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# E Hui me ke Kaiāulu: To Connect with the Community

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E Hui me ke Kaiāulu: To Connect with the Community

by

Heather Kayleen Bartlett

A thesis submitted in partial fulfillment of the  
requirements for the degree of

Master of Urban Studies

Thesis Committee:  
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Portland State University  
2023

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## **Abstract**

Urban planning literature contains a wealth of knowledge on community engagement as a crucial component of the planning process, yet there remains a notable gap in our understanding of best practices when it comes to sustaining community involvement for ongoing plan implementation. The County of Hawai‘i, has charted a unique course through the establishment of Action Committees which serve as an intermediary to uplift grassroots implementation efforts while remaining closely entwined with County resources and processes. This interplay provides a unique case study that results in somewhat of an “identity crisis”: Action Committees do not have the autonomy of external community groups nor the decision-making authority to direct County policy. Instead, they serve as a community extension and partner to the Planning Department in an advisory capacity. This study used both qualitative and quantitative approaches to analyze Action Committee participant feedback in the form of meeting observation and survey analysis. The ultimate goal of this research study was to derive actionable recommendations based on experiences expressed by program participants to support the County's ongoing community planning efforts and provide insights on a burgeoning area of planning practice regarding the participatory implementation of community plans.

## **Acknowledgments**

I dedicate this work to my time working as a planner for the Hawai'i County Planning Department and all the friends I have made along the way. I hope this serves as a testament to the great experience I had working with you and an expression of hope that great things are in store for the future of the Action Committee program.

I want to extend my heartfelt gratitude to my advisor Dr. Lisa Bates for her unwavering support throughout my time at Portland State University. Working with you provided me with a wonderful source of inspiration throughout my graduate school experience, and I am truly grateful for your mentorship. Mahalo for being not only my advisor but also a source of encouragement and motivation.

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## **Chapter 1. Introduction**

### **1.1. Background**

In the unique and culturally rich landscape of Hawai‘i County, the work of Long-Range planners and their community partners and stakeholders play an important role in shaping the island’s future growth and development. This research project is based on my experience as a planner for the Hawai‘i County Planning Department working to support community planning efforts island wide. District-level planning efforts in Hawai‘i County are in many ways done through the development and implementation of Community Development Plans (CDP) which serves to further define the County’s overarching General Plan. Alongside the creation of these plans came the adoption of Community Development Plan Action Committees (ACs) which are citizen-comprised and serve to proactively steward the continued implementation of their district plan after adoption. Established under the purview of State and County statutes, Action Committees are both community members and appointed County officials that are intended to serve as a bridge between the government and the communities they represent.

This research study represents an effort to explore the Action Committee program through participant feedback in order to better understand the role, structure, and framework of the program within the context of the County and community-led implementation initiatives that shape it. Insights from this case-study are intended to contribute to a sparse literature on implementation-focused community engagement efforts. Best practices surrounding such government-community jointly driven implementation efforts are therefore novel and not yet well understood. In many ways,

Hawai‘i County took a progressive approach to bring the community to the table. The Action Committee program therefore lends itself to a unique case-study with rich insights to inform similar ongoing, planning implementation initiatives. Due to the unique nature of Action Committees, this study borrows literature related to Citizen Advisory Boards to contextualize the program within a larger community engagement literature.

The Action Committee program, as a platform for civic participation in local government, invites a wide range of perspectives from its participants. These diverse viewpoints, while providing insights and nuance into community issues, present a challenge in the administration of the program to navigate varied expectations and priorities. Understanding and addressing this spectrum of feedback is important for the continued progression of the program, ensuring it reflects these expectations.

In addition, staffing shortages have made it a challenge for the County to provide adequate resources to support the daily operation of the program in balance with the other critical functions and projects that the Planning Department provides. As discussed in the results of this study, this issue can sometimes interfere with the department’s ability to champion or support longstanding community initiatives that in themselves are critical implementing actions of Community Development Plans. This dissonance also impacts public perception which can lead to trust issues that further dismantles the ability of the program to adapt to hardship or foster a collaborative environment.

The purpose of this study was to take a deep dive into the feedback and perspectives of participants and to unpack miscommunications and challenges in search of potential solutions. I used both a qualitative and quantitative approach to analyze Action Committee

participant feedback. The qualitative analysis explored the content and comments expressed during a series of Action Committee meetings across all Hawai‘i County districts and was benefited by hands-on participation as a staff member serving to provide support to the program. The quantitative aspect of the study makes use of a comprehensive survey that assessed participant impressions on various aspects of the Action Committee program.

The ultimate goal of this research study was to contribute to a rich conversation and derive actionable recommendations based on the insights and experiences expressed by participants. This was done with reference to and understanding of the program’s legal framework, to support a burgeoning area of planning practice on participatory plan implementation. The patterns observed in this study highlight the need to derive solutions by collaboratively revisiting the program’s fundamental purpose. It also calls for careful consideration of connecting community feedback to relevant decision-makers for a productive community engagement process.

## **1.2. Research Question**

Based on feedback received about the Hawai‘i County Planning Department’s Action Committee program, what insights can be gained to inform best practices for implementation-focused community engagement?

## **Chapter 2. Literature Review**

### **2.1. Evolution of Community Participation in Planning**

A reoccurring gap in planning theory has been an inability to address issues of power in collaborative decision-making processes (Richardson, 1996, p. 279). The evolution of the planning profession has been witness to a series of transformations. It began with a history of centralized power bestowed to a purported planning expert and shifted to more recent attempts to democratize the process through a heavy emphasis on public participation (Moghadam and Rafieian, 2019). This literature review explores this range of community planning theories and practices in order to relate them to the emergence of participatory implementation practice.

Maghandam and Rafieian further explored the role of power, rationality, and inclusive reasoning in their article *If Foucault were an Urban Planner: An Epistemology of Power in Planning Theories* (2019). They explored the history of thought in the planning profession, how it has fluctuated between top-down and collaborative practices, and how that relates to the role of the planner. Maghandam and Rafieian (2019) divide these trends in planning practice into three phases according to their relationship with power, each one bringing in more participation from community. These phases are included in Table 1 below.

Birkeland (1999) presents a similar analysis, drawing from a comprehensive literature that captures the ebbs and flows of the different approaches to urban planning practice. Birkeland explores them with a comparative perspective rather than chronological, providing further insights by breaking apart several different aspects of

participation in planning. The following table is adapted from Birkeland's work to illustrate these different approaches over time. Analytical planning represents the first phase of planning practice with the subsequent theories representing a continuum over time.

Table 1. Evolution of Community Participation in Planning.

|                                | Time →                                |   |  |  |
|--------------------------------|---------------------------------------|---|--|--|
|                                | <b>Syntopic /<br/>Analytical</b>      | <b>Comprehensive</b>                                | <b>Incremental/<br/>Liberal</b>                  | <b>Radical/<br/>Advocacy</b>                       |
| <b>Concept of Community</b>    | Taxpayers                             | A generalized public interest determined by experts | A market of individual interests and preferences | Under-represented groups threatened by development |
| <b>Form of Participation</b>   | Vote                                  | Public consultation by experts                      | Consumer choice                                  | Development of counter-plans and offers            |
| <b>Planners Key Role</b>       | The expert problem solver             | Determine optimal solutions                         | Determine public preferences                     | Ensure equal access to decision making             |
| <b>Process</b>                 | Single public interest                | Scientific evaluation                               | Democratic representation                        | Law-based, adversarial                             |
| <b>Favored Methods</b>         | Internal consultation                 | Cost-benefit based methods, EIA, etc.               | Voting analogs e.g. survey, participation        | Educational and adversarial strategies             |
| <b>Ethical Basis</b>           | Paternalism                           | Utilitarianism                                      | Liberalism                                       | Critical theory                                    |
| <b>Key Role of Community</b>   | Virtually none                        | Input into scientific process                       | Input into pluralist process                     | Counter-plans, protest, obstruction                |
| <b>Government's Ideal Role</b> | Provide expertise, shelter the public | Weigh expertise and other policies                  | Balance competing interests                      | Distribute wealth; arbitrate                       |
| <b>Project Initiator</b>       | Private or public developer           | Private or public developer                         | Private or public developer                      | Private or public developer                        |
| <b>Philosophical Aim</b>       | Positivistic                          | Rationality   | Procedural justice                               | Distributive justice                               |
| <b>Competing Values</b>        | Balance of interests; trade-offs      | Majority wins                                       | Balance of interests; trade-offs                 | Equal opportunity; fair game rules                 |
| <b>Preferred Reforms</b>       | Maintain the status quo               | Transparency of decision making                     | Deregulation and less government                 | More community power and autonomy                  |

Source: Adapted from Birkeland (1999)



### 2.1.1. Syntopic Planning

Analytical planning was the predominant method in the early days of urban planning practice. A catalyst for its usage came with the widespread use of automobiles in the late 1950s which created unique challenges for urban planners. This shift necessitated a transition from blueprint planning to synoptic planning. The large-scale nature of the urban and societal problems that arose led to the development of mathematical and conceptual models that relied on quantitative analysis to connect future goals to available resources (Moghadam and Rafieian, 2019).

Central to this approach was an assumption that the planner was an expert authority representing a universal public interest (Moghadam and Rafieian, 2019). It operated under the assumption that society had a singular, holistic goal. Hence this created a conceptual normalization that permeated through society and a divide between knowledge and democratic influence (Uddin & Alam, 2021). In this model, the average citizen was simply not perceived to have the expertise to make decisions regarding the greater good of the whole.

### 2.1.2. Comprehensive Planning

By the late 1960s this first wave rational-comprehensive paradigm had caused much criticism (Maghandam and Rafiean, 2019, pp. 5). Comprehensive planning was the product of an explosion of different planning theories that attempted to solve the problems that had arisen from the first wave. This group generally proposed that inequalities needed to be addressed in capacities of bargaining power, democratic processes, and the inclusion

of underrepresented groups. In these models, the planner's role was to balance the interests of many competing groups in pursuit of the greater good (Uddin & Alam, 2021).

Perhaps the most influential theories that came out of this era of planning came from the publication of Sherry Arnstein's *Ladder of Citizen Participation* (1969). No literature review on public engagement would be complete without highlighting this famous work. Slotterback and Lauria (2019) estimated that her article had been cited more than 17,000 times as of April, 2019.

Arnstein's (1969) framework described various levels of citizen power and the ability to participate in decision-making processes that impact everyone. At the bottom rungs of the ladder, we find forms of manipulation, purposeful misinformation, and biased knowledge sharing intended to deceive the public. Arnstein uses the term "therapy" at these lower rungs to describe the process through which powerful actors impose their views to sway public opinion in a way that is meant to reform their thinking, often with the ideal that this process "cures" the public from holding oppositional views.

The middle-rungs of Arnstein's (1969) ladder describe forms of placation and information sharing with no avenues for the public to express counter views in a meaningful way. This method provides the public counterfeit power or the appearance/feeling of involvement while sheltering the actual decision-making process away from the public eye. The upper rungs of power represent where the power dynamics begin to shift, and the public is placed in an influential position to affect change. Participatory budgeting is one example of top-rung engagement models in which decision-

making power is shifted to residents who decide on budget allocations (Karner et. al. 2019).

Table 2. Arnstein’s Ladder of Civic Participation.

|                  |                  |
|------------------|------------------|
| Citizen Control  | Citizen Control  |
|                  | Designated Power |
| Tokenism         | Partnership      |
|                  | Placation        |
|                  | Consultation     |
| Nonparticipation | Informing        |
|                  | Therapy          |
|                  | Manipulation     |

(Arnstein, 1969)

Gaber (2019) describes the political context that set the stage for Arnstein’s emergent theory. From civil rights movements, the second wave of feminism, empowerment of youth and gay rights, there was an ache for change in the air (pp. 198). Citizen participation in government planning processes was becoming widespread, however there was very little guidance or best practices on how to do so in a meaningful way. Arnstein (1969) created her ladder based on her time spent working with the United States Department of Housing and Urban Development to designate communities for the Model Cities redevelopment programs. Much of Arnstein’s (1969) work was focused on environmental policy efforts in the 1960’s and her work has helped shape a wealth of community engagement literature as it applies to such topics.

Comprehensive planning caught its momentum in a time influenced by two major advents in planning practice. These included the advancing recognition that the public had routinely been disenfranchised by processes that they cannot readily influence and the

advent of Euclidian zoning beyond urban areas to entire municipalities (Moghadam and Rafieian, 2019). Comprehensive planning incorporated an ideal that planning should include the many different issues of society that impact the everyday lives of constituents.

Birkland (1999) refers to comprehensive planning as technocratic and top-down, describing the elevated expertise of the planning professional to carry the planning process forward. In a well-cited opinion piece, Altshuler (1965) criticized the comprehensive planning approach as one that invites public engagement in the form of generalities but consults biased parties on the practical applications. In this, he described goal-setting exercises in the planning process that lead to community values that are too general to refute while wealthy businesspeople and politicians shaped the tangible outcomes.

Of course, this view is also refuted by others in the literature, in large part by claiming that the practice has evolved to reflect a greater understanding of its shortfalls and is a process that over time has been fundamentally reconceptualized. Innes (1996) is one such author who argued 30 years later that comprehensive planning is still alive and well in the form of stakeholder consensus building. She argued that the planner represents the progressive decisionmaker who can separate individual interests from the collective to benefit the broader public. In essence her argument was that critiques on comprehensive planning methods were of instances that were poorly executed and that the critiques did not allow for the process to adapt to suit the varying needs of communities.

### 2.1.3. Incremental/Liberal Planning

Incremental planning was in many ways a response to the criticism that comprehensive planning, while perhaps well intentioned, was subject to the whims of the

political process rather than the direct needs of the community. In this model, small-scale decisions are made through consultation from competing interest groups to navigate the policy process (Uddin & Alam, 2021). This concept imagines an intermediary of sorts that could balance the needs of these competing parties to find optimal solutions. Public participation under this framework often occurs after a decision has been made, and the community then provides comments which may or may not be addressed.

Birkeland (1999) describes a push and pull between these forefront planning theories as they react to the advents of one another. She observes that incremental planning can be understood as a reaction to the perceived shortcomings of Comprehensive Planning and a return to a seemingly more objective-oriented planning approach. Comprehensive Planning was seen to have moved away from the scientific and expert-driven approach that many planners valued. Instead, it was increasingly seen as a platform for airing concerns and grievances without a clear and systematic decision-making process. Incremental planning, on the other hand, has been criticized as a form of non-planning that contradicts the fundamental purpose of the planning profession (Uddin & Alam, 2021).

#### 2.1.4. Radical/Advocacy Planning

The third wave considered the full integration of public participation and empowerment in the planning process. This model emphasizes the need to decentralize power from the planner to permit other groups and citizens to heavily influence the planning process as it impacts their community. A central concept here is that of mutual learning and communicative theory (Innes, 1995). This includes a diminished priority for scientific rationality and replaces it with a prerogative for democratic values as the primary

driver of planning decisions. Here public participation and engagement are not just one part of a larger process but are the central aspect through which decisions should revolve around. Whether these ideas are practiced uniformly and equitably across planning and policy-making institutions is a subject of debate (Uddin & Alam, 2021).

Laskey and Nicholls (2019) describe in their case study *Jumping off the ladder: Participation and Insurgency in Detroit's Urban Planning* what happens when community planning outreach does not provide meaningful opportunities for community members to influence the process. In their study, community members had observed that decisions being made through money interests risked aggravating existing gentrification and displacement pressures. They decided to intervene on the project through protest in order to push back against this externally established process. These actions are referred in the literature as insurgent planning tactics in which community members take on planning initiatives themselves as a remedy to perceived failings in the existing system.

Booher and Innes (1995) offer a blatant critique on urban planning theorists who postulate on planning practices without engaging in the dynamic and often messy, collaborative processes they entail. They construct a framework for network power using methods such as consensus building in a process driven by community but guided by a planner who acts as a mediator (2000). Observations such as these are a common influence for advocacy planning movements that fundamentally work to ensure that planning practices mirror community values and maintain place-based improvements that benefit the quality of life of existing residents.

## 2.2. Community Engagement in Practice

Community engagement in practice is observed in a wide variety of forms, that vary based on how feedback is solicited and used to shape the end product of a project. Table 3. Forms of Planning Participation. lists a various identified methods to invite community participation into the planning process. Action Committees would likely be most comparable to Citizen Advisory Committees in this analysis as a board created through an institutional framework to serve an advisory function to a governmental body.

Table 3. Forms of Planning Participation.

| <b>Forms of participation</b> | <b>Definition</b>  |
|-------------------------------|--|
| Citizens' Advisory Committee  | People are selected by an institutional body based on representation of major interest positions, but not the full range of interests for logistical reasons.    |
| Public hearing                | People are invited to present their concerns before a lawful committee that may comprise planning officials and lawmakers.                                       |
| Workshop                      | A process to gather community and stakeholders' input into a process that requires planning initiatives, which the agency thinks it important to incorporate.    |
| Survey                        | Similar to workshops, the target people are identified to solicit their concerns about possible changes and satisfaction over the existing process and outcomes. |
| Citizen Taskforce             | A process whereby a group is formed to devise equitable outcomes on planning issues to be considered.  |
| Planning Cell                 | People are selected from a random pool of citizens to evaluate.  |
| Citizen jury                  | People are selected from a random pool of the public to evaluate policy alternatives.  |
| Citizen panel                 | A process that selects enthusiastic individuals to give policy level input into the decision-making process.   |
| Consensus conference          | People are selected from among experts to make comments mostly on scientific and technological aspects.  |
| Deliberative poll             | People are selected randomly by telephone numbers and then come together to discuss the issues, thereby building in a deliberative component.                    |

Public participation GIS

People are selected to shape, reshape and make alternatives to their own areas of concern on planning and environmental aspects. It is also possible through the Internet.

---

Source: Uddin and Alam (2021) as adapted from Jankowski and Nyerges (2001).

Overall, the range of engagement methods can make it challenging to compare approaches and evaluate their effectiveness. Deciding upon an appropriate method is largely influenced by the intended end product, amount of controversy surrounding a project, the availability of resources, and community desire for involvement. It involves a delicate balancing act, weighing the costs of public engagement against the desired outcomes, considering that various forms of engagement serve different purposes and lead to different forms of feedback.

Brownhill and Parker (2010) emphasize a widening gap between what they term “participatory planning rhetoric” and the practical realities on the ground. They argue that central to the process is a mutual understanding of what outcomes are being sought. They state: “However, it is clear both from this discussion and from the papers collected here that what is needed is that people are very clear about what they are trying to achieve through participation, and that they understand the conditions within which it is occurring and for governments equally to understand the benefits and required conditions for meaningful participation” (Brownhill and Parker, 2010, pp. 281).

It is essential to understand that public engagement practices are context-dependent, with each method finding its time and place based on the nature of the project and its intended outcomes. Many of the methods outlined in Table 3 point toward participatory processes to conclude on a policy question, decide on a development outcome, adopt a plan or process, etc. An advisory body may in this frame exist as a



standing body to address a variety of circumstantial questions or situations. Kamal and Monwar's (2021) analysis on Community Advisory Committees mirrors in many ways the Action Committee framework as a program that does not benefit from the wealth of community planning literature that more conventional planning projects may follow.

### **2.3. Community Engagement Through Advisory Bodies**

This literature review is testament to the fact that community engagement theory has been explored extensively through urban planning literature. The function and impact of bodies such as planning commissions that can make decisions or recommendations on development and permitting decisions is more straight forward with clear lines of impact between approvals made and community plan goals and policies. However, there are notable limitations to how these theories and their practical applications may apply to community planning practice as it relates to advisory bodies for ongoing plan implementation.

Kamal and Monwar's (2021) work focus on the inner workings and effectiveness Community Advisory Committees. They acknowledge a complete lack of literature in this regard. A notable element in their argument is that advisory committees often lack decision making authority and have roles that are more often subjective in nature to the authority. The degree to which the advisory outcomes are adhered to and how they generally impact decision-making processes is challenging to capture due to the great number of inputs that influence the way decisions are made and projects are implemented.

Innes (1995) describes a democratic process called consensus building as a means to bring stakeholders together to make planning decisions informed by, and in alignment

with, community values. In this model, a planner serves as a moderator while the stakeholders engage in discussion to reach an outcome that meets the interests of affected parties. Consensus building can be used to address contentious disputes, and to negotiate policy actions and prioritization.

Boxer-Macomber (2003) further discusses this framework as it relates to community advisory boards impacted by state and federal open meeting laws. Providing inclusivity and access to the public is an important aspect of ensuring consensus building is done through open participation, and therefore adds legitimacy to the process. It can also serve to neutralize power imbalances, ensuring that there is a fair playing field for groups that may traditionally have less influence to engage meaningfully on an issue (Innes, 2003).

While Innes's analysis on open meeting laws centers primarily on boards that have decision-making power, there are some insights that may be transferred to advisory boards as well. For instance, Innes argues that inability to form relationships with other committee members can impact the depth of discussions surrounding policy disagreements and prevent association with opposite views that are essential to consensus building processes. Similarly, restricting discussion to items that are on the published agenda also has the unfortunate side-effect of preventing the body from addressing current issues that are of interest to the community. These observations may indicate similar patterns that are of relevance to community advisory committees more broadly. Overall, however, it is challenging to apply conclusions that are made in regard to advisory boards that exist in different legal frameworks and that serve varying purposes.

## **Chapter 3. Hawai‘i County Community Planning**

### **3.1. Hawai‘i County General Plan**

The 2005 Hawai‘i County General Plan, was intended to serve as an umbrella document for the entire County, to guide future growth with a 10-year plan horizon. It is a comprehensive planning document that covers topics from the economy, environmental quality, housing, recreation, to transportation and of course land use. It is intended to bring community vision in alignment with county long term strategies and establish development patterns that will promote healthy communities.

