtitle shall continue in accordance with the rules in effect when the proceedings were initiated.

[Eff. 10/20/08; ren §2-11-110 2/5/11] (Auth: RCH §§4-105(4), 14-102) (Imp: RCH §§4-105(4), 14-102)

§2-14-111 Meeting notice and agenda. (d) The Executive Secretary shall maintain a list of names and addresses of persons who request notification of meetings and shall mail a copy of the notice to such persons at their last known address no later than six days prior to the meeting date. Use of current electronic mailing is preferred.

[Eff. 12/17/16; am 4/19/15; am 10/20/08; am 2/5/11] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

§2-14-124 Committees. (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. The committee members shall be appointed by the board. At a duly noticed meeting, the board chair may establish committees and appoint members when none exist and none are established or appointed by 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.

(c) The board chair shall be a non-voting ex-officio member of all committees unless otherwise directed by the board.

(d) Committees shall report to the board at board meetings the committees' activities, findings, recommendations, and the means by which any recommendation was determined.

(e) No committee may speak for the board unless specifically authorized by the board.

(f) The presiding officer of the committee or the committee may expel any individual who engages in disruptive, disorderly, contemptuous, or improper conduct at any committee meeting.

(g) Committees shall prepare meeting notices, agendas, and minutes, and shall hold meetings at places reasonably accessible to the public. Committee minutes shall be filed with the NCO within thirty days after the Committee meeting.

(h) Committees expire at the end of each board term, unless directed to expire earlier by the Board.

[Eff 4/19/15; am 10/20/08; am 2/5/11] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

§2-15-108 Number of board members. (a) The number of members on a board, from each district or subdistrict, as applicable, and the designation of board members as representing subdistricts or the district at large, shall be based on the population and the geographical definition of the neighborhood, and on the involvement of the neighborhood members.

(b) Notwithstanding other provisions set forth in this chapter, the commission may, by an affirmative vote of at least two-thirds of the entire membership to which the commission is entitled:

(1) Increase or decrease the amount of board members on a board, from each district or subdistrict, as applicable, provided that a decrease in board members will take effect the following board term;

(2) Change the representation of the members on a board from subdistricts to the district at large;

(3) Change the representation of the members on a board from the district at large to subdistricts, which will take effect the following board term; based on any change in the factors set forth in subsection (a).

(c) For purposes of determining the factors set forth in subsection (a), the commission shall consider objective sources, including the United States census on population and housing, the commission's neighborhood boundary maps, and the amount of candidates for the neighborhood in the prior board elections.

[Eff. 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

§2-18-101 Complaints. (a) Any person, board, board member, the executive secretary or the commission may file a complaint against a board, a current board member, or a board committee member for alleged violation(s) of this plan as follows:

(1) The executive secretary, at any time, by written recommendation to the commission;

(2) The commission, at any time, by adoption of a resolution;

(3) A board or board member, upon the filing of a complaint with the commission office on a form provided by the commission office within forty-five calendar days after the alleged violation(s); or

(4) A member of the public, upon the filing of a complaint with the commission office on a form provided by the commission office within forty-five calendar days after the alleged violation(s).

(b) The Executive Secretary shall review all complaints submitted by a Board, Board Member, or a Person. If a complaint does not meet the criteria of the Neighborhood Plan, it shall be forwarded to the Neighborhood Commission with a recommendation it be dismissed. The commission may, at any time, dismiss any complaint or end any sanctions proceeding for failure to comply with any requirement under this subchapter. The complainant may officially withdraw their complaint by written notice to the NCO. The Commission will be notified of the withdrawal within 3 business days and shall be placed on the Commission's next regular meeting agenda. The withdrawal of the complaint will be acted upon by the Commission at the next regular meeting.

(c) Within ten calendar days after the receipt of recommendation, adoption of resolution, or filing of the complaint, the commission or its authorized designee, who may be the executive secretary, shall send a copy of the complaint to the respondent.

(d) Respondent shall file a written response to the allegation(s) with the commission within forty-five calendar days after the date a copy of the complaint was sent to the respondent; provided that the commission or its authorized designee, who may be the executive secretary, 18-2 may extend the filing deadline if the respondent submits valid reasons for the delay in writing before the filing deadline for the response.

