

EXHIBIT A

Neighborhood Commission Office Policy Changes for Neighborhood Boards Presented to the Neighborhood Commission on January 23, 2023

Proposed Policy Regarding Neighborhood Board Regular Meeting Minutes In order to ensure Neighborhood Boards' compliance with Hawaii Revised Statutes (HRS) § 92-9. Minutes, and to provide clarity and uniformity to all Neighborhood Boards, the Neighborhood Commission Office proposes the following policy to the Neighborhood Commission:

1. The Neighborhood Commission supports the Neighborhood Commission Office's continued assistance to Neighborhood Boards by attending regular Neighborhood Board meetings for up to three (3) hours per meeting and that **meetings should also not exceed three hours, including set up, breakdown and adjournment.**
2. The Neighborhood Commission recognizes that the three (3) hour time limit is due to, but not limited to budgetary constraints, contractual agreements with meeting facilities, and video support.
3. The Neighborhood Commission supports that the Neighborhood Assistant will provide a draft of the meeting minutes; however, the Neighborhood Boards, **not the Neighborhood Assistant or the Neighborhood Commission Office are ultimately responsible for keeping minutes of the meetings.** Therefore, the Neighborhood Boards are responsible for incorporating any revisions and corrections to the minutes and providing the final approved minutes to the Neighborhood Commission Office for posting.
4. The Neighborhood Commission supports that the Neighborhood Assistant will provide a draft of the meeting minutes to the Neighborhood Board Chair or Secretary for review. The Chair or Secretary may make revisions and return the draft minutes to the Neighborhood Assistant for distribution to all Neighborhood Board members. The Neighborhood Board may take action to revise the draft minutes and approve the revised minutes at a regular meeting.
5. The Neighborhood Commission supports reaffirming guidance from the Office of Information Practices (OIP) that part I of Chapter 92, HRS (Sunshine Law) applies to Boards, not Board staff or staff at the Neighborhood Commission Office. Therefore, if Neighborhood Board minutes violate the Sunshine Law, **the violation is against the Neighborhood Board** as the Neighborhood Boards are responsible under the Sunshine Law for their minutes
6. The Neighborhood Commission supports the Neighborhood Commission Office's **Neighborhood Board written meeting minutes transitioning to video recordings with written summaries** in accordance with HRS § 92-9(b), which includes: (1) the date, time, and place of the meeting; (2) the members of the board recorded as either present or absent, and the times when individual members entered or left the meeting; (3) a record, by individual member, of motions and votes made by the board; and (4) a time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.
(SEE EXHIBITS B and C BELOW)
7. The Neighborhood Commission supports that the Neighborhood Commission Office will begin the **transition to video recording minutes for each Neighborhood Board in 2023,** with the order of board transitions determined by the Neighborhood Commission Office.

EXHIBIT B

Statutory Requirements

§92-9 Minutes. (a) The board shall keep written or recorded minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but **the minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants.** Written minutes shall include, but need not be limited to:

- (1) The date, time and place of the meeting;
- (2) The members of the board recorded as either present or absent;
- (3) **The substance of all matters proposed, discussed, or decided;** and a record, by individual member, of any votes taken; and
- (4) Any other information that any member of the board requests be included or reflected in the minutes.

(b) **The minutes shall be made available to the public by posting on the board's website** or, if the board does not have a website, on an appropriate state or county website within forty days after the meeting except where such disclosure would be inconsistent with section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer. A written summary shall accompany any minutes that are posted in a digital or analog recording format and shall include:

- (1) The date, time, and place of the meeting;
- (2) The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;
- (3) A record, by individual member, of motions and votes made by the board; and
- (4) A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.

(c) All or any part of a meeting of a board may be recorded by any person in attendance by any means of reproduction, except when a meeting is closed pursuant to section 92-4; provided the recording does not actively interfere with the conduct of the meeting. [L 1975, c 166, pt of §1; am L 2017, c 64, §4]

§92-3.7 Remote meeting by interactive conference technology

- (6) When practicable, boards shall record meetings open to the public and **make the recording of any meeting electronically available** to the public as soon as practicable after a meeting and **until a time as the minutes required by section 92-9 are electronically posted on the board's website.**

EXHIBIT C

Neighborhood Plan

§2-14-113 Meeting minutes. (a) A board shall keep **written minutes** of all meetings.

Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but **the written minutes shall give a true reflection of the matters discussed at the meeting and the views expressed by the members and participants.** The minutes shall include, but need not be limited to: (1) The day, date, time, and place of the meeting; (2) The members of the board recorded as either present or absent; (3) The time of arrival or departure of any member; (4) **The substance of all matters proposed, discussed, or decided;** and a record, by individual member, of any vote taken and any recusal (and related disclosure) made; and (5) **Any other information that any member of the board, during the applicable meeting, requests be included or reflected in the meeting minutes.** (b) The minutes shall be publicly available within thirty calendar days after the meeting, except when disclosure would be inconsistent with chapter 92F, HRS; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but for no longer. (c) If quorum is not attained to convene a meeting, the board shall prepare a memorandum for the record of the absence of quorum and the status of the noticed meeting. (d) **The board may approve or amend and approve the minutes at a subsequent regular board meeting.** [Eff. 4/19/15; am 10/20/08] (Auth: RCH §14-103(a)) (Imp: RCH §14-104)