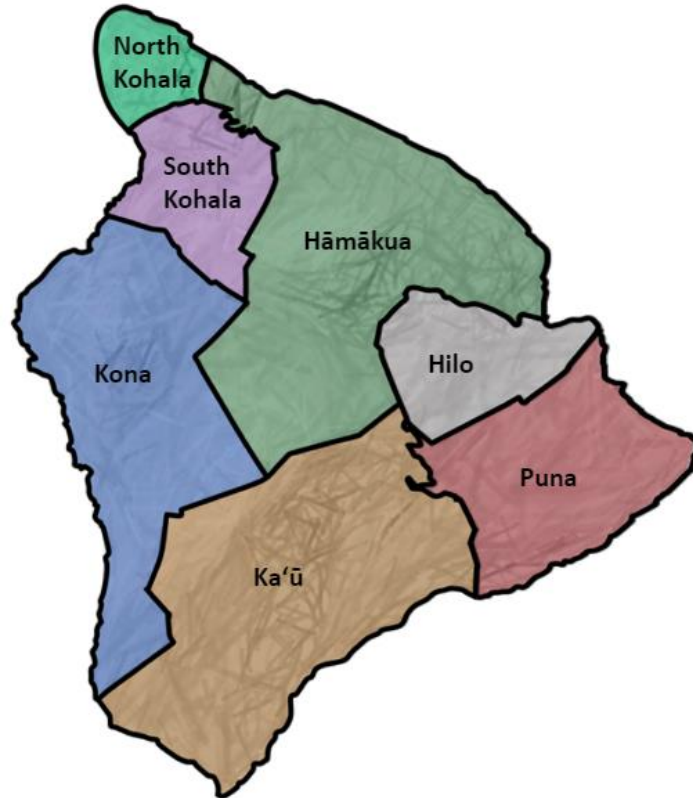
### **3.2. Community Development Plans**

The 2005 County of Hawai‘i General Plan called for the creation of Community Development Plans (CDPs) to “translate the broad General Plan statements to specific actions as they apply to specific geographical areas” (County of Hawai‘i, 2005). Community Development Plans were specified to contain “detailed land use and zoning guide maps, plans for roadways, drainage, parks, and other infrastructure and public facilities, architectural design guidelines, planning for watersheds and other natural features, and any other matters relating to the planning area” (County of Hawai‘i, 2005). As such they touch on a broad range of topics, many of which vary based on the issues that are of most importance to different districts.

Since the 2005 General Plan, Community Development Plans have all been adopted by ordinance, giving them the full force and effect of law. Policies in the plans may reflect regulatory actions, adding new legal bounds or an additional layer of detail to existing

measures in the County Code. Where CDPs conflict with the General Plan or existing County law, the latter has authority.

Figure 1. Hawai‘i County Community Development Plan Districts.



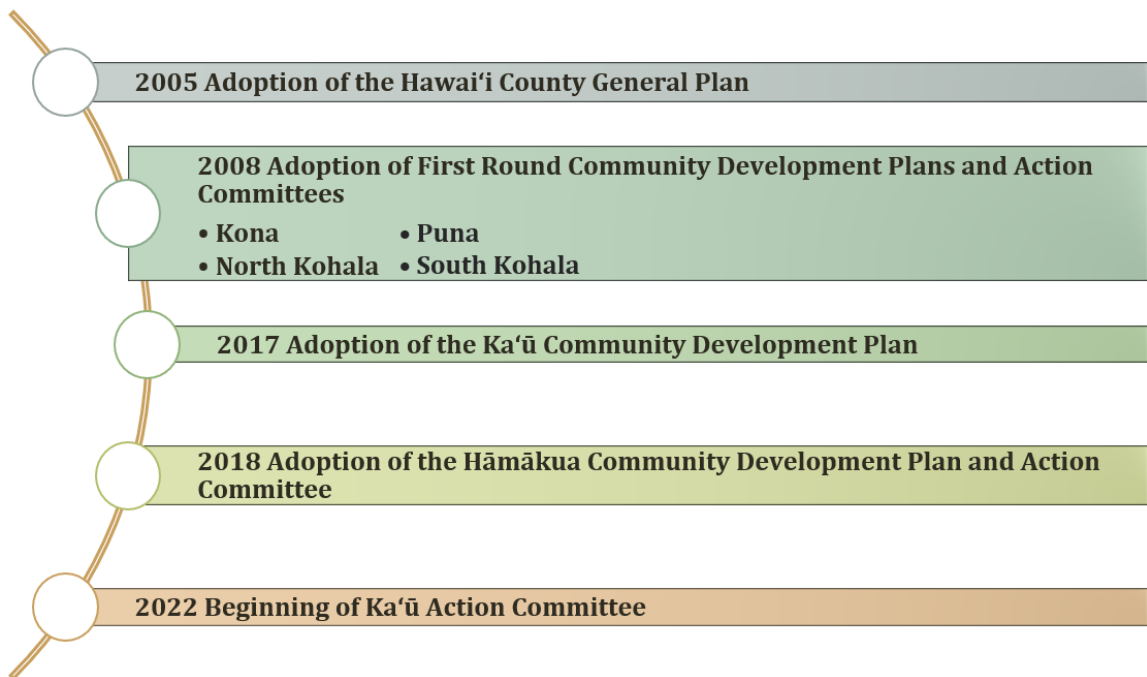
### 3.2.1. Community Development Plan Drafting Process

The drafting process for CDPs often brought in hundreds of community members to participate in large charrette style community outreach events. The framework laid out by the General Plan ensured the creation of Steering Committees that would serve as community advisory committees throughout the drafting process. Some CDPs incorporated the use of working groups whereby community members with a particular interest could decide to focus on a topic area in depth. Many community members reminisce on the time spent working on CDPs with a feeling that the process gave them a way to engage civically

to have impactful benefits on their local community. The process provided a sense that community engagement meetings were productive and provided meaningful ways in which community members could connect with and directly impact Hawai‘i County policy.

The first CDPs were all adopted in 2008, shortly after the General Plan adopted this framework into existence. Four CDPs were adopted in this year in the following Hawai‘i County districts: North Kohala, South Kohala, Kona, and Puna. The remaining two CDPs came much later. The Ka‘ū CDP having been adopted in 2017 and the Hāmākua CDP that was adopted in 2018. The Ka‘ū and Hāmākua CDPs were also developed with attached Community Action Guides to provide a baseline for organizing community implementation initiatives. The timing of CDP adoption, along with the issues specific to the different districts created additional context through which the feedback received about the program should be interpreted.

Figure 2. Community Planning Timeline



### **3.3. Action Committees**

#### **3.3.1. Adoption of Action Committees**

In 2008, during the same timeframe as the initial round of CDP adoptions, an ordinance was passed to amend Chapter 16 of the Hawai‘i County Code to create Action Committees. In County Council meeting discourse, Action Committees were intended to serve as a continuation of the Steering Committees that played a central role in the drafting of the CDPs. In a County Council Planning Committee Hearing in which the creation of Action Committees was vetted, the Planning Director at the time, spoke regarding the intention behind the creating these new County boards:

*Mr. Yuen noted that because a great deal of effort has been expended in developing CDPs he does not see this group engaging in continuous planning efforts but rather saw the group as advocates for a CDP that has been adopted by the Council. Mr. Yuen envisions this group as the community's voice on implementing the CDP rather than another body that reviews and makes changes to the CDP (May 6, 2008, County Council Planning Committee Hearing Summary).*

In this meeting, Councilmember Higa expressed concern that the creation of Action Committees would constitute a duplication of existing planning processes. He expressed that the current framework and use of CDPs and the General Plan within County decision-making processes would be sufficient and henceforth questioned the purpose of these new boards. The following quote is a summary of the Planning Director’s response.

*Planning Director Yuen stated that the impetus is that the CDP process was a grass roots effort I and the people wanted some means of being able to carry the CDP*

*forward via a follow-up community body which all CDP Steering Committees advocated for. Mr. Yuen said they took this concept in an effort to make the desires of the people happen and also afford the group standing with the County (May 6, 2008, County Council Planning Committee Hearing Summary).*

Additional interesting discourse in the adoption of Action Committees came from a brief discussion that questioned the Planning Department staff role in administering Action Committees, as written in the final version of the ordinance.

*Chair Hoffmann referenced Article 3, Section 16-4, Subparagraph c, on page 2 of Communication 1201.2, and asked what does it mean by “administer.” Mr. Yuen replied that it means staff support would be provided by the Planning Department to do things such as publish notices, send letters and agendas to Committee Members informing them of meeting places/times, schedule meeting logistics; typically, it would be a Planning Department staff member present to represent the County.*

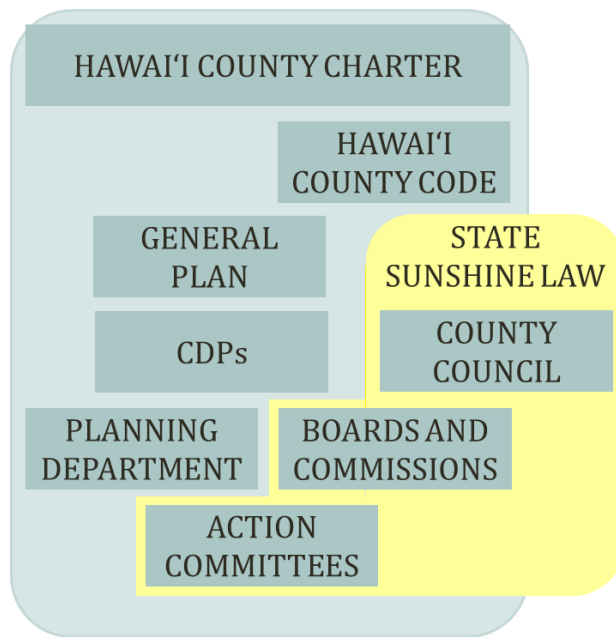
*Chair Hoffmann said he agreed with Mr. Yuen’s interpretation, and that he didn’t know how to interpret that when he first read it. He asked whether it could be misconstrued, that it should be spelled out further. Mr. Yuen replied, “No.” (Hawai‘i County Council Meeting, June 3, 2008).*

### 3.3.2. Governing Documents – Sunshine Law, and County Charter and Code

As an official board or commission under Hawai‘i County jurisdiction, Action Committee’s are authorized under State and County law as to their boundaries and practice. As a matter of hierarchy, State laws are generally outside of County jurisdiction to override

or interpret mandates. Likewise, the Hawai‘i County Charter is established through a rigid ten-year review process with a citizen-comprised Charter Commission and election process to follow that decides on changes. Each layer of regulation has its own bearing on Action Committee conduct and organization.

Figure 3. Action Committee Legal Structure.



### 3.3.2.1. Hawai‘i State Open Meeting (Sunshine) Law

The Hawai‘i Revised Statutes Chapter 92 outlines the State of Hawai‘i Open Meeting, or “Sunshine”, Law. Sunshine laws are quite ubiquitous across the United States, as all States have some form of this law to dictate civic discourse with the goal to ensure that decisions or discussions that impact constituents are made in the public eye. In the case of Hawai‘i State and County boards and commissions, this law limits the conduct of board members outside of meetings to ensure that board business is not discussed and deliberated on outside of official public meetings. It has particular boundaries on board member



interactions and details various ways to create working groups through the establishment of ad hoc committees and various types of permitted interaction groups. The law also applies deadlines for public notice of board meetings and the publication of materials in advance so that community members can anticipate the deliberations to be had, attend the meeting, and provide timely testimony on the matter.

#### 3.3.2.2. Hawai‘i County Charter

The Hawai‘i County Charter further defines board and commission organization and administration while having legal supremacy over “all laws affecting the organization and government of the county” (County of Hawai‘i, 2020). It establishes board membership terms and term limits, the staggering of seats, and restrictions for reappointment and the legitimacy of holdover positions.

#### 3.3.2.3. Hawai‘i County Code

Chapter 16, Article 3 of the Hawai‘i County Code provides a definition of Action Committees, outlining their roles and responsibilities, further defining membership terms, and the program administration. It states generally that: “*The purpose of the CDP action committee is to be a proactive, community-based steward of the plan’s implementation and update.*” (County of Hawai‘i, 2018). It lists the following as the duties and responsibilities of Action Committees. Chapter 16 of the Hawai‘i County Code can be found in Appendix A.

- (1) *Provide ongoing guidance and advocacy to advance implementation of the CDP goals, objectives, policies, and actions;*

- (2) *Broaden community awareness of the CDP and build partnerships, as appropriate, with governmental and community-based organizations to implement CDP policies and actions;*
- (3) *Take into consideration statewide objectives and legislation for long-term and sustainable plans for the island as a whole;*
- (4) *Provide timely recommendations to the County on priorities relating to the County operational budget and the CIP budget and program;*
- (5) *Receive briefings, as requested, from the planning department on pending and approved permit applications involving property located within the planning area, and on other issues related to the CDP;*
- (6) *Receive briefings from other County agencies, as requested, on priority actions identified in the CDP, which briefings may be integrated and consolidated by the mayor's office or the planning department into a plan of action for the forthcoming year and a status report on the current year's plan of action;*
- (7) *Monitor the progress and effectiveness of the CDP including the need for CDP revisions based on emerging statewide plans, new technologies, innovative ideas, or changing conditions;*
- (8) *Review and make recommendations on interim amendments to the CDP;*
- (9) *Serve as the steering committee, as set forth in the general plan, in any comprehensive update of the CDP;*
- (10) *Provide recommendations to amend the general plan; and*

*(11) Carry out other duties specified in the CDP and/or in agreement with the planning department.*

*(Hawai'i County Code, Chapter 16, Article 3, Section 16-6, Ordinance 08-98, sec 4.)*

## **Chapter 4. Methodology**

### **4.1. Research Design**

This research study aims to investigate effective methods for implementing community planning documents through a case study approach. The focus of this study is to analyze the Hawai'i County Community Development Plan Action Committee program with a primary goal of analyzing participant perspective as a key indicator of its impact and effectiveness.

To achieve this goal, I employed a mixed-methods approach, gathering data from two sources. First, observational data was collected by attending or watching the recordings of Action Committee meetings that occurred from March of 2021 to May of 2023. Additionally, meeting minutes were reviewed and coded using a qualitative process. Overall, 37 meetings were analyzed using a mixture of these methods, as detailed in Table 4 below.

Second, data from a survey conducted by the County of Hawai'i in August of 2022 was used to gauge participant sentiment regarding a variety of elements of the Action Committee program. This survey aimed to provide quantitative insights into participants' perceptions and experiences, complementing the qualitative data obtained from the observational analysis.

### **4.2. Data Collection Methods**

#### **4.2.1. Public Meeting Observation and Minutes**

During the course of this research study, a total of 37 public Action Committee meetings took place. As a planner employed by the County of Hawai'i, I provided

administrative support for 32 of those meetings. This entailed assisting committee chairs by providing guidance and support for the committee chairs such as meeting logistics, County processes, and Planning advice. The majority of the meetings were observed or attended in their entirety, with the exception of a few meetings which were held in person and thus only had minutes as a record. Throughout much of this period and in my role as a County planner, I dedicated a substantial amount of time to advising Action Committee members, maintaining awareness of their initiatives, and bridging community and committee member feedback with the Planning Department and other County officials.

Table 4. Action Committee Meetings.

| <b>Date</b> | <b>Mode</b>      | <b>CDP District</b> | <b>Date</b> | <b>Mode</b>         | <b>CDP District</b> |
|-------------|------------------|---------------------|-------------|---------------------|---------------------|
| 3/11/21     | Attended, Zoom   | South Kohala        | 9/20/22     | Watched             | Hāmākua             |
| 3/22/21     | Attended, Zoom   | Kona                | 10/19/22    | Watched             | Hāmākua             |
| 6/22/21     | Attended, Zoom   | Kona                | 10/19/22    | Attended, In Person | Ka‘ū                |
| 6/29/21     | Attended, Zoom   | South Kohala        | 10/24/22    | Minutes only        | South Kohala        |
| 8/12/21     | Attended, Zoom   | All                 | 11/15/22    | Watched             | Hāmākua             |
| 9/09/21     | Attended, Zoom   | Kona                | 12/14/22    | Minutes only        | Ka‘ū                |
| 9/13/21     | Attended, Zoom   | South Kohala        | 12/19/22    | Attended, Hybrid    | Kona                |
| 11/10/21    | Attended, Zoom   | Kona                | 1/10/23     | Attended, Hybrid    | Kona                |
| 11/08/21    | Attended, Zoom   | South Kohala        | 1/10/23     | Watched             | Hāmākua             |
| 11/16/21    | Attended, Zoom   | Hāmākua             | 2/21/23     | Attended, Hybrid    | All                 |
| 1/19/22     | Attended, Zoom   | All                 | 2/22/23     | Minutes only        | Ka‘ū                |
| 3/03/22     | Attended, Zoom   | Puna                | 2/27/23     | Attended, Hybrid    | Puna                |
| 3/10/22     | Attended, Zoom   | Kona                | 3/21/23     | Watched             | Hāmākua             |
| 3/14/22     | Attended, Zoom   | South Kohala        | 4/12/23     | Watched             | Hāmākua             |
| 3/15/22     | Attended, Zoom   | Hāmākua             | 5/08/23     | Minutes only        | Ka‘ū                |
| 5/05/22     | Attended, Hybrid | Puna                | 5/10/23     | Watched             | Hāmākua             |
| 5/09/22     | Attended, Hybrid | South Kohala        | 5/16/23     | Watched             | Kona                |
| 5/12/22     | Attended, Hybrid | Kona                | 5/23/23     | Watched             | All                 |
| 5/17/22     | Attended, Hybrid | Hāmākua             |             |                     |                     |

#### 4.2.2. Action Committee Engagement Survey

In August of 2022, the County of Hawai‘i Planning Department initiated a survey and extended invitations to participate to individuals actively or previously engaged in

Action Committee meetings. The survey was intended to solicit participant sentiment and feedback on a variety of topics related to the program. The respondent pool included both present and past committee members, in addition to members of the general public who received meeting updates through their online mailing list. The invitation to participate stated:

*As you may know, and in connection to the General Plan Comprehensive Review, our team is exploring improvements to our community engagement program. It is our hope to continue learning from our past experiences as we move forward by clarifying the role and guidelines for both staff and Action Committees. Our goal is to better align our process to create a meaningful and engaging way for community to partner with the County and implement the Community Development Plans.*

The survey garnered a total of 148 responses, with 32 originating from current and former Action Committee members and 116 from community members. At the time of the survey, there were approximately 39 active Action Committee members. The respondents had the option to remain anonymous but could voluntarily disclose their identity. Among the responses identified as Action Committee members, 3 were from the Hāmākua district, 4 from Ka‘ū, 6 from Kona, 6 from North Kohala, 7 from South Kohala, and 6 from Puna. Due to the survey's anonymous nature, it is not possible to accurately determine the exact number of respondents from each Action Committee district.

The survey comprised a total of 22 prompts or questions. Much of the survey employed Likert-scale prompts, with one binary question necessitating a 'yes' or 'no'

response, and one question providing respondents the opportunity to share an open-ended, written responses. Participation in the survey was voluntary, and respondents had the choice to skip any questions they wished.

On February 3, 2023, the Hawai‘i County Planning Department sent a communication out to the public sharing the results of the survey. It stated that:

*The survey responses were broken down into corresponding CDP districts. This allowed the responses to be interpreted in light of each district’s unique history, issues, challenges, CDP content and related resources, and experiences of each Action Committee. All of the Action Committee responses could be categorized into their corresponding CDP district. Of the community responses, there was more variation in responses to which CDP district they live in or identify with. Many community responses clearly identified one or more districts, while some left the district question blank, or wrote “N/A”, an issue/cause, or the name of an outside community group.*

*The responses may be broken down accordingly:*

Table 5. Action Committee Survey Participation.

| <b>CDP District</b> | <b>AC</b> | <b>Community</b> | <b>Total</b> |
|---------------------|-----------|------------------|--------------|
| All                 | 32        | 116              | 148          |
| Hāmākua             | 3         | 28               | 31           |
| Ka‘ū                | 4         | 30               | 34           |
| Kona                | 6         | 21               | 27           |
| North Kohala        | 6         | 13               | 19           |
| South Kohala        | 7         | 11               | 18           |
| Puna                | 6         | 18               | 24           |
| Other               | 0         | 13               | 13           |
| Omitted             | --        | --               | 10           |

Source: County of Hawai‘i Planning Department Communication No. 2022-01. Survey Results Letter

Where the district for responses could not be determined the response was assigned the “Other” category. Responses were assigned the “Omitted” category if the respondent identified themselves as a community member but filled out the Action Committee member portion of the survey. The process of cleaning the survey data is discussed in great detail in Section 4.3.4.2.

### **4.3. Data Analysis Techniques**

The research design for this study involved a mixture of qualitative and quantitative methods. Mixed methods research offers a framework for extracting patterns of information and concrete observations with an added qualitative lens to provide additional context. This enabled not only the identification of patterns and trends but also approaches an understanding of the underlying factors driving these patterns. A mixed-methods approach aligns well with the complexities underlying the Action Committee program by gathering information to drive conclusions about the effectiveness of the program while ensuring consideration of the underlying context.

Qualitative research provides a diverse set of methodologies to analyze and discern patterns in data. While quantitative methods use a systemic and structured approach, qualitative research is an often messy and recursive process. It involves the identification of themes, reiterative review of observations, reflecting on the findings, and revisiting the data with fresh perspectives. The goal is to uncover patterns to gain insights on the various viewpoints through which the information is shared and portrayed.



This approach can provide greater context but also demands an awareness of the researcher's potential biases and acknowledges that the information is ultimately subject to a process of interpretation. It is important for the researcher to explore these biases and critically assess the lens through which information is being interpreted, striving to approach as closely as possible an objective understanding of the truth.