(e) If the respondent fails to timely file a response, any allegation contained in the recommendation, resolution, or complaint shall be deemed admitted by the respondent.

(f) After the foregoing provisions have been met, the commission shall set a date for a hearing.

(g) Within ten calendar days after the hearing date has been set, the commission shall notify in writing the respondent and the complainant, as applicable. A copy of the applicable recommendation, resolution, or complaint, and the response, if any, shall be included with the notice.

(h) All mailings to respondents and complainants, as applicable, shall be by registered or certified mail, return receipt requested.

(i) As used in this chapter:

"Complainant" means the board, board member, or member of the public who initiates the sanction hearing process.

"Respondent" means the board or board member, or both, named in the recommendation, resolution, or complaint that initiated the sanction hearing process.

[Eff. 12/17/16; am 4/19/15; am 10/20/08; am and ren §2-18-101 2/5/11] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

§2-18-101 Complaints. (a) Any person, board, board member, the executive secretary or the commission may file a complaint against a board, a current board member, or a board committee member for alleged violation(s) of this plan as follows:

(1) The executive secretary, at any time, by written recommendation to the commission;

(2) The commission, at any time, by adoption of a resolution;

(3) A board or board member, upon the filing of a complaint with the commission office on a form provided by the commission office within forty-five calendar days after the alleged violation(s); or

(4) A member of the public, upon the filing of a complaint with the commission office on a form provided by the commission office within forty-five calendar days after the alleged violation(s).

(b) The Executive Secretary shall review all complaints submitted by a Board, Board Member, or a Person. If a complaint ~~does not meet the criteria of the Neighborhood Plan, is~~ determined to be unjustified, or was filed to embarrass or cause harm to an individual it shall be forwarded to the Neighborhood Commission with a recommendation it be dismissed. The commission may, at any time, dismiss any complaint or end any sanctions proceeding for failure to comply with any requirement under this subchapter.

(c) Within ten calendar days after the receipt of recommendation, adoption of resolution, or filing of the complaint, the commission or its authorized designee, who may be the executive secretary, shall send a copy of the complaint to the respondent.

(d) Respondent shall file a written response to the allegation(s) with the commission within forty-five calendar days after the date a copy of the complaint was sent to the respondent; provided that the commission or its authorized designee, who may be the executive secretary, 18-2 may extend the filing deadline if the respondent submits valid reasons for the delay in writing before the filing deadline for the response.

(e) If the respondent fails to timely file a response, any allegation contained in the recommendation, resolution, or complaint shall be deemed admitted by the respondent.

(f) After the foregoing provisions have been met, the commission shall set a date for a hearing.

(g) Within ten calendar days after the hearing date has been set, the commission shall notify in writing the respondent and the complainant, as applicable. A copy of the applicable recommendation, resolution, or complaint, and the response, if any, shall be included with the notice.

(h) All mailings to respondents and complainants, as applicable, shall be by registered or certified mail, return receipt requested.

(i) As used in this chapter:

"Complainant" means the board, board member, or member of the public who initiates the sanction hearing process.

"Respondent" means the board or board member, or both, named in the recommendation, resolution, or complaint that initiated the sanction hearing process.

[Eff. 12/17/16; am 4/19/15; am 10/20/08; am and ren §2-18-101 2/5/11] (Auth: RCH §14-103(a))
(Imp: RCH §14-104)

§2-18-103 Hearings initiated by a board, board member, or the public. (a) This section shall apply to all hearings initiated in accordance with section 2-18-101(a)(2), ~~and~~ (3), and (4).

(b) The Commission, at its discretion, may appoint a hearings officer, who may be the executive secretary, to conduct the hearing and make a recommendation to the Commission.

(c) Not less than ten calendar days before the hearing date, (1) the complainant and the respondent shall file with the commission a list of witnesses (including addresses), a list of exhibits, and copies of any evidence to be introduced at the hearing to support their respective positions and (2) copies of the list of witnesses, list of exhibits, and evidence shall be exchanged between the complainant and the respondent. Failure to abide by the provisions of this section may result in the exclusion of the witnesses or evidence, or both, at the hearing.