#### 4.3.1. Author Bias/Perspective

Throughout the course of this research study I assumed dual roles, as a Planner serving to provide support to Action Committees and as a researcher. Specifically, my role as a Planner for the Hawai'i County Planning Department centered on providing administrative support to all Action Committees across the island. This provided a perspective from within the Department, working closely with program participants while also having access to internal conversations, plans, and long-term strategies.

As a governmental institution the information I had access to is nothing more than what a member of the public would know from attending public meetings and asking questions of County staff. However, having been on the receiving end of public feedback and having worked closely with other County staff leads me to understand the bureaucratic processes that drive the way work is performed and the contingencies that impact how projects move forward. The period in which this study took place was a time rife with these miscommunications and had resulted in consternation from many Action Committee participants. In that time, I believe I had the benefit of a well-rounded view of the situation, having access to several perspectives both internal and external to the Planning Department.

My time as a planner with the County of Hawai‘i inspired me to develop a deep interest in understanding the framework that created the Action Committee program and guided the way it operates. I wanted to better understand the rules that govern the program in search of ways to continuously improve the program and the connection between County staff and the community. This meant researching the legal parameters concerning committee members and their roles and responsibilities under the State Sunshine Law, County Charter, and County Code.

I also had a deep interest and passion for the pursuit of more effective and inclusive public engagement methods more generally and had spent much time researching best practices and lessons that came from a longstanding but always evolving literature. I quickly learned that the road to more progressive change is ever being discovered and is therefore filled with contradicting views and uncertainty. My motivation to pursue this effort so deeply came from a belief that more effective systems are possible by maintaining a curious and open mind.

I also maintained trust, despite a fearful narrative in the local media, that the purpose of reviewing the Action Committee program was not to dispose of it but is rooted in a sincere desire from County staff to make the program better. It is unfortunate that the timeline for this study coincided with staffing shortages which seemed to create a perception that the County was taking intentional steps to move away from the program. I could attest to the fact that the impact of these shortages was felt heavily by County staff and the community in a similar manner. The short-staffing experience was also felt across many different divisions and departments in the County in which I observed staff routinely

go above and beyond to try to make up those deficits. The desire, by everyone, to keep the Action Committee program running smoothly despite these operational hardships is something I experienced first-hand.

Additionally, I believe it is important to note that evaluations of the Action Committee program naturally differ depending on what the observer constitutes as the values that makes community engagement effective can be inherently subjective. As discussed in the literature review, the value of community engagement for public agents and decisionmakers can vary from a crucial component that determines the future direction of a project to a meager procedural checkbox. This complexity is compounded further by the lack of definition and literature concerning community engagement as it relates to the implementation of community plans. The absence of standardized criteria for accessing community engagement practices and the circumstantial nature of its components results in inherent subjectivity in assessing its merits.

For this reason, I found it important to try to ground myself in the original intentions of the program to understand what it was meant to accomplish, and its overall design and function. Perceptions of this again may differ from the perspective of a community member or County planner. A planner may see the program as a vehicle for connecting to community members, gaining insights on their concerns, and translating that understanding into actionable community planning policy. It is still not well understood what mechanisms a planner could use in practice to translate such community-driven outreach efforts into measurable implementation actions. It is essential, however, to distinguish these perspectives from the objective reality of the program's outcomes. In light of these

considerations, the concept of ‘effectiveness’ of the program would require a great deal of deconstructing.

An additional important consideration to note is that I also have gained additional context through either attending or watching recordings of the subject meetings of this study. I was additionally often engaged in ongoing conversations with Action Committee members as they took up responsibilities for their committees and navigated complex County processes from meeting procedures to project implementation strategies. By actively participating in these discussions and extracting further insights and themes from meeting summaries, I gained much perspective on many of the issues discussed. For example, a discussion flagged as “development concerns” in my qualitative analysis may initially appear to reflect a 'Not In My Backyard' (NIMBY) attitude but in actuality are deeply entwined with long-standing property ownership disputes, the historical significance of certain locations, or the presence of ancestral burial sites.

The consideration of biases may appear trivial, but it reveals the lens through which a multitude of perspectives are understood and interpreted in this study. My perspective is shaped, for example, by my role as a civil servant, as a member of my community, as a white woman in a place rich with multiple cultures and historical context, as a person who grew up using computers who may not fully relate to the realities of the digital divide, and so on. Diving into these biases at least in a small part allows for a better understanding of the lens through which complex data is organized and made sense of and therefore lends itself to a deeper understanding of the issue in a broader perspective.

#### 4.3.2. Understanding Demographic and District Variations

To adequately evaluate the information collected from the qualitative and quantitative analysis, it was helpful to identify that there are differences between Hawai'i County districts that can add context to the perspectives behind the responses. Such considerations offer valuable insights on the specific challenges, priority issues, and complex history that varies from one district to another.

**Unique Values and Issues:** Each district in Hawai'i County has its own mixture of specific challenges. This is often reflected in the values and issues that are discussed at respective Action Committee meetings. These place-based issues can arise through gaps in infrastructure or services, local developments, planning events and projects, or environmental concerns that impact resource conservation or disaster preparedness needs. These varying concerns highlight the possibility that community perception of Action Committee functioning could be connected to the nature of the issue the committee has sought to address.

**Community Development Plans:** The content of a district's Community Development Plan often serves as a guiding document for the Action Committee's discussions and decisions. These plans outline the long-term vision for the community's growth, addressing factors such as housing, transportation, economic development, and environmental sustainability. The plans vary across districts and are impacted by the context within which they were drafted. As discussed in section 0, the adoption dates of Community Development Plans occurred within a wide timeline from 2008 all the way through 2018. In addition, while the Hawai'i County General Plan provides guidance on the content of these plans, various authors and community visions has meant they vary

greatly in their focus and the strength through which they directly influence existing County policy.

**Duration of Action Committee Existence:** The length of time an Action Committee has been in existence can significantly influence the perception members have about the program. Committees that have been around since the beginning of the program may have a longer history of successes and failures to build from, they may also have experienced how their committee has been supported across various administrations, staff planners, and other circumstances. Newly adopted Action Committees likely did not have had the same experiences and therefore would have a different perception of the program.

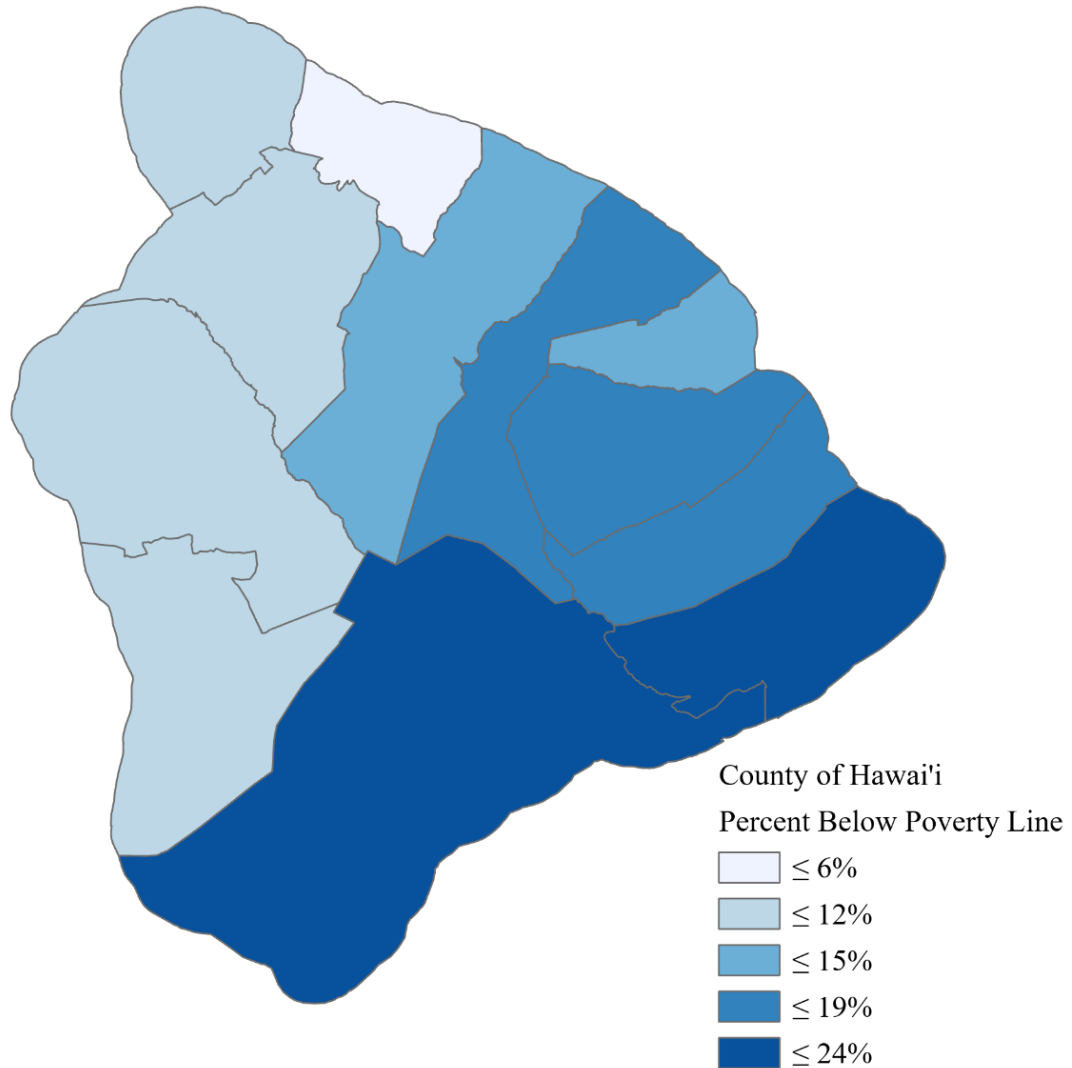
**Individual Experiences with Hawai'i County:** Past experiences with the local government, both positive and negative, may shape the perspectives of program participants. Individuals who have had positive interactions may be more inclined to work closely with Hawai'i County, they may see the ideal role of Action Committees as to be woven into the legal fabric of the County and closely aligned with its processes. Meanwhile, those who have encountered challenges might be more critical and therefore vigilant in their oversight. These community members may be more inclined to seek a future for the program that is less dependent on County rules and processes and more independent in its functioning.

**Political Leanings and Views on Government:** Action Committee program participants possess their own political ideologies and beliefs about the role of government in society. Some may lean towards a more interventionist government that plays an active role in addressing community issues, while others might advocate for a smaller government

with a focus on individual and private sector initiatives. Given the recent colonial history of the Hawaiian Islands and their contested state of ongoing colonization following the illegal annexation by the United States in the late 19th century, the question of sovereignty is often intertwined with civic discourse today. These differing viewpoints can lead to lively debates about the best approaches for County community engagement more generally.

**Socioeconomic and Cultural Factors:** Socioeconomic factors, such as income levels, age, disability-status, and access to education or employment opportunities, can also shape the dynamics of Action Committee meetings. The cultural diversity of Hawai'i County adds another layer of complexity, as different groups may have varying perspectives on issues like historic preservation, and development patterns.

Figure 4. Percentage of Population in Hawai'i County Under the Poverty Line by Census County Division



*United States Census, American Community Survey 5-year estimates (2021)*

#### 4.3.3. Qualitative Methods

As previously described, the qualitative analysis of this research study included a combined approach to extract and review information from Action Committee meetings through attending or observing public meetings and coding the meeting minutes. For this I



used a combined inductive and deductive process. The deductive coding method included the identification of overarching code groups that were based on prior experience and the expected need to narrow information in relation to the research objective. Through separating the data into four code groups, information could be categorized early on that would ease later analysis. The four code groups were identified as follows:

#### 4.3.3.1. Action Committee Roles, Purpose, and Responsibility

This code group encompassed issues and topics that committee members and community members frequently raised during meetings. It was intended to approach perceptions of Action Committee purpose and the corresponding expectations of participants that are central to opinions of the program's effectiveness. This included the identification of various implementation strategies to either respond to needs identified in the corresponding Community Development Plan or current community grievances.

#### 4.3.3.2. Action Committee Program Structure

This code group included the identification of codes that were pivotal to understanding perceptions of the structural aspects of the Action Committee program. This provided insights into notions of leadership, for instance which party stages the discussions and defines the focus of the committee through proposed or initiated actions. Mentions of issues surrounding Action Committee rule structure were organized here along with the subsequent topics of discussion involving committee membership.

#### 4.3.3.3. County

The County code group focused on programs, projects, and initiatives undertaken by the County that were frequent topics of discussion in Action Committee meetings. These

codes include implementation projects that require County action such as to initiate infrastructure improvements, provide information or education for the public, along with the many projects that are undertaken by the Planning Department's Long Range staff. This code group provided a means to investigate the broader context in which the Action Committee program operates and how community needs are aligned with county-level initiatives.

#### 4.3.3.4. Collaborative Implementation

This code group identified issues that require collaborative methods to implement. As in, they do not only sit within the County's wheelhouse but stem from deeper issues that incorporate many different interested parties and stakeholders. Often, such projects are implemented through non-profit organizations that serve to fill gaps where government services do not always provide. This code group invites discussion about the issues that are important to the community but to where establishing a County nexus through the structure of the Action Committee program presents challenges.

From these four overarching code groups, several related codes were identified through an inductive method. This means that they arose from the reiterative process of reviewing the meeting minutes and identifying reoccurring observations. This approach allowed for the identification of patterns while providing enough structure to maintain the goal of the process which was to understand participant perspectives on community planning issues in their community, various aspects of the Action Committee program itself, and the broader County context within which the program lies. A breakdown of the inductively identified codes is provided in the results chapter.

#### 4.3.4. Quantitative Methods

##### 4.3.4.1. Survey Challenges

Research design best practices determine common pitfalls of survey design and analysis that can make it challenging to draw accurate conclusions from data. By comparing the data in this research study to the survey design features that can create observational errors, it became clear that careful consideration would be required to ensure accuracy and reliability of my conclusions. For instance, Salkind (2010) describes the significance that the size of the survey participant pool has on its ability to generalize a greater population. In relation to that, heterogeneity within a population introduces additional variables that must be considered during the analysis. Salkind states “The sample sizes needed in descriptive studies are dependent on the variability of measures of interests in the population at large” (2010, pp. 1301).

In this case, the survey included responses from six Community Development Plan districts that are each characterized by unique issues and perspectives. Due to the heterogenous nature of the sample, complex quantitative statistical tests were deemed an inaccurate approach to analyze the survey data. Instead, an observational approach was used to identify broad patterns in responses. For instance, when respondents from all six districts answered similarly, it indicated the feedback may apply more readily to the program overall and may be isolated from results that may stem from individual or group experiences. Correlation analysis between various survey prompts yielded interesting insights, however as with the heterogeneity concerns noted above, these correlations were generally considered to be observational in nature.

In addition, the literature explains the variety of biases that may manifest in surveys that employ Likert scales (Salkind, 2010). For instance, Social Desirability Bias, or the tendency for respondents to answer prompts in a manner that they perceive as socially desirable even if it deviates from their personal sentiments. This would include answers in which the participant responds either consciously (or subconsciously) in a way in which they would hope other participants would also respond. In the context of this research study, respondents may have been inclined to respond in a way they believed could influence or prevent specific decisions they believed the County might take in response. For instance, many respondents in the open-ended portion of the survey expressed that the County should not discontinue the Action Committee program and that they hoped the County would offer greater support and resources moving forward. Such responses may indicate a perception that the County intended to use the survey as rationale for discontinuing the program. As a result, such respondents would be more inclined to reflect optimistically on the success of the program and hesitate to criticize its impacts out of fear that the County would end the program in response. This of course contrasts with the County's intention to seek an understanding of the smaller issues to identify solutions in response.

Another bias associated with Likert scales includes Response Set Bias in which respondents might adopt a tendency to adhere to a consistent pattern in their responses. Often this manifests in participants consistently selecting either the highest or lowest response option, rather than picking more moderate choices. This bias exhibits the overall

subjectivity of Likert scales, where one respondent's perception of an extreme position on the scale may be much different from that of another respondent.

Lastly, survey data overall is subject to Sample Selection Bias in which the respondents are not necessarily representative of the overall population. This reduces a survey outcome's ability to be generalizable and can impact the validity of the data. In this instance, Sample Selection Bias may beg the question on what communities are most often represented in civic activity spaces with the understanding that such engagement often excludes marginalized or historically underserved communities within the larger population.

#### 4.3.4.2. Data Cleaning

The survey design allowed respondents to self-identify as an Action Committee member or a community member and afforded them the flexibility to manually input their district or community affiliations. It was therefore challenging to categorize every response in accordance with district classification. As a result, some responses were labeled as "Other" when their corresponding district could not be discerned. Additionally, there were also instances where respondents completed the survey as an Action Committee member and then later indicated in the open-ended response that they did not know what Action Committees were or had never attended a meeting. Conversely, there were also instances where the respondent, despite being identified by name as a known Action Committee member, filled out the community member portion of the survey. To ensure data accuracy and maximize the utility of responses, it was necessary to clean the data where these errors were identified. County staff undertook this task by separating and re-labeling responses

where feasible, to enhance the overall quality and integrity of the data for subsequent analysis.

#### 4.3.4.3. Survey Analysis Techniques

As described in Section 4.3.4.1. the variations in responses that were observed across districts introduced the need for thoughtful consideration of the possibility for external factors that could influence the results. To address this challenge, a more generalized analysis strategy was used to observe overarching trends. By observing where there was unanimity in the responses, observations could be made to draw preliminary conclusions about the survey results. The aim of this was to minimize ambiguity to interpret responses that reflect the prevailing sentiment concerning the Action Committee program.

A correlation analysis of the responses also provided a way to compare the results between responses and provided further contextual information for the resulting observations. For instance, this approach would allow the comparison between respondents that answered dis-favorably to the rules and oversight of Action Committees to understand possibly correlated perceptions of committee productivity.

The written responses to the survey also provided context that shaped the interpretation of the responses. To analyze these responses, a coding process was conducted similar to the qualitative analysis of the meeting minutes for this study. Through this process, reoccurring themes began to emerge that provided clues as to the reasoning behind the Likert scale answers that were received. Quotes were also extracted from the open-ended responses that assisted the survey interpretation narrative found in the results chapter.

## **Chapter 5. Results**

### **5.1. Qualitative Coding Breakdown**

This section includes a breakdown of the codes that were identified during the qualitative analysis of Action Committee meeting minutes. Through this process, insights from both committee members and community participants were extracted from the discussion topics and general meeting content. Each code is explained as to its purpose and the general content that it includes. While some general observations are offered here, a more in-depth interpretation can be found in the Discussion chapter where the implications, significance, and broader context of these findings are detailed.

As described in chapter 4.3.4. , the inductively derived codes were organized into four groups as to their content and relationship to the research question: 5.1.1. Action Committee Roles, Purpose, and Responsibilities; 5.1.2. Action Committee Program Structure; 5.1.3. County; and 5.1.4. Collaborative Implementation.

#### **5.1.1. Action Committee Roles, Purpose, and Responsibilities**

The roles, purpose and responsibilities code sub-group encompassed a broad range of issues and characteristics. It included various actions undertaken by Action Committees that suggest that members self-defined their purpose collectively through their actions. The purpose of Action Committees is technically laid out by Chapter 16; however, this code category presents an observation of how the participants themselves define the purpose or ideate around actions that contribute to the further definition of their stated purpose.

#### 5.1.1.1. Advise/Advocate on County Actions/Policy

This code captured instances during meetings in which Action Committee members either collectively expressed a statement or opinion through the act of writing a letter to a County decision-maker, or expressed a thought or comment during a meeting to influence County decision-makers in attendance. This code was related to many of the community concerns outlined in the Collaborative Implementation code group and suggested a desire to advocate on important issues and act in an advisory capacity to public officials.

*Chair Kurowawa inquired on the whereabouts of existing programs that were previously being held in the Pāpa‘alooa gym. Director Messina explained that although there is currently no facility in Pāpa‘alooa, there has been an intense effort to continue offering recreational activities by collaborating with the Laupāhoehoe facilities. He shared that he remains open to creative solutions for bring the park up to adequate standards (Hāmākua Action Committee meeting, March 15, 2022).*

#### 5.1.1.2. Research and Identify

This code captured an implementation action to research and identify community concerns to bring to a decision-making body for consideration. This included instances in which a committee wanted to take a deeper dive to present information in furtherance of their role as an advisory body.

*Committee Member Masters stated Department of Hawaiian Homelands South Point Resource Management has put out a call to the community to continue to gather information about various sites, trails, and sacred spots. It was noted that there has been much information shared over the past 30 years and it may benefit*



*the committee to review and gather as much relevant information they could, about what is happening and what has happened (Ka'ū Action Committee meeting, February 2, 2023).*

#### 5.1.1.3. Community Group

Community group collaborative efforts ranged from having guest presenters, such as nonprofit organizations, attend meetings as a platform to share their advocacy efforts. These instances were often initiated through these outside community organizations themselves in hopes to gain Action Committee interest or favor to further their efforts. Collaborative efforts materialized as providing a platform for these outside groups to get the word out at a public venue and create networking opportunities.

#### 5.1.1.4. Legislative Advocacy

This code specified actions that committee members made either as individuals or collectively to advocate on State or County legislative issues. This is an action that falls outside of the defined purpose of Action Committees but is nevertheless an important means of civic engagement for a community. When these advocacy desires fell outside of the limitations of the Action Committee program, the Action Committee members were advised to testify as individuals rather than speaking on behalf of their committee. Actions included testifying at public hearings (as individuals), submitting written testimony in support of a bill, and discussions with attending elected officials to express views.

#### 5.1.1.5. Community Enforcer

In Action Committee meeting discussions, participants sometimes exclaimed the need to hold the County accountable to their actions or to pressure the County to act in

response to an issue or need of the community. What makes this different from an advisory or advocacy action is that this code captured where Action Committee members may have felt responsibility for representing community grievances and thereby use their status as a platform to advocate on their behalf.

This code also captures where community members attend Action Committee meeting to testify and share their views and feedback about a local issue in hopes that the Action Committee will be able to provide resources or advise the County in some way on the issue. This code was triggered oftentimes by community members asking for the Action Committee to support their view or that they hoped the Action Committee would investigate an issue on their behalf. This code offers a sense that the community may aspire for Action Committees to have a greater degree of power to influence or decide on an issue. Likewise, this also relates to later discussions on the degree of alignment between County priorities and community grievances, the Long Range Planning Division's level of influence on an issue, and the reasonable limitations on their capacity to tackle every issue in one timeframe.

*Deborah Chang, representing herself, provided both written and oral testimony on agenda item 3. She asked for the Action Committee's support in getting a site visit for Kahawai road and Lower Kalōpā road to establish them as public rights-of-way (Hāmākua Action Committee meeting, May 17, 2022).*

*Community member Brown hopes the goal is to manage the valley beyond just the current conflict. Community member Bruce K. stated that an integrated management plan is needed, and the Community Development Plan's role is to*

*provide a place for community input and bring it back to the County to move the plan forward (Hāmākua Action Committee meeting, October 19, 2022).*

#### 5.1.1.6. Implementation

This code captured discussions whereby Action Committee members looked to their respective Community Development Plan, or attached Community Action Guides, for specific items that they could work toward implementing. This code also captured where Action Committee members expressed frustration that their committee was not satisfying their purpose because their Community Development Plan was not being implemented with their ideal level of speed or urgency.

#### 5.1.1.7. Unsure

This code captured discussions where Action Committee members expressed being unsure of their committee's purpose or wanting to better define their committee roles and responsibilities. Sometimes this code reflected instances where community members asked what the purpose of the meeting was or program overall. This was a reoccurring theme that crossed over many of the districts. This issue was often a reason for postponing actions and hindered the ability to strategize about how to move forward on desired initiatives. In the majority of instances this code aligned with calls for the Planning Department to clarify roles of Action Committees or staff administrators.

*He also mentioned that the Kona Action Committee approved a letter asking the Planning Department for support and the legal clarification between the Action Committee and the Planning Department; they need to move forward knowing what*

*their kuleana (responsibility) is (Kona Action Committee meeting, January 10, 2023).*

*Action Committee Member Palma-Glennie indicated how the Action Committee needs to reevaluate its purpose. She believes that the Community Development Plan is the baseline for all community voices, but projects are designed and move forward without any Action Committee engagement (Kona Action Committee meeting, December 19, 2022).*

#### 5.1.2. Action Committee Program Structure

This code group pertained to the administrative structure of Action Committees and general observations about how that structure is reflected in discussions during meetings.

##### 5.1.2.1. Leadership

This code often involved discussions related to officer elections (chair and vice-chair) of the Action Committees. Challenges surrounding the call for leadership on the committees were also reflected in ongoing recruitment issues. This category also highlighted value statements and questions regarding who should (or should not) make decisions for a committee leading to an interesting contemplation on leadership within community-driven efforts in practice.

*...that if we want to address systemic issues we have to do so from the community and take on leadership, rather than have the Planning Department orchestrate it (Hāmākua Action Committee meeting, January 10, 2023).*

#### 5.1.2.2. Membership

This code included any mention of Action Committee membership during meetings, including issues related to the recruitment of new members. A longstanding issue for the program has been the difficulty of attracting new applicants while also working to ensure broad representation for the committee. This category also included desires to broaden representation Action Committees to be more reflective of the communities being impacted by various issues.

*They discussed current holdover positions and the strategies regarding recruiting new Action Committee membership. Action Committee members agreed that more community outreach and engagement is needed. They stated how difficult recruitment has been over the years (Kona Action Committee meeting, December 19, 2022).*

Finding willing and qualified recruits to serve on the Action Committees has long been a challenge for the County island-wide. Many Action Committee members serve as holdovers, outside of their stated term for this reason. Quorum requirements add an additional pressure to fill seats on the committees in order to ensure that the committee can still meet and therefore function as intended.

#### 5.1.2.3. Rules and Flexibility

The Action Committee program is subject to State and County mandates that impact the way they operate. These include the State Sunshine (Open Meetings) Law, Hawai'i County Charter and the Hawai'i County Code, as well as limitations that

invariably get applied due to staff limited capacity to provide desired support. More details about the laws guiding the Action Committee program are discussed in Chapter 3.3.

*He explained that the North Kohala Community Development Plan Action Committee dissolved in 2021 in part due to dissatisfaction with the rules and procedures guiding County boards and commissions. He also explained how members of the community took a different approach to continue efforts to implement the North Kohala CDP, thus creating the North Kohala Advisory Group (Hāmākua Action Committee meeting, February 21, 2023).*

*Vice-Chair McKnight inquired if attendance at the Waipi‘o meetings is limited to two members. Council Member Kimball confirmed that all members may attend informational meetings. Committee Member Kua inquired about requirements on Sunshine Law regarding participation. Council Member Kimball explained the differences between participation as a Board, as opposed to participation as an individual, and the likelihood that a subject matter could become a future agenda item (Hāmākua Action Committee meeting, March 15, 2022).*

This code denotes discussions during meetings that included clarifying questions or mentions of limitations of these rules. When Action Committee members expressed feeling limited by the rules set in place, they sometimes discussed the need to strategize about how to change the rules or procedures in place in order to benefit the program. In essence this code also flagged discussions by Action Committee members and staff about ways to provide better flexibility around these rules despite existing limitations. This code

overlapped with several other themes related to the overall purpose of Action Committees and whether they are meeting their stated goals.

*Ms. Mercado informed that some Action Committees have expressed interest in hosting their own official meetings. She explained the possibility of the ACs having the option to convene between the already scheduled quarterly meetings and provided high-level framework for running these meetings (Kona Action Committee meeting, March 10, 2022).*

### 5.1.3. County

#### 5.1.3.1. Infrastructure

Many Action Committee meetings featured discussions on the Build Back Better infrastructure funding as that was a current item and common interest at the time. These discussions led to the mention of a variety of infrastructure priorities and justification thereof. This code often included discussions with elected officials who attended Action Committee meetings to provide updates on budgeting initiatives or other legislative actions to support these projects. Many infrastructure projects are included within Community Development Plans and provide a basis from which government actors can justify, design, and organize these projects. This category frequently overlapped with topics such as transportation, traffic safety, and hazard protection. It also included discussions about open space and recreation-related projects such as parks, gyms, and trails.

#### 5.1.3.2. Development Concerns

This code contained issues related to prospective or proposed developments in the County where the community had an interest and desired to provide feedback. These

development-related matters included a range of issues from specific projects that were undergoing approval or construction, as well as more general discussions on concern to protect undisturbed lands and maintain rural character or open space.

*There was a vibrant discussion about creating a subcommittee around the large or small developments that are happening around Ka'ū. Due to a majority of community concern, Chair Enos felt that it was important for the Action Committee to do so (Ka'ū Action Committee meeting, December 14, 2022).*

*She also conveyed frustration with Planning Staff that an agenda item request to discuss a large 201H (affordable housing) development on agricultural land, was not honored (Hāmākua Action Committee meeting, January 19, 2022).*

#### 5.1.3.3. Education

The education code frequently included expressions of the need to educate the public about County initiatives or programs. While transparency is an element to County communication with constituents, this code directly identified areas in which Action Committee participants sought County services to teach them about various civil and planning related issues. This code is also linked with expressions on the importance of educating the public about historical and cultural preservation concerns. This included environmental impacts of construction projects and the significance of safeguarding cultural resources such as *iwi* (ancestral bones). These discussions brought to light an intersection between cultural preservation and environmental awareness as it relates to education. Another topic that came up under this category was tourism-related education



needs, particularly where they intersect with sustainable living practices, environmental protections, and agriculture.

#### 5.1.3.4. Dissatisfaction

This code captured discussions in which clear expressions of frustration could be conveyed in the discussion content and deliberations. In general, the content of this code included areas where participants directly stated a contrary stance or criticism related to their concern. Many instances of dissatisfaction were tied to specific County projects, with community members expressing frustration with the premise of particular initiatives or their perceived outcomes. Often these disagreements involved the pace at which County projects are initiated and carried forward. Other expressions of dissatisfaction were associated with the perceived lack of support for Action Committees, suggesting that participants expected more active involvement or collaboration from the County. The rules and processes governing the Action Committee program also emerged as a source of dissatisfaction, with some participants expressing irritation about the fairness of meeting procedures.

*She noted that if Corporation Counsel is sticking to this strict interpretation of Sunshine Law, then people should seek to amend it. Ms. Harden also informed that it is required by law for the Planning Department to administer support to the Action Committees and questioned the legality of the department providing support in a way that the Action Committees cannot fulfill their legal obligation. She suggested that the Action Committees inform Corporation Counsel of this issue so*

*they can help Planning find a solution (Hāmākua Action Committee meeting, February 21, 2023).*

*He also expressed that County laws related to the Community Development Plans and Action Committees are vague and subject to various interpretation which has caused confusion and disfranchisement for the community and County of Hawai‘i employees (Hāmākua Action Committee meeting, February 21, 2023).*

#### 5.1.3.5. Planning Projects, Programs, and Initiatives

This code group captured some of the many ongoing projects that the Planning Department were working on during the study period, that were also frequent concerns for Action Committee participants. This identifies several additional instances in which Planning Department responsibilities overlap with the interpreted purpose of Action Committees. This code group also provided insights as to the internal challenges facing the Planning Department which had experienced a bottleneck of competing needs and projects. These projects presented space for collaboration and also provided insights on potential conflicts between Planning Department priorities compared to community expectations and priorities provided the support capacity required to meet these larger project goals.

##### a. Zoning and Land Use

This code pertained to discussions that involved anything to do with land use regulations. As a planning related board, this topic came up frequently in Action Committee meetings; this was in large part due to the ongoing Hawai‘i County zoning code update that had been initiated during the study period.

b. General Plan

Similar to the code about Community Development Plans, this code captured any discussions that were focused on the General Plan Comprehensive Review that was ongoing during the study period. Discussions about the General Plan in Action Committee meetings generally involved asking for status updates on the project and concerns about the degree of Action Committee participation in the update process.

c. Community Development Plan Update

Community Development Plans are intended to be updated every 10 years to keep up with ongoing changes in the planning landscape over time. Of the existing Community Development Plans, 4 of the 6 were presently overdue for a comprehensive review having been adopted in 2008. This code captured where questions were raised, or concerns were expressed regarding the need to update the plans.

d. Action Committee Support

During the study period, County staffing capacity was an ongoing concern. This code captured expressions of this concern for the level of support, and identified instances where staff provided extra support. This was intended to capture the variety of roles that the Planning Department staff play in administering to and generally supporting the program.

One of the identified roles that Planning Staff had identified was the ability to assist Action Committee members in making connections with County officials, or other partnered organizations to aid collaborative efforts. Another instance captured by this same

code were efforts to provide civic education and a deeper understanding of processes in the County to support community initiatives.

#### 5.1.4. Collaborative Implementation

The collaboration code group included implementation efforts, or community concerns that required the initiation of collaboration efforts amongst various parties to accomplish. This included a variety of government-community alignments at various levels. Representatives of County Departments or Programs (other than the County of Hawai'i Planning Department) attended meetings to share information or hear Action Committee feedback. Action Committee members also proposed to reach out to other County officials in an advisory or collaborative capacity to advocate on an issue outside of the jurisdiction of the Planning Department.

County Councilmembers attended some Action Committee meetings to share information and generally join discussions about issues of importance to their districts. Some district Councilmembers attended meetings on a regular basis while in other districts they never attended. Interestingly, this code captured some participants expressing frustration at the lack of involvement from elected officials at Action Committee meetings despite the fact that legislative actions are not express responsibilities of Action Committees.

This code group also captures where Action Committee members took (or could potentially take) some sort of advocacy or advisory action toward issues under State (and sometimes Federal) jurisdiction. Collaboration or advocacy efforts directed to State decisionmakers is not listed in the defined purposes of Action Committee members,

however the fact that it was experienced in meetings suggests that there exists a desire for Action Committee members to have an avenue to speak to such issues.

#### 5.1.4.1. Information sharing

Oftentimes, Action Committee meetings were used as a venue for information sharing from County officials or on behalf of various community programs or initiatives. Action Committee meetings saw presentations about various environmental initiatives, housing programs or other public assistance, as well as lists of community-relevant bills and ongoing legislative efforts to name a few.

#### 5.1.4.2. Outreach

Many Action Committee members expressed strong feelings about wanting to increase their outreach into the community and strategized on how to do that more effectively. This included conversations about wanting to further advertise their meetings in the newspaper or social media.

#### 5.1.4.3. Equity

Equity concerns came about as they were related to social programs provided by the County or community-led charitable initiatives. Food security and affordable housing were prevailing themes that often touched on the desire to support and ensure ongoing sustainability for low-income local families.

A related code was included in this category that was closely related to themes to protect and perpetuate culture. This code, originally titled “Define community” was a contemplation on discussions centered around a need to broaden outreach efforts to include more Kānaka Ma‘oli (Native Hawaiian) representation. The prominent history of

Hawai‘i’s recent and ongoing colonization adds weight to what is often a rich conversation in many communities. Quite frequently, public meetings are a venue for debate over governmental identity and Indigenous rights. This was reflected to a degree at Action Committee meetings, often in a way that questions the purpose of Action Committee as a body to represent a broad range of public perspectives. This code also worked to capture instances where Action Committee members created space for prominent community members such as kupuna (elders) to speak. The value of such insights and participation was often clearly expressed by committee members who sometimes made contrived efforts to promote Native Hawaiian representation amongst their membership.

#### 5.1.4.4. Community Concerns

The following community concerns were often expressed at Action Committee meetings but were identified as issues that do not fall completely within the Planning Department’s purview. This suggests a desire to expand the reach of Action Committee efforts to bridge community efforts across a wider range of decisionmakers.

##### a. Agriculture

Discussions related to agriculture were prevalent and reoccurring across all districts of the island. This emerged in a variety of contexts from preserving land use for agricultural needs, to networking initiatives amongst farmers. Patterns of discussions centered on a need to safeguard productive agricultural land, particularly in more rural communities. Within these discussions, resiliency emerged as a dominant subtheme, of which another code was identified and used in the analysis. For example, food insecurity was an

intermittent discussion topic. The topic illustrated the interconnectedness of agricultural practices and resiliency efforts in many communities across the island.

b. Resiliency

Resiliency was one of the most flagged codes, perhaps due in part to its broad definition and multifaceted nature of the topic. In addition, Hawai‘i Island’s geographical location presents unique challenges and vulnerabilities for the community. The COVID-19 pandemic further heightened concerns and highlighted gaps where resiliency efforts are needed. Hawai‘i Island is vulnerable to a wide range of natural disasters from hurricanes, earthquakes, and floods, to volcanic eruptions, all of which require proactive planning and community-based solutions to ensure preparedness and effective recovery.

c. Housing

The need for equitable and affordable housing was a predominant and reoccurring discussion topic in all districts, underscoring its significance to the community. This concern is often relatable for many families who grapple with the challenge of finding affordable housing for their children, an issue that often results in young people leaving to find more affordable living conditions elsewhere. There are several County programs related to affordable housing needs and strategies which were often the topic of informational presentations during Action Committee meetings.

d. Protect, Preserve and Perpetuate Culture

Discussions in relation to the protection, preservation, and perpetuation of culture frequently included environmental concerns as a center point of the conversation. In Native Hawaiian culture the *‘āina* (land) is deeply intertwined with family and cultural values.

This code included discussions about the preservation of *wahi pana* (sacred places). This topic often overlapped with codes regarding tourism, education, water resources, and resiliency. It was related to island culture, lifestyles and values that are considered precious and were intertwined into deep discussions on planning a sustainable future for the community and future generations. This topic also included a Hawai‘i County program to purchase *wahi pana*, and other precious lands, to protect them in perpetuity.

e. Tourism

Tourism is a two-sided issue on Hawai‘i Island, functioning as major economic driver for the island and as a source of equity concerns for its residents. As such this is a contentious issue that is often on display in civic discourse in the County. Examples of Action Committee discussions that extended from this topic include the implementation of responsible tourism strategies.

f. Public Access and Trails

The issue of public access trails, especially concerning access to the shoreline and sacred places, emerged as a recurrent and contentious theme in Action Committee meetings. Oftentimes this topic was discussed in relation to beach access trails and their co-existence with private property owners. The debate over providing access to areas of significance to the community was identified in relation to the category to protect, preserve and perpetuate culture. During the study period, a particularly significant issue regarding public access to Waipi‘o Valley was a major topic of concern, likely impacting the level of discussion by committee members.



g. Water, Flood Plains, and Erosion Control

This code topic involved discussions about water infrastructure, flood hazards, watersheds, water availability as it related to development needs, pollution caused by water run-off from *mauka* (mountain-side) to *makai* (ocean-side), as well as anchialine (brackish water) pools and other wetland ecosystems.

## **5.2. Survey Result Breakdown**

This chapter is an overview and comprehensive analysis of the survey results. The presentation of these results is structured to provide a narrative summary, highlighting key insights drawn from participant responses. To attain a nuanced understanding of the data, I used a multifaceted analysis approach, incorporating both observational analysis to identify overarching trends as well as a correlation analysis to describe the interrelationships between various survey prompts. This multifaceted approach was intended to allow for an exploration of the data from multiple angles. The results here provide a synthesis of the prevailing themes that emerged from the analysis. Full survey results can be found in Appendix B.

Descriptive themes were also derived through a comparative analysis of related responses across participant types. Given the difference in the prompts posed to Action Committee members and community participants, however, some prompts could not be compared accurately across the two main types of participants. As noted in section 4.3. Data Analysis Techniques, larger trends that displayed unanimity provided greater credence in interpreting the results. Responses from community members exhibited more ambivalence, thereby making it difficult, and in many cases impossible, to identify trends.

In addition, community responses demonstrated more neutral responses with some corresponding written responses expressing a lack of understanding about the prompt. In some cases, Action Committee responses are highlighted in the analysis for this reason while the community responses from the same or similar prompt remain mixed.

A correlation analysis was conducted to compare responses to other questions in the survey. These also have accompanied abbreviations for the purpose of displaying them succinctly on the correlation table. The correlations that were found to be statistically significant are noted and discussed in greater detail in the narrative below. The correlation table can be viewed in Appendix C which describes the Supplemental File attached to this thesis.

Table 6. Survey Questions below displays the list of questions in the survey, some of which differed across the Action Committee and community member participant sections. This table also shows the questions that differed across the Action Committee and Community sections.

Table 6. Survey Questions

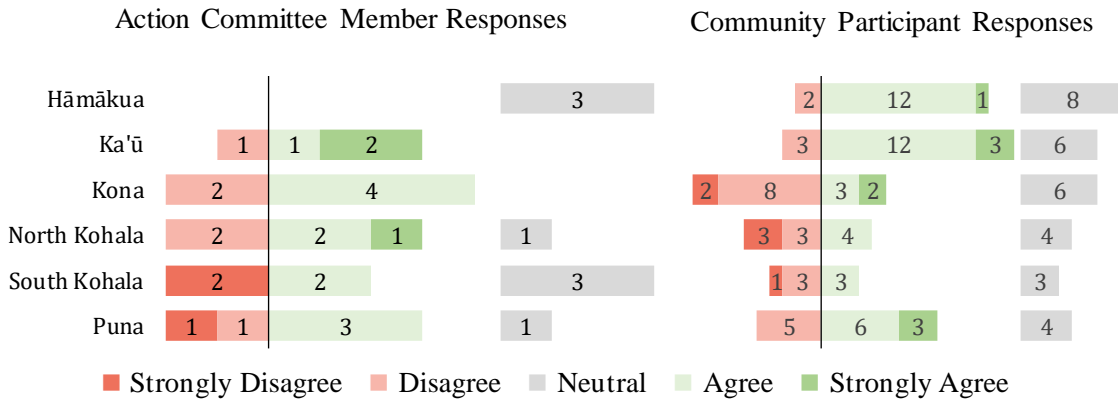
| Prompt Number | Action Committee Question   | Community Participant Question  |
|---------------|---|---|
| 1             | The current Action Committee structure meets the definition of "grassroots".  |   |
| 2             | I would like to see Action Committees have more control over the content/direction of their work.   | Action Committee agendas usually reflect issues that are important to the community.    |
| 3             | In my experience, Action Committee meetings are inviting, productive, and fun for community.  |   |
| 4             | Action Committee members often see the results of their work.   | Action Committee meetings present a meaningful opportunity to give input to the County. |
| 5             | I believe that Action Committee membership is inclusive and creates an accurate representation of the various communities within my district. |   |

|    |   |   |
|----|---|---|
| 6  | Action Committee meetings create a venue for collaboration with other community members/groups.   |   |
| 7  | Action Committees are bound by rules and processes that I find limiting, ineffective, and/or confusing.   | Action Committees are bound by rules and processes that I find unnecessary and/or confusing.                      |
| 8  | Being an Action Committee member fulfills my desire for civic engagement.   | Action Committee meetings fulfill my desire for civic engagement.   |
| 9  | Action Committees are most productive through their subcommittees.  | Joining an Action Committee subcommittee is the easiest way for me to engage on the issues I care most about.     |
| 10 | Planning Department Staff should be the organizers of Action Committee meetings.  | Planning Department staff should be the facilitators of Action Committee meetings.                                |
| 11 | The County of Hawai'i is responsive and productive in implementing community needs and CDP actions.   |   |
| 12 | As an Action Committee member, I have meaningful influence over Planning decisions.   | By attending Action Committee meetings, I have a meaningful influence over Planning decisions.                    |
| 13 | When the County lacks capacity/resources, it directly impacts Action Committee functioning.   | If the County provides less resources/support, Action Committees would not function as well.                      |
| 14 | County processes slow down (and sometimes prevent) CDP implementation and Action Committee progress.  |   |
| 15 | My standing as an Action Committee member makes it easier for me to connect with decisionmakers in other County Departments/Agencies (other than Planning). | As a community member I can stay up to date on various County-wide initiatives through Action Committee meetings. |
| 16 | A true partnership means that no party has regulatory control over the other.   |   |
| 17 | Community engagement should be a reciprocal learning process (County teaches community and community teaches County).                                       |   |
| 18 | As an Action Committee member, I have an influence over County decisions that other community members do not.   | Action Committee members have more influence on County decisions than other community members.                    |
| 19 | Community groups have less legitimacy because they are not County boards.   |   |
| 20 | Other community groups see the Action Committee as a powerful ally for their work.  |   |

Written responses are also included, having first been qualitatively analyzed using the same coding procedure used for the qualitative analysis of the Action Committee meeting minutes. Some written responses are included in the narrative below and add context, similarities or opposing views that further define many of the observations. The written responses are lightly edited for grammar, spelling, and subject matter so as not to take away from the points of view expressed.