(d) The hearing shall be conducted pursuant to HRS Chapter 91 and proceed as follows:

(1) The complainant shall make an opening statement, if desired, stating what the complainant intends to establish. The respondent may then make an opening statement, if desired, stating what the respondent intends to establish.

(2) The complainant may proceed with the complainant's case by calling witnesses or submitting any evidence in support of the complainant's case.

(3) During the presentation of the case by either the complainant or the respondent, cross-examination of witnesses shall be permitted.

(4) Any document, writing, or object introduced as evidence in support of any party's position must first be examined by the opposing party before being introduced as evidence.

(5) The formal rules of evidence shall not apply to the hearing process.

(6) After the conclusion of the presentation of the complainant's case, the commission may make a determination whether or not the complainant has submitted sufficient evidence to support the complainant's case. If so, the respondent may proceed with the respondent's case. If not, the commission may adjourn into an executive session to determine whether or not to dismiss the complaint.

(7) After the conclusion of the presentation of the respondent's case, the commission shall deliberate and determine whether to sanction the respondent and, if so, the appropriate sanction equal in measure or extent to the significance or seriousness of the violation(s). If the Commission finds that the complaint is frivolous, or was filed to embarrass or cause harm to an individual, it may issue sanctions against the complainant.

(8) After due deliberation, the commission may render an oral decision.

(9) Within forty-five calendar days after the hearing, the commission shall issue its decision in writing.

(10) If the hearing is conducted by a hearings officer, the hearings officer shall submit a written report and recommendation to the Commission within thirty days after the hearing. 18-4

(a) The hearings officer shall serve the written report and recommendation to complainant and respondent. It shall presume that such written report and recommendations are received by the parties within three days of mailing.

(b) Any party who objects to any portion of the hearings officer's written report and recommendation must file and serve written objections to such report and recommendation within fifteen after the date of mailing.

(c) The Commission shall review the hearings officer's report and recommendation and all objections and shall issue its decision within sixty days of the date of mailing of the hearing officer's report and recommendation to the parties.

[Eff. 10/20/08; am and ren §2-18-103 2/5/11] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

§2-18-103 Hearings initiated by a board, board member, or the public. (a) This section shall apply to all hearings initiated in accordance with section 2-18-101(a)(2) and (3).

(b) The Commission, at its discretion, may appoint a hearings officer, who may be the executive secretary, to conduct the hearing and make a recommendation to the Commission.

(c) Not less than ten calendar days before the hearing date, (1) the complainant and the respondent shall file with the commission a list of witnesses (including addresses), a list of exhibits, and copies of any evidence to be introduced at the hearing to support their respective positions and (2) copies of the list of witnesses, list of exhibits, and evidence shall be exchanged between the complainant and the respondent. Failure to abide by the provisions of this section may result in the exclusion of the witnesses or evidence, or both, at the hearing.

(d) The hearing shall be conducted pursuant to HRS Chapter 91 and proceed as follows:

(1) The complainant shall make an opening statement, if desired, stating what the complainant intends to establish. The respondent may then make an opening statement, if desired, stating what the respondent intends to establish.

(2) The complainant may proceed with the complainant's case by calling witnesses or submitting any evidence in support of the complainant's case.

(3) During the presentation of the case by either the complainant or the respondent, cross-examination of witnesses shall be permitted.

(4) Any document, writing, or object introduced as evidence in support of any party's position must first be examined by the opposing party before being introduced as evidence.

(5) The formal rules of evidence shall not apply to the hearing process.

(6) After the conclusion of the presentation of the complainant's case, the commission may make a determination whether or not the complainant has submitted sufficient evidence to support the complainant's case. If so, the respondent may proceed with the respondent's case. If not, the commission may adjourn into an executive session to determine whether or not to dismiss the complaint.

(7) After the conclusion of the presentation of the respondent's case, the commission shall deliberate and determine whether to sanction the respondent and, if so, the appropriate sanction equal in measure or extent to the significance or seriousness of the violation(s). If the Commission finds that the complaint is frivolous, or was filed to embarrass or cause harm to an individual, it may issue sanctions against the complainant.

(8) After due deliberation, the commission may render an oral decision.

(9) Within forty-five calendar days after the hearing, the commission shall issue its decision in writing.