An overarching pattern emerged presenting a sense of confusion on the overall purpose of Action Committees. Understandably, there was no prompt directly asking participants for their understanding of the purpose of Action Committees. Instead, through various topics, the survey sought to gather reactions to various program functions. The ambiguity of some responses also leads to some interesting observations. For instance, to the prompt that “*The current Action Committee structure meets the definition of grassroots*” responses varied significantly. Provided that the original purpose for creating Action Committees was to bolster grassroots efforts in County initiatives, this is an interesting observation.

Figure 5. Survey: “The current Action Committee structure meets the definition of grassroots”



It remains challenging, however, to discern if respondents recognize current Action Committee practices as a product of its original grassroots’ structural principles. Specifically, do respondents attribute perceived issues to the fundamental structure of the program or to the way in which the program is administered? This also raises the question of if respondents answered in more aspirational terms, envisioning that the Action

Committee program could aspire to be grassroots oriented as currently structured as long as it is implemented in the right way. Moreover, the extent to which respondents possess a comprehensive understanding of the legal framework, procedures, and operational processes that define the Action Committee program plays a pivotal role in understanding their ability to evaluate whether the program conforms to grassroots definitions. In addition, it is possible that the survey participants have differed understandings of the term ‘grassroots’ and answered the question accordingly. Nevertheless, the prompt does illustrate that a program that was designed to perform a grassroots function is not uniformly seen as serving that purpose in practice.

In many ways, the written responses served as a means to gauge responses related to the overall purpose of the program. One Action Committee member responded:

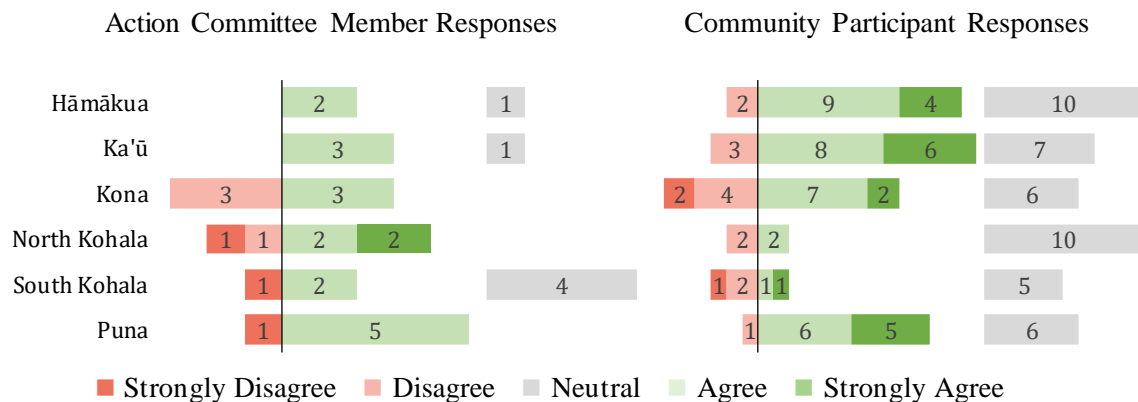
*Basically, the Action Committee meets, talks and passes things onto the County which does nothing with them. The processes are too strict and controlling to be grassroots. Committee members aren't allowed to meet outside of meetings which also removes the grassroots capabilities of the committees.*

For some, the purpose of Action Committees was largely confused by the broad scope of the committee’s respective Community Development Plan. As commonly expressed, Community Development Plans are often considered to be miniature versions of the County’s General Plan and therefore encompass a diverse range of issues that extend beyond planning and land use into the many topics that support general community welfare. Another Action Committee member shared that:

*The CDP for my district attempted to address every.single.thing. that could possibly be an issue for residents of our district. As a result, the CDP is a cumbersome document that many may find difficult to use or simply off-putting because of its size. Then, once the CDP, was approved these Action Committees came about to do, well, who knows what?*

With regard to the purpose of Action Committees in stimulating engagement and collaborative action amongst community groups and stakeholders, responses were largely positive. In this way, Action Committee meetings have frequently served as forums where external community groups attend to disseminate information about their initiatives. Ideally, these presentations would serve to heighten community awareness and create new opportunities for collaborative partnerships to be formed.

Figure 6. Survey: “Action Committee meetings create a venue for collaboration with other community members/groups.”



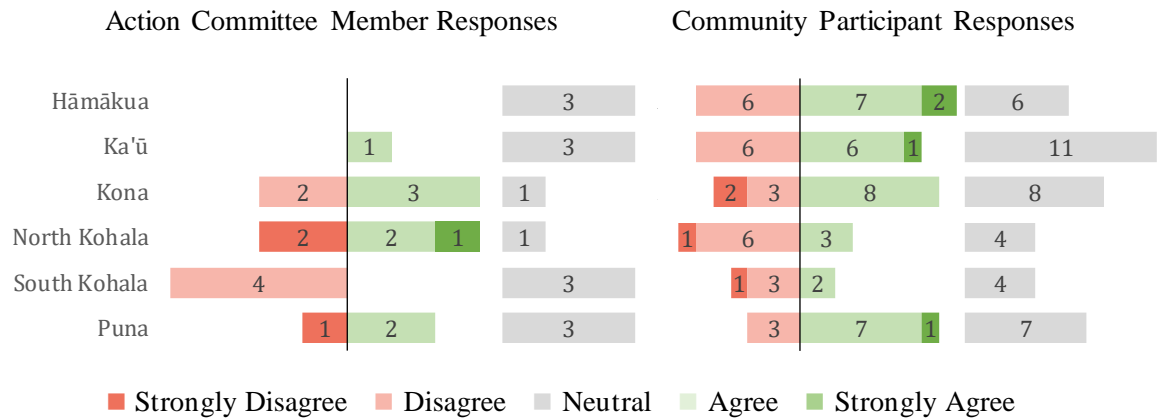
Written responses also exhibited positive responses to collaborative efforts with the community, some remarking on the benefits and others expressing the role of Action Committees to uplift community voices. The following quote speaks to Action Committees

as serving as a sort of intermediary between the County and the community while also positioned to influence County decision-making processes.

*The role of AC members is to be a voice for their community members and help shape decisions within the county framework.*

To the prompt that “Action Committee meetings are inviting, productive, and fun for community” the results however were largely mixed.

Figure 7. Survey: “Action Committee meetings are inviting, productive, and fun for community”



There was a very strong correlation among Action Committee participants that agreed that their meetings create a venue for community collaboration and that meetings are engaging for the community.

Table 7. Correlation: Collaboration and Inviting for Community

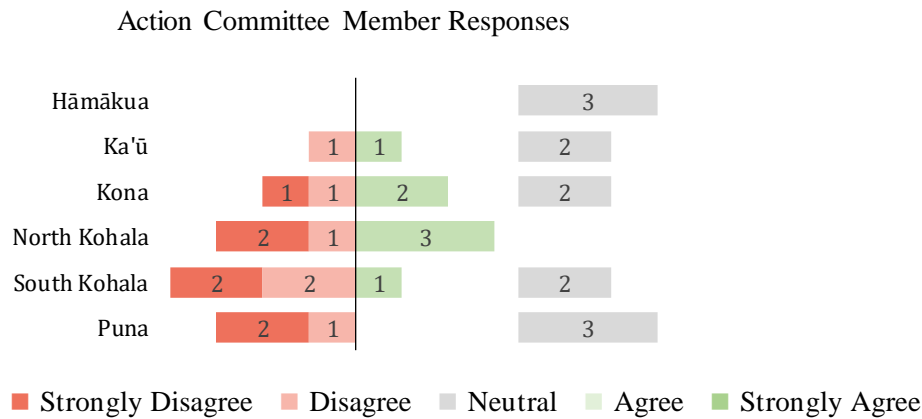
|   | Correlation Co-Efficient |
|---|--------------------------|
| Action Committee meetings create a venue for collaboration with other community members/groups. | 0.83                     |
| In my experience, Action Committee meetings are inviting, productive, and fun for community.    |                          |

The degree to which this may impact perceptions of program impact is debatable however since some Action Committee member responses seem to express that even though the meetings may be engaging for community members, the overall results of these meetings did not result in actual Planning Department actions.

*...as a greater body, it does not feel as though the County administration/departments make decisions based on the AC recommendations. It feels as though our meetings are more one-way delivery - a great vehicle to get info to the community, but difficult to actually steer County directions for planning and development.*

When Action Committee members were asked if they have influence over Planning decision-making processes, results were mixed with some districts in more disagreement than others.

Figure 8. Survey: “As an Action Committee member, I have meaningful influence over Planning decisions.”





This prompt was positively correlated with a statement regarding Action Committee productivity, which implies that members who felt like they had an influence over Planning Department decisions also felt as though their committee was productive.

Table 8. Correlation: Results and Meaningful Influence.

|   | Correlation Co-Efficient |
|---|--------------------------|
| Action Committee members often see the results of their work.                       |                          |
| As an Action Committee member, I have meaningful influence over Planning decisions. | 0.73                     |

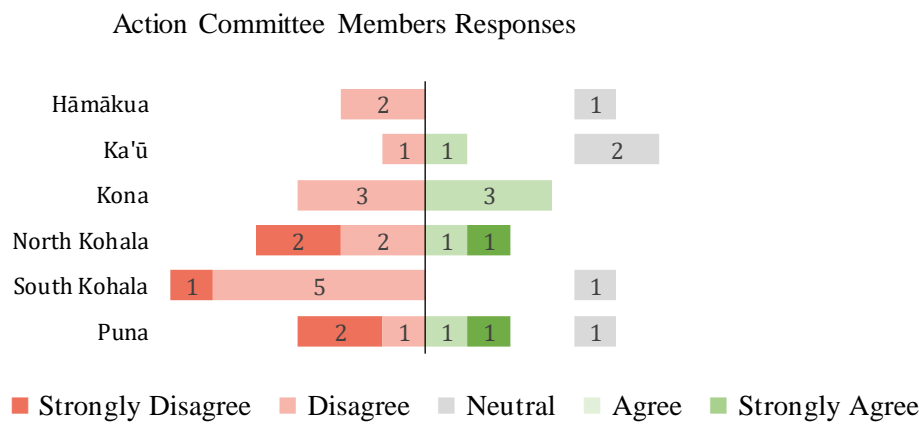
Similarly, members who felt like Action Committees are productive were also more likely to respond that serving as an Action Committee member fulfills their desire for civic engagement.

Table 9. Correlation: Results and Civic Fulfillment.

|   | Correlation Co-Efficient |
|---|--------------------------|
| Action Committee members often see the results of their work.             |                          |
| Being an Action Committee member fulfills my desire for civic engagement. | 0.74                     |

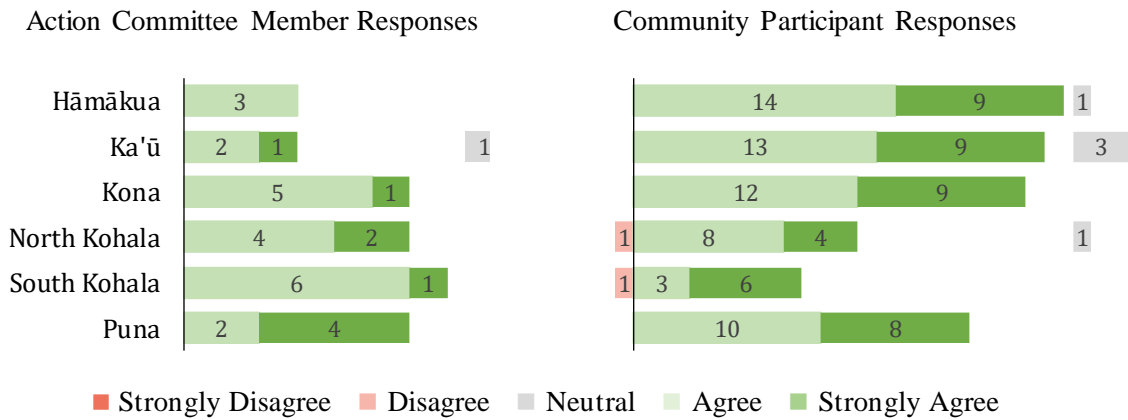
Nevertheless, the prevailing sentiment on Action Committee productivity leaned toward the negative end of the spectrum, with variability in responses observed across the districts. It is plausible that the responses to this prompt were also influenced by respondent perceptions on the purpose of Action Committees.

Figure 9. Survey: “Action Committee members often see the results of their work.”



In an indication of potential benefits of the program, responses were overwhelmingly in agreement to the prompt regarding reciprocal learning between the County and the community. This collective sentiment suggests that Action Committee members and community members alike are favorable to the concept of providing a platform not only for acquiring insights into County initiatives but also for imparting the community’s perspective to the County.

Figure 10. Survey: “Community engagement should be a reciprocal learning process (County teaches community and community teaches County)”



Related to the Action Committee program purpose as a planning board, many participant responses expressed a perceived interconnection between Action Committees and the development approval procedures performed by the Planning Department. Analysis of the Action Committee survey revealed a reoccurring pattern in which participants frequently expressed a belief that the development process should fall under the purview of Action Committees. These responses often conveyed a sense of disenfranchisement by some due to not having the opportunity to share their points of view

on development matters as an extension of their participation with or as a member of an Action Committee. The following quote comes from an Action Committee member:

*To make a difference the Action Committee needs to be informed when an application/proposal is 'submitted' to the Planning Department so that the Action Committee can add its input 'before' the planning staff begins its review of the application/proposal. And, the Action Committee needs to be able to respond promptly without being held up by 'rules', such as Sunshine Laws, that inhibit any form of rapid response.*

Another written response speaks to the development review processes, but rather than relating to development approvals of which the Planning Department has jurisdiction, this one appears to reference the State-level environmental review processes that often provides a 30-day public review period.

*In the case of planning, the meeting is sometimes held after the 30 days for comment period for any proposed permits.*

Another Action Committee member offered their updated perspective having also served on the Hawai'i County Planning Commission. They reflected that Community Development Plans influence the development process through existing regulatory processes, which lie outside of the Action Committee purview:

*Later while serving on the Leeward Planning Commission, I came to appreciate the role that the Community Development Plan documents play within the County. The County Planning Department reviews the Community Development Plans when dealing with applicants. There has been respect for these groups and*

*documents, even though some in the community complain that they don't have more influence.*

Analyzing participant perspectives on the rules and processes that create the framework of the Action Committee program also yielded interesting insights. When prompted that Action Committees should have more control over the content/direction of their work, responses were mostly in agreement. This overall consensus was true also in responses to the prompt that “Action Committee rules are limiting, ineffective, and/or confusing.”

Figure 11. Survey: “I would like to see Action Committees have more control over the content/direction of their work.”

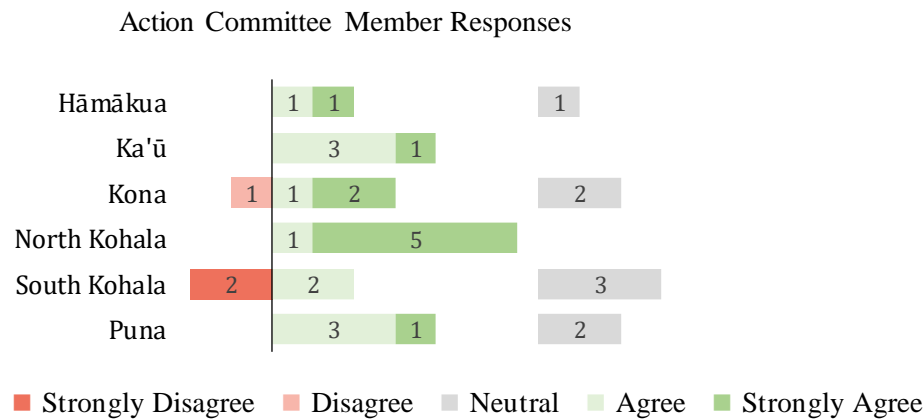


Figure 12. Survey: “Action Committees are bound by rules and processes that I find limiting, ineffective, and/or confusing.”

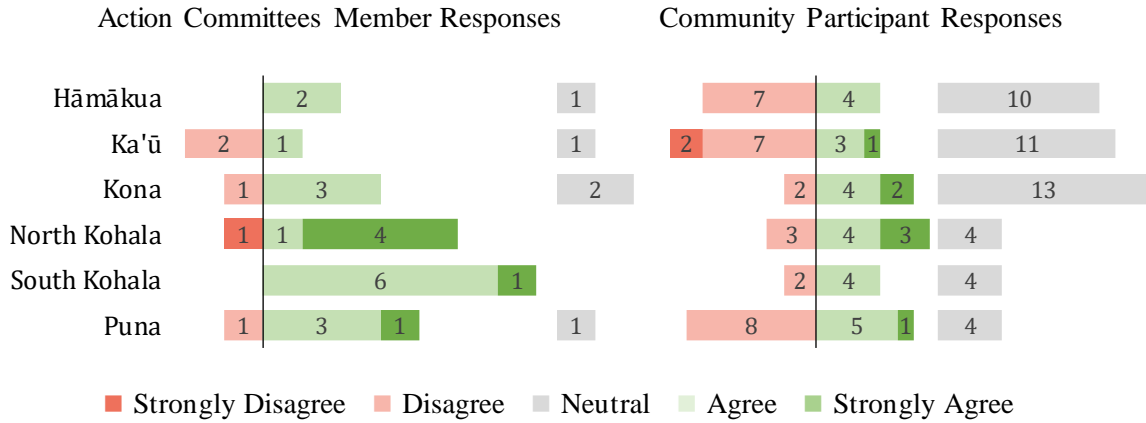
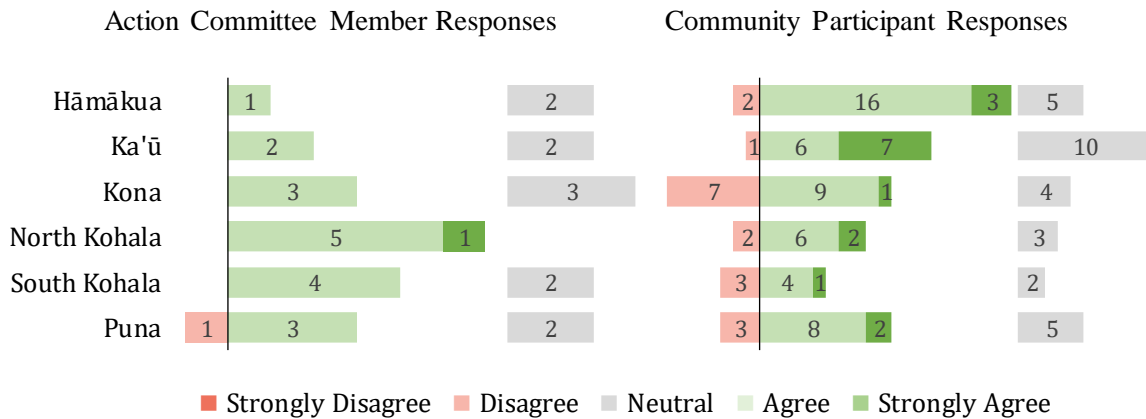


Figure 13. Survey: “A true partnership means that one party does not have regulatory control over the other.”



Perhaps unsurprisingly, an assessment on the correlation between responses to County rules in relation to committee productivity yielded a slight negative correlation. Action Committee members who held a more optimistic about Action Committee productivity were less inclined to think that the rules/processes posed limitations. On the other hand, committee members who felt that their committee was not productive

responded with more agreement that the rules were limiting, ineffective, and/or confusing. This correlation, while close, was not statistically significant.

Table 10. Correlation: Results and Action Committee Rules.

|   | Correlation Co-Efficient |
|---|--------------------------|
| Action Committee members often see the results of their work.   |                          |
| Action Committees are bound by rules and processes that I find limiting, ineffective, and/or confusing. | -0.68                    |

In an interesting observation, there was very little correlation discovered between the prompt stating that the rules were “limiting, ineffective, and/or confusing” and a desire for the Action Committees to have more control over their work.

Table 11. Correlation: Control and Action Committee Rules.

|   | Correlation Co-Efficient |
|---|--------------------------|
| I would like to see Action Committees have more control over the content/direction of their work.       |                          |
| Action Committees are bound by rules and processes that I find limiting, ineffective, and/or confusing. | 0.20                     |

The formality of Action Committee meetings, which in large part stems from the rules and processes that guide them, was identified by some respondents as a barrier that discourages broader community participation. The formal structure was also critiqued as imparting an inflated sense of authority to the community. A formal meeting structure and requirement to comply with County and State rules, such as the Sunshine Law, may lead to a perception that Action Committees are decision-making boards. This is an issue because such misunderstandings could discourage or misdirect civil engagement discourse away from County decisionmakers, having an antithetical impact on meaningful community engagement. The following is a quote from a community member:

*There is often a lot of valuable discussion at Action Committee meetings and they do provide a great forum to connect community and decision makers (I really appreciate that the planning department creates space for this forum). The structure does seem overly formal and less inclusive of community due to rules and regulations. It has the feeling of being a decision making body with the rules governing and vote taking, but I'm not really clear on how the "decisions" actually inform County planning and actual decisions. It feels like the input and comments/community feedback could be gathered in a less formal manner and have the same influence that Action Committee decisions currently have without the appearance and expectation of formal decision making.*

An additional implication is that overly formal ‘town hall’ style meeting settings can hinder the ability for outreach efforts to reach a broader audience. People who are less familiar with the meeting structure for boards and commissions may not feel comfortable interacting in such an environment. The traditional town hall community meeting setting, where community members offer testimony in front of a panel and room of people, may serve its purpose for collective decision making. However, if the purpose of a committee is to drive grassroots, community-driven implementation efforts, such a meeting format may instead mischaracterize the intended outcomes of a meeting by setting the wrong expectation. A written response from a community member described the issue below:

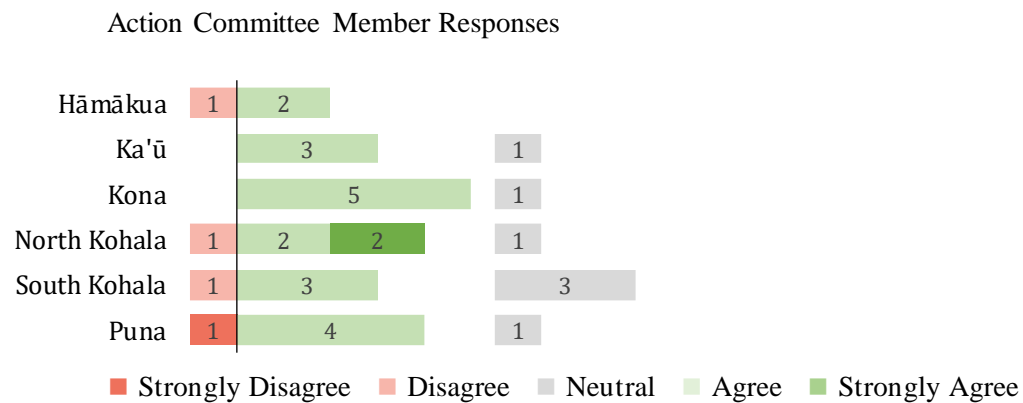
*I have joined many meetings in S. Kohala and Kona to provide input to the AC to drive community initiatives into action. This has been an exhausting and fairly difficult process to be a part of. I witness community members offer their time,*



*commitment, and patience to driving change in their districts, with little to no action.*

Encouraging and promoting inclusivity by creating a neutral and welcoming environment is a related consideration, however this issue was not reflected as an issue in the survey responses. Sentiments from Action Committee members indicated the belief that committee membership is inclusive and accurately represents their community. A related prompt was provided to community members inquiring if they felt that meeting agendas usually reflected the issues of importance to the community, to which the results were mixed.

Figure 14. Survey: “I believe that Action Committee membership is inclusive and creates an accurate representation of the various communities within my district.”



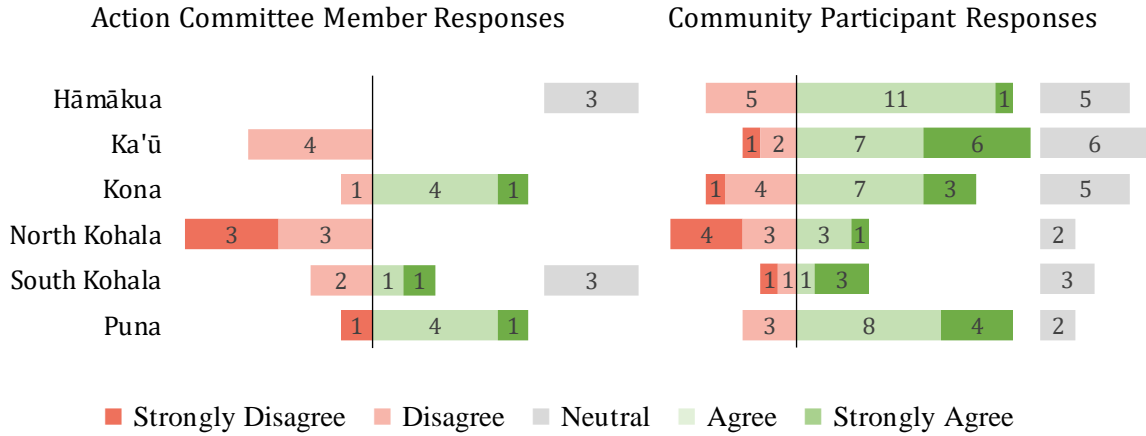
Community interaction may also be impacted by rules that are imposed on Action Committees pertaining to their interactions outside of public meetings. More specifically, members are not permitted to discuss board business with one another between meetings, with a few limited exceptions. This is complicated by the broad range of subjects that are covered under or associated by Community Development Plans along with a broad and

evidently not uniformly understood purpose for Action Committees. It is therefore challenging for collective decisions to be made on what should be construed as Action Committee business, which often leads to a cautiously generous interpretation. Survey respondents expressed through their written feedback how this can hinder Action Committee effectiveness. Presumably this is due to a limited ability for Action Committee members to perform networking functions and create space for broader discussions outside of their published meeting agenda. The following quote is one of several similar sentiments shared by respondents:

*The Sunshine Law, however well-intentioned, has a VERY limiting effect on CDP effectiveness County control of the AC's really hampered get any community work done.*

Another element of Action Committee oversight pertains to the staff administration of Action Committees and the collaborative relationship with the Planning Department more generally. This may vary depending on how agreeable staff are to sharing administrative power with committee members or the level of trust committee members have in staff intentions. Opinions on Planning Department oversight could therefore be influenced by past experiences along with interpretation of the concept of grassroots. Action Committee members were asked for their agreement on whether Planning Department staff should be the organizers of meetings whereas community participants were asked if Planning staff should be the meeting facilitators; this yielded mixed results.

Figure 15. Survey: “Planning Department staff should be the organizers/facilitators of Action Committee meetings.”



Written responses related to the structural or power dynamics of Action Committee administration varied significantly among respondents. This quote by a community member expresses a desire for less County oversight on Action Committees:

*Biggest problem is Planning Department Liaison/Facilitator controls agenda, discussion and any action taken by Action Committee. This is not the concept spelled out in the Ordinance. This CONTROL by the Planning Department makes the South Kohala Action Committee toothless and mere weak advisory group promoting Planning and Mayor's agenda.*

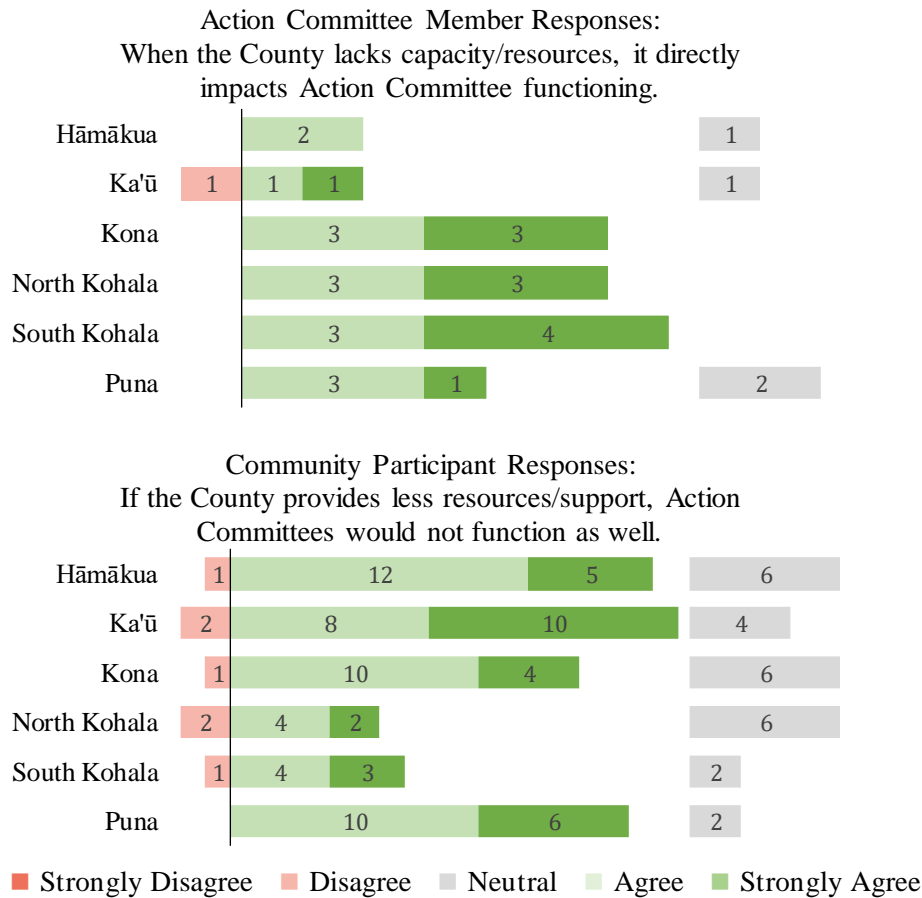
Conversely, an Action Committee member offered an opposing viewpoint, emphasizing the advantage of having Planning Department staff serve as a neutral facilitator capable of mediating contention during a meeting:

*The Ka'ū District is very unique and need County Representatives to facilitate as the meetings can get very heated and divisive. Much time and care was devoted to*

*the creation of the Ka‘ū Community Development Plan and implementation and Action Committee involvement need County facilitation and oversight.*

Another survey prompt was posed to survey takers to measure sentiment on the reliance on County resources to support Action Committee functions. It should be noted that the timing of the survey during a severe staffing shortage likely influenced the results for this prompt. Understandably, this lack of resources posed a significant concern for the program participants who often inferred that the County was deliberately withdrawing resources from their engagement programs. Nevertheless, the overall situation and sentiment expressed continues to underscore the strain placed on the Action Committee program when the County faces a shortage of resources. This is reflected in the uniformity of the responses from Action Committee members and community participants alike:

Figure 16. Survey: County Resources and Action Committee Functioning.



Analysis of the survey results revealed a multitude of perspectives about the Hawai'i County Community Development Plan Action Committees. There are a few overarching takeaways revealed through ongoing patterns that were observed in the responses. This included a prevailing sense of confusion regarding the overall purpose of Action Committees, with respondents expressing a variety of concerns related to their understanding of the program's purpose. The variability in these responses expressed a wide range of perspectives as to the underlying purpose. This impacts the interpretation because perspectives on Action Committee impact and productivity, benefits and

shortcomings, are all effected by whether respondents feel that the program is meeting its purpose. This raises questions about the alignment of the program with its intended grassroots orientation and the need for further clarity in defining its objectives.

Analysis of the perceived purpose of Action Committees in relation to the responses also led to observations of preferences and values held by participants. For instance, the survey demonstrated an overwhelming appreciation for the opportunity for reciprocal learning between the County and the community, suggesting that both Action Committee members and community participants value a mutual exchange of knowledge and ideas. Respondents seemed to crave a connection with the County and ability to participate in decision-making processes that impact them.

The analysis also unveiled a recurring theme of the connection between Action Committees and the County's development and regulatory processes. Many participants expressed a desire for Action Committees to have more control over their work, highlighting the need for greater autonomy in shaping their activities. The survey results raised important questions about the formal nature of Action Committee meetings, with some participants perceiving them as barriers to community participation. The implications of these findings extend to considerations of meeting structures and their alignment with grassroots principles.

## **Chapter 6. Discussion**

### **6.1. Identifying Challenges and Barriers**

#### **6.1.1. Clarity for the Purpose of an Advisory Board**

Uddin and Alam (2021) explain the importance of clearly defining a civic advisory board's purpose in order to ensure that they are able to rise to their responsibilities. Defining such a purpose in a basic framework creates a mutual understanding of boundaries, priorities, necessary support, and level of influence. As an anecdote of how this played out during the study timeframe, one Action Committee voted to draft a letter to the Planning Director to seek clarification on their purpose and the nature of the board's relationship with the department. The following sections explain the cascading impacts that an ambiguous purpose has on the civic discourse of a community advisory committee.

##### **6.1.1.1. Clarity on Roles/Responsibilities is Central to Effective Communication**

A clear and well-defined purpose is not merely desirable but a prerequisite for effective communication between an advisory board and the government agency. This mutual understanding provides clarity and direction to the advisory board members themselves, ensuring that they understand their roles, responsibilities, and objectives. This understanding, in turn, empowers them to engage in informed and productive discussions. A clear purpose also serves as clear direction for government entities seeking guidance from these advisory boards. A well-defined and mutually agreed upon purpose facilitates alignment between the advisory board's efforts and the government's overarching goals and priorities, in a way that can help ensure that the recommendations generated are both relevant and actionable.

Examples of staff and Action Committee members miscommunicating due to differing ideals about central aspects of a program was evident in the response to the Planning Department's measures to address staffing shortages. When the Planning Department presented options to Action Committees that would allow them to continue functioning despite limited support, the community's response was mixed and reflected the underlying discord in their understanding of how staff support benefits their purpose.

Some Action Committees embraced the opportunity to organize and run their own meetings, viewing it as an opportunity to maintain their function and fulfill their grassroots purpose. This related also with opinions related to the strict rules guiding them, discussed later in this chapter. In contrast, other participants interpreted this more independent initiative as an affront to their official status and a sign that the Planning Department was using the staffing shortage as an excuse to withdraw support. This difference in interpretation highlights fundamental differences in individual perspectives.

The Planning Department's intention was to empower Action Committees to continue their work despite staffing challenges. Survey responses however revealed that many participants viewed Action Committees as reliant on County support and oversight, while others presumed saw them as capable of self-organization. This misalignment in their ideals regarding the central aspects and overall identify of the program resulted in a breakdown of communication. This in turn eroded trust and transformed what could have been seen as a collective challenge ("us" problem) into an "us against them" problem. In such instances, addressing these discrepancies in understanding and ideals is crucial in bridging communication gaps and bolstering trust.



#### 6.1.1.2. Provides Clear Roles for Board Members and Staff

Clearly defining the roles and responsibilities of both board members and staff is essential for effective collaboration. In the case of a government administered, grassroots community board this was a particularly interesting issue to reflect on. Action Committees are generally tasked with serving as a community arm in the mission to implement Community Development Plans. The nature of these initiatives is therefore intended to be purpose-driven and advocacy minded with a function to collaborate with and advise County decisionmakers.

Conversely, staff members, as civil servants, have a tendency to want to maintain impartiality when it comes to responding to community concerns. In the same way that government spending is meant to serve the collective good, civil servant planners are careful not to step into the realm of activism as part of their prescribed duties. This impartiality can sometimes frustrate efforts of civic advisory boards because of incompatible fundamental ideals that can hinder the type of support often sought by the committee members. This is especially true in instances where community members desire active intervention on issues of which the planner does not have decision-making power. Clearly defining roles and responsibilities is crucial for clarifying expectations and boundaries that prevent misunderstandings and ensure effective collaboration.

#### 6.1.1.3. Provides a Basis Through Which to Measure Effectiveness

Defining a clear and specific purpose for Action Committees serves as a guiding principle for ongoing monitoring and evaluation of implementation effectiveness. This study uncovered a wide range of opinions regarding the productivity and effectiveness of

Action Committees. While the process of implementing Community Development Plans is multifaceted and involves the actions of many government agencies, legislative actions like budgeting, and developmental decisions among others, many Action Committee members perceive themselves as the primary implementation force. As a result, some views expressed feeling as though the committees are unproductive in serving their purpose.

To enhance the effectiveness of civic advisory boards, it is essential to align their purpose within the context of the broader landscape of the plan they are helping to implement. By setting clear, measurable, and attainable goals and regularly assessing progress, these boards could theoretically fine-tune their efforts and better contribute to the overall success of community planning initiatives.

#### 6.1.1.4. Prevents the Replication or Impediment of Existing Civic Processes

The absence of a well-defined purpose can lead community advisory committees, such as Action Committees, to feel as though they must be the solution to every problem brought before them. Community members who attended meetings frequently expressed a lack of understanding on the purpose of the committee or the meeting. Some community members viewed Action Committees as a resource for advocacy efforts and asked for their support for a cause. Coded meeting minutes and survey responses indicated some community members view Action Committees to have some level of authority or oversight on the County. A clear and mutually understood purpose is more easily communicated to the public which may alleviate a greater burden of responsibility on the board. It would also benefit the community by providing clarity on the best methods to advocate on a cause.

Without a clear framework, civic advisory boards can be left to grapple with issues beyond the limits of their influence or authority, leading to confusion and consternation.

For instance, a Planning Commission plays an important role in overseeing development processes, serving as a specialized, decision-making body tasks with discretionary land use permits and development projects. This is an important vehicle for community plan implementation as the plans create a resource to voice community desires and can apply rules and guidance as to how permits should be deliberated. In this case study, the lines were frequently blurred between the Action Committees and Planning Commission by both community participants and the members themselves. This suggests an attempt to duplicate existing processes but can confuse the most effective means for civic engagement by the public.

In fact, an original premise of the Action Committee concept in early deliberations was to avoid duplicating existing County processes. The stated definition of Action Committees however does not assist in preventing this as one of their stated responsibilities is to hear briefings on current Planning Department applications. This can create a sense of disenfranchisement for participants who experience this incompatibility of functions as a minimization of their power or influence.

For example, many participants expressed interest in wanting to speak out about proposed developments. When development approvals are discretionary, speaking directly to the Planning Commission or Council is the most effective means to advocate for a particular outcome. Reasons for clearly defining a board's purpose include preventing

detracting community members from the most effective means of advocating their stance on an issue.

#### 6.1.1.5. May Incentivize Community Partnerships

Without a well-defined purpose, an established metric of effectiveness, or clear delineations of roles and authority within a board, the potential for fostering community partnerships and collaborative advocacy efforts becomes severely limited. Frequently, it was observed that community groups would attend Action Committee meetings as a platform to present and share their work with the broader community. Without a collectively understood purpose for Action Committees, the furtherance of such partnerships appeared hindered by communication challenges and unclear effectiveness. This issue is further complicated by the rules and processes that often complicate and slow down Action Committee activities, this issue as it pertains to rules however is discussed in greater detail later in this chapter.

#### 6.1.2. Governing Rules Should be Commensurate with Advisory Board Power

The regulatory framework governing advisory boards should align with the scope of their influence and decision-making authority. When rules and regulations are disproportionate to the level of power delegated to these advisory bodies, it can create a dissonance that confuses participants which hinders their overall effectiveness.

##### 6.1.2.1. Imposes a Barrier to Entry and Western-Centric Values

Civic engagement often involves a learning curve to identify the most effective methods and procedures to advocate, especially when individuals are navigating complex legislative processes. Understanding when and where hearings take place, learning to craft

effective testimony, and developing awareness of the factors that shape collective decision-making are skills that typically require time and experience. Unfortunately, this learning curve has been demonstrated to often favor more privileged individuals. Having a college education, influential connections, or early/insider exposure to these processes can greatly boost a person's awareness and interest in civic affairs. These individuals often find it easier to see themselves as active participants in civic affairs and can more readily identify themselves as integral to the larger decision-making process.

Formal civic engagement structures can erect tangible barriers to entry for many residents, reinforcing existing inequalities and further marginalizing underrepresented communities. They can also continue to perpetuate these inequities through repetition of antiquated engagement practices. Efforts to promote inclusive civic discourse and bridge participation gaps must prioritize the reduction of these barriers while simultaneously providing education and resources to the public to facilitate their engagement.

Action Committees were originally conceived to be a solution to these longstanding issues and serve as a conduit for grassroots advisory functions within the County's decision-making processes. While feedback on the program has reflected that it has room for improvement in that regard, a collective learning opportunity may exist in result. It is essential to recognize that the unique cultural and historical context of Hawai'i should inform efforts to reshape civic engagement processes to make them more inclusive.

#### 6.1.2.2. Rules Disproportionate to Influence Can Discourage Collaborative Efforts

Partnerships with outside groups require orchestrating efforts around the rules and processes governing the civic advisory board. This can create reluctance to partner due to

governing regulations that can impede collaborative processes. In this case study, the procedural hurdles faced to organize an Action Committee meeting highlight the challenges posed by these regulations. By the time an agenda is posted and a quorum is established, community groups may have already taken independent action, such as organizing their own meetings, drafting testimony on impending legislation, or engaging with elected representatives to advocate for their causes. This proactive approach is often driven by the urgency of the issues at hand and the need for timely responses.

In the context of advisory boards, such as Action Committees, whose primary objective is grassroots advocacy and community-driven initiatives, results are often achieved through a network-based approach. This approach acknowledges the diverse array of community groups and nonprofits already actively working to improve communities and find solutions to local issues. This challenge underscores the importance of aligning the rules and processes governing advisory boards with their intended objectives to foster more effective implementation through collaboration.

#### 6.1.2.3. Degrades Ability to Network and Take Ownership of Implementation Efforts

Community-driven implementation efforts would presumably rely on networking and open communication among various groups and stakeholders. However, State Sunshine Laws can introduce immediate barriers to this process by imposing strict rules on the interactions of board members inside and outside of official meetings. While transparency is always important and the overall intent is agreeable for decision-making boards, the application of these laws can create confusion and unnecessary limitations for participants of advisory boards like Action Committees.