(10) If the hearing is conducted by a hearings officer, the hearings officer shall submit a written report and recommendation to the Commission within thirty days after the hearing. 18-4

(a) The hearings officer shall serve the written report and recommendation to complainant and respondent. It shall presume that such written report and recommendations are received by the parties within three days of mailing.

(b) Any party who objects to any portion of the hearing officer's written report and recommendation must file and serve written objections to such report and recommendation within fifteen business days after the date of the mailing.

(c) The Commission shall review the hearings officer's report and recommendation and all objections and shall issue its decision within sixty days of the date of mailing of the hearing officer's report and recommendation to the parties.

[Eff. 10/20/08; am and ren §2-18-103 2/5/11] (Auth: RCH §14-103(a)) (Imp: RCH §14-104

§2-20-101 Periodic comprehensive review. On or before July 31, 2028 and at intervals of not more than ten years thereafter, the commission shall appoint a committee to conduct a review of this plan. The committee shall consist of members of the commission, members of the boards, and the executive secretary. The committee shall comprehensively study, review, and evaluate the plan, solicit public comments thereon, and report the committee's activities and findings to the commission and recommend any amendment necessary to improve the plan and to promote the efficient and effective conduct of the duties and business of the neighborhood board system.

[Eff. 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)

2-20-102 Petition for adoption, amendment, or repeal of rules. (a) Any interested person may petition the commission in writing to request the adoption, amendment or repeal of any rule under this subtitle.

(b) The petition shall be filed with the commission through the commission office. It shall include:

(1) The name, address, and telephone number of the petitioner.

(2) A statement of the nature of the petitioner's interest.

(3) A draft or the substance of the proposed rule or amendment or a designation of the provision sought to be repealed.

(4) An explicit statement of the reasons in support of the proposed rule, amendment or repeal.

(c) The commission shall notify the petitioner within thirty days ~~[after the filing]~~ of receiving the petition and place the petition on the commission's next regular meeting agenda for consideration. ~~[either deny the petition in writing, stating its reasons for the denial, or initiate proceedings in accordance with chapter 91, HRS, for the adoption, amendment or repeal of the rule, as the case may be.]~~ The commission may either deny the petition in writing, stating its reasons for the denial, or initiate proceedings in accordance with 20-2 chapter 91, HRS, for the adoption, amendment or repeal of the rule, as the case may be.

[Eff. 10/20/08; am 2/5/11] (Auth: HRS §91-6; RCH §§4-105(4), 14-102) (Imp: HRS §91-6; RCH §§4-105(4), 14-102)

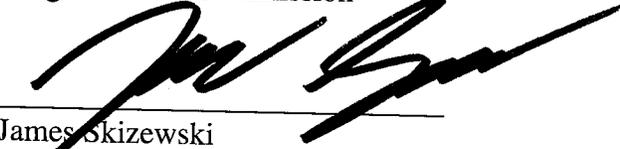
NEIGHBORHOOD COMMISSION

Amendments to Title 2, Subtitle 2, Chapter 11, sections 2-11-103 (e), 2-11-110 (a), Chapter 14, sections 2-14-111 (d), 2-14-124 (a) and (h), Chapter 15, sections 2-15-108 (b), Chapter 18, section 2-18-101 (b), section 2-18-103 (a) and (d), Chapter 20, sections 2-20-101, 2-20-102 (b) of the Neighborhood Plan, on the Summary page dated December 11, 2019, were adopted on July 23, 2018 following public hearings on April 28, 2018 and, after public notice was given on April 21, 2018.

These amendments shall take effect ten days after filing with the Office of the City Clerk.



Tyler Dos Santos-Tam
Chair
Neighborhood Commission

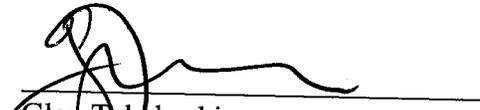


James Skizewski
Acting Executive Secretary
Neighborhood Commission Office

FOR  *as acting Mayor*
Kirk Caldwell
Mayor
City and County of Honolulu

Date: 12-30-19

Filed: December 31, 2019


Glen Takahashi
City Clerk
Office of the City Clerk

APPROVED AS TO FORM:



Deputy Corporation Counsel