The broad purpose of Action Committees can raise questions about what members are allowed to discuss outside of meetings. This becomes particularly challenging for members who are involved in outside advocacy efforts or functions. Being unable to discuss Action Committee business outside of meetings makes networking and creating partnerships challenging.

These rules also make it challenging for committee members to assume a sense of ownership over their implementation projects. Some may even resign themselves to the idea that they lack the necessary leadership to make decisions that could significantly impact the committee as a whole. The tension between the desire for transparency and the practical challenges it presents to community-driven implementation efforts is a recurring theme within Action Committees and other advisory boards.

### 6.1.3. Board Functions and County Processes

#### 6.1.3.1. Boards are Reliant Upon and Representative of County Functions

The survey revealed near unanimous concern from participants that if the County lacks resources, then Action Committees are not able to function as well. When the County lacks the necessary resources, it can hinder Action Committees' ability to carry out their mission effectively, respond to community needs, and address the diverse range of issues that arise.

In some instances, advocacy efforts championed by civic advisory boards may challenge or run counter to established County processes or policies. When this occurs, there may be disagreements or differences in perspectives between the board and their staff.

This raises important questions about the risks of discretionary gate-keeping or inequitable mediation efforts that can result from staff administrative styles and roles.

Overall, these questions underscore the need for a thoughtful and transparent approach to managing differing viewpoints within the Action Committee framework. Balancing the County's role to administer the program in accordance with its rules and processes while fostering constructive dissent is a complex but essential aspect of maintaining a democratic community planning system.

#### 6.1.3.2. Boards Should Be Connected to the Government Functions that Align with their Purpose

In the context of Action Committees, their overarching role in implementing Community Development Plans relates their work to a wide spectrum of societal issues, many of which extend beyond the functions of the Planning Department that administers to them. It is also true that communications across various County Departments, of which these issues may be more relevant, are often challenging. Bridging connections across departments to the benefit of implementing this board range of issues is an ongoing problem that can prevent effective collaboration on shared community goals.

Moreover, the staff responsible for providing administrative support to Action Committees typically possess knowledge related to their specific job functions and may not have comprehensive insights into various County projects until they are publicly advertised. This limited awareness can pose challenges for Action Committees, particularly when their advisory efforts extend well beyond the scope of the Planning Department's responsibilities.



Issues such as these create gaps between the function of these civic advisory boards and the centers of decision-making power. Action Committee members often find themselves removed from the centers of decision-making power because the issues they are passionate about lie outside the authority of the Planning Department. This may further lead to alternative stop-gap measures such as staff serving as a proxy for community input to other agencies, a method that may not be as efficient or effective.

#### 6.1.3.3. Board Function is More Effective When it is Aligned with Government Priorities

The effectiveness of advisory boards, such as Action Committees, is significantly influenced when their functions align with the priorities and capacity of the government agency they serve, in this case, the Planning Department. However, any government body that supports and works with a civic advisory board will have limited resources and a long list of other projects and services they provide. Aligning the capacity needs for the government agencies with roles and responsibilities that the advisory board can provide could therefore lead to better productivity and project implementation.

In this case study, it was apparent that the Planning Department suffered severe staffing shortages which made it hard to keep up with the County wide demand for Community Planning and implementation initiatives. Community pressure for answers as to why support for Action Committees was lacking corresponded with criticisms that various Planning Department initiatives were taking a long time. When the priorities of the boards are not in alignment with the duties of the department, this may lead to conflicting agendas that further divide and frustrates collaborative implementation overall.

It is important to acknowledge that in this case, the broad scope of implementing a community development plan requires several bodies working in alignment with one another and are rarely implemented solely through community efforts. This underscores the need for a strategic approach that considers the government's capacity and community resources to ensure that advisory boards like Action Committees effectively contribute to community development in a way that provides a service for the greater cause. It may be required to consider narrowing the focus of a civic advisory board to serve a specialized function that benefits community implementation by clarifying how feedback will be utilized in a way that translates those efforts into concrete and productive implementation processes.

#### 6.1.4. Aligning With Community Expectations

The process of drafting Community Development Plans all included intensive community engagement and collaborative efforts with the community to assist the research and drafting process. Community members engaged in the process often joined subject-driven working groups to research and provide direct recommendations, and participated in large community charrettes to network, learn, and provide feedback along the way. These processes made every attempt to be democratic, incorporating a broad range of community feedback and folding it into a vision for the future.

The initial creation of Action Committees was meant to be a continuation of the process that created Community Development Plans. It was, as stated in the Planning Commission and County Council hearings at the time, meant to ensure that the then

existing Steering Committees could continue to function and see their work through to implementation.

However, ongoing implementation-focused community engagement is much different than the engagement for drafting a community plan. Advocacy efforts do not have the same instant gratification that comes with seeing a plan come together and be adopted. The end-goal is much less clearly defined and is a product of community-driven efforts to advocate on behalf of smaller, moving targets and pieces that make up several separate implementation actions. These advocacy efforts are often prone to setbacks when plans change, funding falls through, or other priorities take precedence. Critical feedback about the Action Committee program and expressions of a lack of productivity may therefore be exasperated by expectations not being in alignment with the implementation process.

#### 6.1.4.1. Engagement for Community Plan Drafting Takes a Different Form for Implementation

This case study presents an example where participant expectations were not met when compared to the realistically messy process of plan implementation. The community plan drafting process is often very well funded, organized, and creates a clear framework to guide community participation toward a singular shared goal. The Action Committee program was designed as a novel program and a collective learning process to generally ensure that the community could advise the County on best practices for implementation. The outcomes of which, as observed by this study, indicated that organizing large groups of community members without a mutually understood framework can lead to confusion and frustration.

Commonly, for example, Action Committee members expressed a desire to increase the base of community attendance and participation at meetings. Such an impulse may be contradicted however with ideals that community participation is most impactful when it has a well-organized purpose and meaningful plans for how the feedback will be used to shape the outcome. Bringing community feedback into a project without having a clear framework for how that feedback will be utilized can lead to burnout and frustration if the feedback does not seem to be meaningfully considered. It is therefore important that a plan is established beforehand that ensures that the time spent by community and feedback gathered does not go to waste. In the context of the Action Committee program, this issue speaks to an overarching reflection on the structure of the program. This indicates a need to align the purpose and engagement framework of the program to concrete County actions and processes to ensure that feedback can be collected and utilized in an ongoing manner.

#### 6.1.4.2. Education is a Crucial Component of Civic Participation

The qualitative and quantitative analysis in this study highlighted instances where participants of the Action Committee program lack an understanding of fundamental County processes that impact community plan implementation or development processes. It also indicated a great deal of importance expressed by the community for the County to provide better communication on programs and initiatives. Closing the knowledge gap helps to ensure that the community has a more effective means to participate and helps to ease miscommunications. This is a very important component for any program designed around the promotion of community-driven implementation efforts that navigates an often-

messy process, involves strengthening partnerships, and relies a great deal on trust and collaboration to be productive.

## **6.2. Thoughts for Improving Community Planning Efforts in Hawai‘i County**

This subsection presents observations that were identified during the process that pertain specifically to the Hawai‘i County Community Planning Framework. Here I intend to separate overall study observations from prescriptive elements to maintain objectivity for the study findings. Of course, any actual proposed changes should be done in partnership with impacted program participants. Some of the suggestions outlined here suggest a “menu” to be vetted by the community to coincide with participant aspirations of the program. These are divided into sections according to the previous discussion items for continuity and to deepen the ongoing discussion.

Overwhelmingly, the feedback provided by participants of the Action Committee program pointed to a basic overall need to reinforce community connections with the County. While the importance of maintaining an ongoing County-community connection cannot be understated, it is equally important to establish a well-defined and mutually understood framework for this connection to ensure the success of the program. The overarching question becomes: what actions could an advisory committee take that would benefit Community Development Plan implementation and County decision making processes?

Answering this question seems to reveal two possible directions for the future of the program. One where Action Committees are assigned a defined role in County decision-making processes further supplanting their role with formal process, and another

where the formal nature of the Action Committee program is replaced with a flexible arrangement to support more grassroots community advocacy functions. Determining the most suitable direction, however, is most appropriately answered by the community collectively.

#### 6.2.1. Level of Authority

Throughout this study many participants expressed an expectation that the Action Committee would serve as a catalyst for the community's collective voice. For example, committee members, and the community participants often diverted to an idea that Action Committees serve as representation for the broader community and as a liaison between the community and the County. While perhaps this is a good direction, such a function would require a clear connection to decision-making authority to make such a system more viable. For instance, the program would funnel feedback received through to more appropriate receptors, such as elected officials, the Planning Commission, or other County decision-makers. Ideally such a program would situate Action Committees to work closely with specific decision-makers or provide direct decision-making power in some capacity to the committee directly.

Without the ability to make decisions or directly influence decision-makers, the formality of the program seems to provide a misrepresentation of authority that may confuse the larger community engagement process for the County. In fact, as a program situated under the Planning Department, a routine pattern observed showed a fundamental misunderstanding on development approvals and how the public review process is conducted. Discretionary development approvals require discussion of a project's

alignment with its relevant Community Development Plan as justification for the proposal. Rezoning approvals look to the General Plan's Land Use Pattern Allocation Guide (LUPAG) which is often further defined through a Community Development Plan itself. Likewise, use permits and special use permits are decided upon using the Planning Commission in public meetings, entirely separate bodies from Action Committees. One respondent to the Action Committee survey remarked at how serving on the County Planning Commission changed their understanding of how Community Development Plans are implemented in real time.

Are there then avenues through which Action Committees could provide what was originally defined as "advisory oversight" into Community Development Plan implementation? This framing is challenging considering that the process of implementing Community Development Plans is decentralized across a broad spectrum of governmental functions. This then appears to require that Action Committees become specialized in a specific aspect of that implementation process, the avenue of which may place them outside of the Planning Department's existing jurisdiction. Some ideas of ways to do this are outlined in the subsections below.

It is important to note that these approaches to bestow concrete authority to Action Committees do not address the limiting effects of the State and County laws that govern the program. In fact, they add credence to the need for these boards to comply with these laws. This thesis argues that the rules that apply a controlling influence on boards and commissions should be done so in proportion to their level of authority. The public should

always have access to where decisions are being made and the ideas that follow would create duties to justify these laws as applied.

#### 6.2.1.1. Through the Budget

In one scenario, Action Committees might serve as advisory boards that assess the County's annual updates to the Capital Improvements Budget to opine on its alignment with their district Community Development Plan. In 2018 the Hawai'i County Charter was amended to include the following:

*The capital improvements pending or proposed to be undertaken within the ensuing fiscal year, together with the estimated cost of each improvement, the estimated operating cost, and the pending or proposed method of financing it. Capital improvements shall be prioritized based on criteria aligned with the general plan, community development plans, emergency expenditures and other pertinent functional plans (Hawai'i County Charter Section 10-6(2))*

As such County Capital Improvement projects should be in alignment with various County community plans and prioritized for funding as such. Fiscal Impact Statements developed by County Departments reflect this by having to justify funding a project through relevant community plans. Although there are also emergency expenditures and functional plans that can be used to prioritize funding a needed infrastructure project as an alternative. While this pre-requisite exists through the budget, there currently is no defined body that monitors that process. Essentially, an advisory body could provide oversight on this process through annual analysis and recommendations on the County budget to support community needs and initiatives. This would deepen community involvement into the



“nuts and bolts” of County governance and how funding is used to support various community initiatives and drive implementation.

#### 6.2.1.2. Participatory Budgeting

Another example of advancing community board power would be to supply Action Committees with a portion of the County budget to use on Community Development Plan implementation projects. This may encourage small-scale place-based community planning projects such as providing park improvements, planting street trees, restriping roadways, commissioning art projects, establishing community gardens, or other community beautification projects that would encourage continued community development for their district. Interestingly, Karner et. al. (2019) discussed participatory budgeting as one example of citizen power in their work *the View from the Top of Arnstein’s Ladder*.

#### 6.2.1.3. Community Development Plan Updates

Community Development Plans were intended to be updated every ten years to ensure they are up to date on current planning issues, developmental changes, and the update of the County General Plan. However, as each Community Development Plan also serves as a miniature, district-level General Plan in and of itself, it has become clear that capacity constraints have made keeping up with this update schedule challenging for the County. This could present a gap in which Community Development Plans could benefit from ongoing documentation that would support future plan reviews. One role for Action Committees could therefore be to draft annual reports that track plan implementation and suggest changes to their plan in alignment with a future adoption cycle. This is not to

suggest that the County should necessarily adopt these changes into law every year because this could quickly become unwieldy and create a massive resource constraint. This could however provide a way for communities to “hit the ground running” when the review of their Community Development Plan is formally started. This would enable community members to start the conversation after years of ongoing discussion amongst themselves to lead the process moving forward. This could be well structured to provide worksheets that are updated to track implementation and uniformly collect ongoing community feedback so that it is all in one place when a comprehensive review is launched.

#### 6.2.1.4. Deliberate on Community Priorities through Research and Discussion

Action Committees may serve as an intermediary body that researches and explores community issues to convey their findings to County officials and decision-makers. Essentially, they would serve as an extension of the County with boots on the ground in their community to uplift community sentiment and needs. Their primary function would be to offer insights and recommendations for an issue and suggest ways in which the County might move forward on the issue. As with other possible roles for Action Committees, this would preferably require Action Committees to have a high level of access to a wide variety of County decision-makers and elected officials. It may also easily step outside of the role of Community Development Plan implementation and more into the realm of general community advocacy. Great care would also need to be taken in this circumstance to prevent previously observed issues of duplicating existing County processes, possibly serving to confuse existing engagement processes and dilute

community feedback rather than encouraging more direct lines of communication with decision-makers.

#### 6.2.2. Uplifting the Role of Independent Grassroots Advocacy and Partnership

An alternative approach to the Action Committee program would envision a more flexible community networking space that prioritizes open dialogue between County officials, constituents, and other stakeholders. This model would emphasize communication and networking rather than a hierarchical approach to community planning. It would create a platform for County officials to share about ongoing projects and explain how community members can get involved in issues that are important to them.

In this scenario, the emphasis shifts towards creating an inclusive and accessible forum where community members can learn about County and community initiatives. The goal would be to network with people working on similar initiatives to gain a deeper understanding of implementation processes.

##### 6.2.2.1. Network Power

*A networked approach to community-based, collaborative action can be most effective and efficient. In contrast to centralized, hierarchical, bureaucratic organization, networks are more informal, flexible, and decentralized. Efficiency is enhanced through distributed power and problem-solving, and effectiveness is improved through autonomous but coordinated action. Networks are not about control – they are about value-added coordination and communication (Ka‘ū Community Development Plan, Community-Based Collaborative Action Guide, pp. 5).*

Network-based approaches and leadership have been put forward as a strategy for community-based implementation in the more recently adopted Ka‘ū and Hāmākua Community Development Plans. This approach recognizes that there is a rich network of community groups, organizations, and individuals that are working toward implementation projects in alignment with the aspirations laid out in Community Development Plans. While this system does not focus on control, it highlights the inherent power of collective actions achieved through networking and coordinated efforts.

The Ka‘ū Community Development Plan describes this framework both within the context of Action Committees and outside of them. As we have seen, however, such a framework does require a degree of autonomy that is difficult to achieve under the regulatory limitations of the County board and commission structure. Nevertheless, this system describes a means through which grassroots implementation may take place, building upon collective action rather than repeating or competing against existing advocacy movements.

Transitioning toward a more independent community networking space presents the opportunity to enhance and amplify existing grassroots networks. It recognizes that many community groups are already actively engaged in implementing aspects of Community Development Plans through non-profits, coalitions, and partnerships. Building upon this foundation, the proposed approach seeks to provide a dedicated meeting and incubation space to further grow these networks in collaboration with County officials.

#### 6.2.2.2. Redefining a Framework

An approach that leads with grassroots values would involve a complete re-imagining of the Action Committee framework. Much of which would involve revisiting the existing legal framework to understand where regulatory measures hinder organic community involvement in implementation projects alongside the County. Currently the State of Hawai'i Sunshine Law applies to County boards and commissions, even when they are advisory in nature. There may however be opportunities to minimize the regulatory conditions that are counterintuitive to the health of the program.

One approach would be to request an interpretation from the Office of Information Practices on Action Committees under the State Sunshine Law and possibly lobby for legislative changes. This subject is discussed in Boxer-Macomber's (2003) thesis *Too Much Sun* which proposes an "evolution of open meeting laws through legislative reform" (pp. 110). Open meeting laws, she argued, were overwhelmingly established in circa 1970 and therefore may not reflect today's democratic landscape or the environmental, policy, or technological context through which a body operates. Her work includes specific mentions of electronic communications between board members and the need to establish clear guidance on how items that are not on the agenda but may still be of interest to a committee may still be discussed during a meeting.

The core tenants of the State Sunshine Law are to uphold democratic values and are intended to be applied liberally to serve that purpose. However, interpretations on how that law is applied can modify how that applies in practice. As an example, an opinion was sought by the Honolulu Advertiser on whether the Sunshine law should be applied to the Downtown Homeless Task Force of the City and County of Honolulu. The Office of

Information Practices responded that the task force was not subject to the Sunshine Law in a conclusion that reads as follows:

*OIP concludes that the Task Force did not take “official action” because it identified problems for each of its members to act on (including members representing the City), rather than presenting a recommended course of action to the City. The Task Force was a mechanism for enhancing the cooperation between the City, the federal and state governments, and various private organizations, rather than an advisory body charged with developing recommendations for the City alone to implement (OIP Opinion Letter No. 05-01).*

Opinion number 05-01 can be found in Appendix D.

Another example can be seen from the City and County of Honolulu’s Neighborhood Boards. In 2008 the State legislature passed an amendment to the Hawai‘i Revised Statutes Chapter 92, to add a part 7 that creates exceptions to the law that applies only to the City and County’s Neighborhood Boards. This modified some Sunshine Law restrictions to allow for discussion of relevant issues not on their published meeting agenda, so long as they withhold making any decisions on the matter at that meeting. Neighborhood board members could also attend meetings or presentations on matters related to their board business so long as they are open to the public and the member does not make any commitments on how they might vote on the matter.

Another approach would be to adopt a community implementation program via County resolution rather than as an ordinance thereby bypassing State Sunshine Law, and

the board and commission regulations laid out by the Hawai‘i County Charter and Code.

According to an Office of Information Practices (OIP) opinion letter:

*Under a plain reading of the Sunshine Law’s definition of “board,” a task panel or other body created by or pursuant to a “resolution” of county (or state) government generally does not fall within that definition (OIP Opinion No. 08-02).*

Opinion number 08-02 can be found in Appendix E.

This approach could be accompanied by a revision of Hawai‘i County Code Chapter 16 to reflect this change and reinforcing the County’s responsibility to support the program as further defined through the resolution. This could also incorporate aspects of the State Sunshine as they are beneficial to the program, such as maintaining meetings as open to the public and non-exclusive, hosting meeting materials and other resources within the County’s online file repository and maintaining a mailing list of interested citizens to receive regular updates about current happenings of the program.

The specific framework of the program, the way that it operates, what County departments are responsible for contributing, the involvement of elected officials, what defines membership, specific responsibilities of district community groups and participants and framework for the goals of the program are all items that should be developed using a collaborative process with existing Action Committee program participants. Perhaps a system that uplifts significant community planning efforts across the various County districts and communities could be a means to continue to recognize the work of community groups on a merit basis to encourage active implementation efforts. In addition,

extending opportunities for collaborative facilitation with participants could maintain the ability to create a recognizable forum of prominent community leaders in the program.

### 6.2.3. Education and Community Engagement

Civic education is crucial to support productive community engagement. Building the understanding of Action Committee participants should continue to be an important goal for the County. Many responses to the survey provide indications that participants may not always take away an understanding of Planning Department processes after participation in the program.

One aspect of this is that the Community Development Plans further define the General Plan which encompasses far-reaching topics across several County departments outside of the Planning Department. This makes providing a nexus to other County functions challenging, for instance issues that are relevant to the Department of Public Works, Finance Department, or County Council are not always within the grasp of the Planning Department staff supporting the program.

Building up the educational capacity of committee members is one way to increase their influence to support ongoing implementation efforts by simply filing their civic engagement toolkit. It also ensures that the program overall gains influence and encourages community leadership in support of a variety of implementation initiatives.

It is also worth acknowledging the potential for Action Committee meetings to serve as a platform for community groups to disseminate information and mobilize community members around shared causes. One possible role of Action Committee members would be to invite group conversation, providing a panel of sorts to express views



on an issue and initiate discussion. Action Committee members frequently participate in external community groups and initiatives, viewing these activities as their own individual advocacy efforts rather than duties tied directly to their committee roles.

#### 6.2.4. Opening the Conversation

Overall, the most important overall element is to open a conversation with the community to find collaborative and mutually beneficial strategies to move forward. The feedback provided by participants of the Action Committee program pointed to a few basic needs: to reinforce community connections with the County, and to provide the community members a space to learn about ongoing County functions and how they can get involved. Communication tends to be challenged because community expectations are based on a purpose that is not universally understood which can therefore create a range of expectations that are impossible to meet. At the end of the day, the goals of all parties are the same, everyone wants to see plan implementation move forward and developing a collaborative pathway forward could be a means to heal trust and partnerships.

## **Chapter 7. Conclusion**

### **7.1. Summary of Key Findings**

The qualitative and quantitative analyses of this research study provided four categories of observations that explored the issues and complications that may arise from an implementation-focused community engagement program.

#### **7.1.1. Importance of Clarifying Purpose**

Ensuring that there is a clear and mutually understood purpose for the program has a broad range of benefits. Clarifying roles and responsibilities promotes more effective communication between a government agency and its community partners. Implementation projects are similar in many ways to community advocacy in that they are often pursued in the context of many other competing interests and needs. Setbacks on such projects are common and often outside of the control of one decision-maker. Having clear communication builds trust and helps to ensure that setbacks are not opportunities to advance infighting and consternation.

Clarifying roles and responsibilities also creates a better mutual understanding of where responsibilities lie between board members and their government counterparts. The tendency towards impartiality for government actors can hinder community advocacy efforts. Drawing clear lines of responsibility and authority, and in many ways, creating space for the community to advocate oppositional views is an important element of administering a meaningful and effective civic advisory board.

Having a clear sense of purpose is also crucial for being able to gauge the impact of a civic advisory board. This removes some level of subjectivity where a broad range of

perspectives on the purpose of the program can lead to differing reactions and conclusions about its productivity and the issues thereof.

Drawing clear lines around the roles and responsibilities of a civic advisory board also prevents the risk of duplicating existing government processes and alleviates participant frustration in engaging in issues of which their body has minimal influence. Ensuring that there is a clear map for community participants to follow when they are interested in providing feedback on a government issue is also very important. Muddying lines can complicate engagement processes for both the government agency and community alike which could in turn prevent community participation on important issues.

Lastly, defining a clear purpose also promotes the creation of community partnerships between a civic advisory board and outside groups. As discussed in this thesis, network approaches are often the most effective means through which community members can advocate for the advancement of implementation actions. Ensuring that the purpose of committees is well understood allows outside community groups to leverage the civic engagement board as a resource to benefit their cause, providing a means to connect these community groups to government processes and ensuring that the community is able to collaborate and build upon existing efforts rather than replicating them.

#### 7.1.2. Importance of Contextualizing Civic Advisory Board Governing Rules with Their Function

Another overarching issue that was discussed in this thesis is the importance of ensuring that the governing rules of a civic advisory board are in alignment with their

function. Rules that are too strict can inhibit what is intended to be grassroots methods and provide an appearance of authority that is not reflective of a board's power, thereby misleading the public or confusing expectations.

The rules governing a civic advisory board also create a rigid working environment for the community, which can be intimidating and inhibit inclusive participation. The importance of implementation processes having a broad range of representation among participants cannot be understated. Bridging community and government partnerships should make every effort to provide equitable pathways of engagement.

If the purpose of a civic advisory board is to promote grassroots advocacy efforts through networking and partnerships with outside community groups, then ensuring that the rules are reflective of this purpose is crucial to the effectiveness of the board. Implementation efforts that build on existing community efforts must be an inviting and productive resource for those outside groups in order to invite their participation. When rules stymie the mobility of a board to take action within a reasonable timeline, and board members cannot engage in efforts outside of official public hearings, the benefits of these partnerships become questionable.

Another important element of fostering community network approaches for a board that is meant to serve grassroots implementation functions is the element of ownership and accountability. Members of a board may not feel they have the authority to take independent actions as an extension of the group, and therefore community leadership qualities are not encouraged or built through such a framework.

However, it is also important to acknowledge another scenario, which is that a civic advisory board that is offered some degree of discretionary decision-making power should be accountable to larger government ethics and sunshine laws to ensure fairness and transparency. These conclusions regarding rules generally assume a board is advisory in nature; however, sharing decision-making power with a civic advisory board may be a more equitable path forward in some circumstances. This observation simply acknowledges the importance of ensuring that the rules imposed on a board are in concert with their power and do not impede their purpose.

#### 7.1.3. The Importance of Considering Board Functions with Government Processes

This observation acknowledges that civic advisory boards are reliant upon government resources and are often representative of government functions. Combined with the analysis that uncovered frustrations related to government capacity to provide services and the desire for greater autonomy, this observation involved a complex discussion about forming mutual goals and mediating disagreements.

A crucial aspect of this overall conclusion was a discussion on the alignment of the functions of a civic advisory board and the government processes that promote the implementation of projects. An underlying conflict was uncovered in that when the needs put forward by a civic advisory board are contradictory to the workload of the government agency performing implementation actions, process may be hindered and frustrations arise. In this case study, capacity limitations on behalf of the County agency administering to Action Committees were an ongoing concern. However, a misalignment in perception of

this issue, driven in large part by miscommunications, created conflict that was counterintuitive to resolving the problem.

Aligning a civic advisory board with government functions enables their purpose to serve as an extension of existing implementation efforts and creates a clearer framework for using community feedback to drive these processes. Much of this relates to the importance of defining a purpose that is synonymous with the needs of the government agency to drive collaborative processes.

#### 7.1.4. The Importance of Considering Community Expectations

The final observation involved discussing the observed disconnect between community expectations and the realities of the implementation process. It does not appear to be a viable approach to model an implementation-focused community engagement program after an engagement scheme to draft community plans. Community engagement methods such as charrettes and working groups are fun and engaging and conclude with the gratification that comes from adopting a completed community plan. In contrast, implementation efforts are often arduous and involve the consideration of several competing initiatives with finite resources; they involve ever-changing timelines as a result of various forms of setbacks. Undergoing community engagement efforts and aligning these project realities with the expectations of community members is an often-challenging endeavor for all parties involved.

## **7.2. Implications for Urban Planning Practice and Policy**

This case study may provide lessons learned in advance of future implementation-focused engagement efforts considered and initiated by government agencies. However,

the results of this study may not be generalizable to a wide variety of situations as the problems and solutions would vary widely depending on the population, issues of concern, resources available to a government agency, and the structure of the government itself. I am hopeful, however, that these observations will provide food for thought to be considered in other instances and present a contemplation of an issue that is widely unrepresented in the planning engagement literature.

### **7.3. Limitations of the Study**

This project covered a broad topic with a limited scope and presented many reasons for why the results should be understood within the context of the case study. The findings could be greatly impacted by direct feedback and collaborative research approaches with the participants themselves. Interviews with participants to directly ask for their feedback on various aspects of the program along with in-depth discussions about perspectives on ideal solutions would have greatly enriched the discussion and ensured that a research study on strengthening democratic processes was conducted through the advancement of democratic values.

### **7.4. Suggestions for Further Research**

This research was conducted on a subject for which very little existing research or literature is known. It therefore presents several opportunities where this topic could be strengthened through the advancement of research into related elements, perspectives, additional case studies, and comparative analyses. For instance, this research would have benefited from greater understandings of cultural context in participatory processes to advance inclusionary methods of implementation-focused engagement. Other

contributions to the topic could include a deep dive into the mindset of government planners to deconstruct the need for planners to both be impartial to serve the good of the whole while having an ethical imperative to advocate for best solutions and practices. This is a challenge for myself (and many planners I have worked with and continue to be inspired by) and was a major source of motivation for this project.



## References

- Altschuler, A. (2018). The Goals of Comprehensive Planning. *Journal of the American Institute of Planners*, 31(3), pp. 186–195.
- Arnstein, S. (2020). A Ladder of Citizen Participation. *The City Reader*, pp. 290–302.
- Birkeland, J. (1999). “Community participation” in Urban Project Assessment (an Ecofeminist Analysis). *Technology and Public Participation*, pp. 113–142.
- Boxer-Macomber, D. (2003). Too Much Sun?: Emerging Challenges Presented By California & Federal Open Meeting Legislation to Public Policy Consensus Building Processes. *University of California, Davis*.
- County of Hawai‘i. (2020). County of Hawai‘i Charter, 2020 edition.
- \_\_\_\_\_. (2018). County of Hawai‘i Code (as amended).
- \_\_\_\_\_. (2005). County of Hawai‘i General Plan.
- \_\_\_\_\_. (2018). Hāmākua Community Development Plan.
- \_\_\_\_\_. (2017). Ka‘ū Community Development Plan.
- \_\_\_\_\_. (2008). Kona Community Development Plan (as amended).
- \_\_\_\_\_. (2008). Puna Community Development Plan (as amended).
- \_\_\_\_\_. (2008). North Kohala Community Development Plan.
- \_\_\_\_\_. (2008). South Kohala Community Development Plan.
- Gaber, J. (2020). Building “A ladder of citizen participation.” *Learning from Arnstein’s Ladder*, pp. 13–34.
- Gandy, M. (2006). Zones of Indistinction: Bio-Political Contestations in the Urban Arena. *cultural geographies*, 13(4), pp. 497–516.
- Hillier, J. (1993). To Boldly Go Where No Planners Have Ever... *Environment and Planning D: Society and Space*, 11(1), pp. 89–113.
- Inness, J. (1995). Planning Theory's Emerging Paradigm: Communicative Action and Interactive Practice. *Journal of the American Planning Association*, 14(183), pp. 183-189.

- Innes, J. & Booher, D. (1999). Consensus Building and Complex Adaptive Systems: A Framework for Evaluating Collaborative Planning. *Journal of the American Planning Association*, 65(4), pp. 412-423.
- Jankowski, P., & Nyerges, J. (2001). *Geographic information systems for group decision-making: Towards a participatory geographic information science*. Taylor & Francis. London
- Karner, A., Brower Brown, K., Marcantonio, R., & Alcorn, L. G. (2019). The View from the Top of Arnstein's Ladder. *Journal of the American Planning Association*, 85(3), pp. 236–254.
- Laskey, A. B., & Nicholls, W. (2020). Jumping off the Ladder. *Learning from Arnstein's Ladder*, pp. 203–227.
- Lipsky, M. (1981). Street-Level Bureaucracy: Dilemmas of the individual in public services. *Social Service Review*, 55(1), pp. 155–156.
- Lyles, W., & Swearingen White, S. (2019). Who cares? *Journal of the American Planning Association*, 85(3), pp. 287–300.
- Moghadam, S. N., & Rafieian, M. (2019). If Foucault were an Urban Planner: An epistemology of power in planning theories. *Cogent Arts & Humanities*, 6(1), p. 1592065.
- Painter, J. (2006). Prosaic Geographies of Stateness. *Political Geography*, 25(7), pp. 752–774.
- Pløger, J. (2008). Foucault Dispositif and the City. *Planning Theory*, 7(1), p. 51.
- Richardson, T. (1996). Foucauldian Discourse: Power and Truth in Urban and Regional Policy Making. *European Planning Studies*, 4(3), pp. 279–292.
- Salkind, N. (2010). *Encyclopedia of Research Design*.
- Sloane, D., Hawkins, B., Illum, J., Spindler, A., & Lewis, L. (2019). Can We Be Partners? *Journal of the American Planning Association*, 85(3), pp. 202–217.
- Slotterback, C. S., & Lauria, M. (2019). Building a foundation for public engagement in planning. *Journal of the American Planning Association*, 85(3), pp. 183–187.

Uddin, K., & Alam, B. M. (2021). *Public participation process in urban planning: Evaluation approaches of fairness effectiveness criteria of planning advisory committees*. Routledge.

**CHAPTER 16**

**PLANNING**

**Article 1. General Plan.**

**Section 16-1. The County of Hawai'i general plan.**

- (a) That certain planning code known and designated as "County of Hawai'i general plan," as adopted on December 5, 1971, by the council of the County of Hawai'i, is hereby adopted by reference, subject to later amendments by ordinance, and may be cited as the "general plan."
- (b) A copy of the general plan and amendments shall be available for public inspection at the planning department.

(1983 CC, c 16, sec 16-1; am 2006, ord 06-153, sec 1; am 2007, ord 07-70, secs 2, 3 and 4; am 2008, ord 08-98, sec 2; am 2009, ord 09-150, sec 2, ord 09-161, secs 1, 2, 3 and 4.)

**Article 2. Community Development Plans.**

**Section 16-2. Adoption of community development plans.**

The community development plans listed below are adopted and incorporated by reference. A copy of the plans and amendments shall be available for public inspection at the planning department.

**HĀMĀKUA.** The document identified as "Hāmākua Community Development Plan" is adopted by reference, subject to later amendments by ordinance, and may be cited as the "Hāmākua CDP." The planning area for the Hāmākua CDP encompasses the Judicial District of Hāmākua, North Hilo, and a portion of the South Hilo District in the County of Hawai'i.

**KA'Ū.** The document identified as "Ka'ū Community Development Plan" is adopted by reference, subject to later amendments by ordinance, and may be cited as the "Ka'ū CDP." The planning area for the Ka'ū CDP encompasses most of Judicial District 9 in the County of Hawai'i. Eastern portions of the district near and including Volcano Village were included in the Puna CDP planning area and were, therefore, not incorporated into the Ka'ū CDP.

**KONA.** The document identified as "Mapping the Future: Kona Community Development Plan Volume 1" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Kona CDP." The planning area for the Kona CDP encompasses the judicial districts of North and South Kona.

**NORTH KOHALA.** The document identified as "North Kohala Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "North Kohala CDP." The planning area for the North Kohala CDP encompasses the judicial district of North Kohala.

**PUNA.** The document identified as "Puna Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Puna CDP." The planning area for the Puna CDP encompasses the judicial district of Puna and the Volcano Census Designated Place that includes the Volcano Golf Course subdivision in the district of Ka'ū.

SOUTH KOHALA. The document identified as “South Kohala Community Development Plan” is adopted by reference subject to later amendments by ordinance, and may be cited as the “South Kohala CDP.” The planning area for the South Kohala CDP encompasses the judicial district of South Kohala.

(2008, ord 08-98, sec 3; am 2008, ord 08-116, sec 2; ord 08-131, sec 2; ord 08-151, sec 2; am 2008, ord 08-159, sec 2; am 2017, ord 17-66, sec 2; am 2018, ord 18-78, sec 2.)

**Section 16-3. Review and amendment.**

A comprehensive review of the community development plans shall commence within ten years from the date of adoption.

(2008, ord 08-98, sec 3.)

**Article 3. CDP Action Committees.**

**Section 16-4. CDP action committees.**

- (a) A community development plan (CDP) action committee shall succeed each CDP steering committee upon adoption of a community development plan.
- (b) The purpose of the CDP action committee is to be a proactive, community-based steward of the plan’s implementation and update.
- (c) The planning department shall administer the CDP action committees and be responsible for developing a selection process for committee members and establishing rules of procedure, as needed.

(2008, ord 08-98, sec 4.)

**Section 16-5. Membership and tenure.**

- (a) The CDP action committee shall consist of nine members. All members shall have a primary residence in the area covered by the CDP. The members shall be appointed by the mayor and approved by the County council. Prior service as a member of a CDP steering committee shall not disqualify an individual from serving on the CDP action committee.
- (b) The members shall serve staggered terms of four years. Upon the initial appointment of the committee, three members shall serve for a term of two years, three members for a term of three years, and three members for a term of four years. When the term of a member expires, the member may, at the discretion of the member, continue to serve until a successor is appointed. Members whose terms expire may not be reappointed for at least two years, however, members appointed for one year or less may be reappointed for an additional term without the passage of two years’ time. Existing vacant positions shall be filled before filling any position occupied by a member whose term has expired but who is willing to continue serving until their position is filled.
- (c) The membership should reflect a broad cross-section of the community. The community development plan may specify more detailed selection criteria consistent with this objective.
- (d) A chairperson shall be elected from its membership annually.
- (e) Except as provided for in this section, the committee shall be governed by the County Charter, section 13-4.

(2008, ord 08-98, sec 4; am 2016, ord 16-77, sec 2.)

**Section 16-6. Duties and responsibilities of the CDP action committees.**

The duties and responsibilities of the committee are:

- (1) Provide ongoing guidance and advocacy to advance implementation of the CDP goals, objectives, policies, and actions;
- (2) Broaden community awareness of the CDP and build partnerships, as appropriate, with governmental and community-based organizations to implement CDP policies and actions;
- (3) Take into consideration statewide objectives and legislation for long-term and sustainable plans for the island as a whole;
- (4) Provide timely recommendations to the County on priorities relating to the County operational budget and the CIP budget and program;
- (5) Receive briefings, as requested, from the planning department on pending and approved permit applications involving property located within the planning area, and on other issues related to the CDP;
- (6) Receive briefings from other County agencies, as requested, on priority actions identified in the CDP, which briefings may be integrated and consolidated by the mayor's office or the planning department into a plan of action for the forthcoming year and a status report on the current year's plan of action;
- (7) Monitor the progress and effectiveness of the CDP including the need for CDP revisions based on emerging statewide plans, new technologies, innovative ideas, or changing conditions;
- (8) Review and make recommendations on interim amendments to the CDP;
- (9) Serve as the steering committee, as set forth in the general plan, in any comprehensive update of the CDP;
- (10) Provide recommendations to amend the general plan; and
- (11) Carry out other duties specified in the CDP and/or in agreement with the planning department.

(2008, ord 08-98, sec 4.)

## Appendix B. Action Committee Engagement Survey Report

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### County of Hawai'i PLANNING DEPARTMENT

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#### MEMORANDUM

February 3, 2023

**TO:** Community Development Plan Action Committee Members

**FROM:** Zendo Kern, Planning Director

**SUBJECT:** Action Committee Engagement Survey Report

On August 23 through September 18, 2022, Planning Staff sent out a survey to collect feedback from current and former Community Development Plan (CDP) Action Committee (AC) members, and community participants to gauge public perception of the program. This survey was intended to identify where the issues and opportunities lie in order to create a collaborative vision for the program moving forward. There were a total of 148 responses; 32 of which were from current and former Action Committee members and 116 from the community. The survey included 22 questions in total with 20 Likert scale<sup>1</sup> questions, one yes or no question, and one open-ended written response. Every question in the survey was optional (not required to complete the survey) and could be left blank or skipped. All responses were kept anonymous although participants could choose to identify themselves to receive follow-ups from staff.

The survey responses were broken down into corresponding CDP districts. This allowed the responses to be interpreted in light of each district's unique history, issues, challenges, CDP content and related resources, and experience of each Action Committee. All of the Action Committee responses could be categorized into their corresponding CDP district. Of the community responses, there was more variation in responses to which CDP district they live in or identify with. Many community responses clearly identified one or more districts, while some left the district question blank, or wrote "N/A", an issue/cause, or the name of an outside community group.

#### **How to read this report:**

This report is broken into two main parts. Part one details the Action Committee responses, and part two details the community responses. Both parts begin with an aggregate report of all responses followed by the results broken up by district. The responses that could not be classified in a district were included in the aggregate results and were placed in an "other" category in the district breakdown. Where participants referred to multiple CDP districts, their responses were

<sup>1</sup> Likert scale includes a selection of the following options in response to a prompt (strongly disagree, disagree, neutral, agree, and strongly agree)

included once in the aggregate results then were duplicated in each district they identified. Additionally, there were 10 respondents that identified as community members but filled out the Action Committee version of the survey. Because such questions were specific to direct Action Committee experiences, these results were omitted from this report but are still under consideration in the dataset.

The responses are therefore broken down accordingly:

| CDP DISTRICT | AC        | COMMUNITY  | TOTAL      |
|--------------|-----------|------------|------------|
| <b>All</b>   | <b>32</b> | <b>116</b> | <b>148</b> |
| Hāmākua      | 3         | 28         | 31         |
| Ka'ū         | 4         | 30         | 34         |
| Kona         | 6         | 21         | 27         |
| North Kohala | 6         | 13         | 19         |
| Puna         | 6         | 18         | 24         |
| South Kohala | 7         | 11         | 18         |
| Other        | 0         | 13         | 13         |
| Omitted*     | --        | --         | 10         |

\*(Could not be categorized)

Each page of this report includes a legend in the center that describes each response category. The number of responses in each section is listed in the legend (denoted as “N”). Note that not all respondents completed every question.

Legend

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Preliminary analysis of the results finds strong consensus for some survey questions that provide interesting insights.

On prompt 2: *“I would like to see Action Committees have more control over the content/direction of their work”*, 78% of Action Committee member respondents answered in agreement with roughly half of those respondents choosing “strongly agree” – there was only one AC member who disagreed with the statement.



On prompt 4: *“Action Committee members often see the results of their work”*, 59% of Action Committee respondents answered disagree or strongly disagree. About a quarter of Action Committee members were in agreement.

On prompt 14: *“County processes slow down (and sometimes prevent) CDP implementation and Action Committee progress”*, 75% of Action Committee respondents agreed with only one member who disagreed with the statement.







On prompt 17: “*Community engagement should be a reciprocal learning process (County teaches community and community teaches County)*”, none of the Action Committee respondents disagreed, resulting in a 97% rate of agreement, 28% selected strongly agree.

Additional interpretation and specific recommendations in response to these survey results are intended to come about through further collaboration with interested Action Committee and community members. We note that this survey was conducted shortly after an announcement regarding staffing shortages in the Planning Department. This may have influenced some responses that expressed, among other things, a fear of “getting rid of ACs” or “halting implementation of CDPs”. The intention behind this survey is very much the opposite. We wish to better understand the thoughts of our participants to build a stronger program moving forward. We hope this report demonstrates our desire to strengthen partnerships, find solutions to ensure ongoing community-based implementation of CDPs, and reinforce our commitment to transparency in the process.

For any questions or additional comments please contact Heather Bartlett of this office at [heather.bartlett@hawaiicounty.gov](mailto:heather.bartlett@hawaiicounty.gov) or [CDP@hawaiicounty.gov](mailto:CDP@hawaiicounty.gov).

With aloha,

*Zendo Kern*

Zendo Kern (Feb 3, 2023 08:36 HST)

Zendo Kern, Planning Director

Appendix C. Supplemental File: Action Committee Survey Correlation Table

Due to its size and margin requirements, *Appendix C: Action Committee Survey Correlation Table* may be found as a supplemental file attached to this thesis.

File name: Action Committee Survey Correlation Table

Type: PDF

File size: 158 KB

Required software: Adobe Acrobat Reader, web browser

Appendix D. Office of Information Practices Opinion Letter No. 05-01



LINDA LINGLE  
GOVERNOR  
  
JAMES R. AIONA, JR.  
LIEUTENANT GOVERNOR

STATE OF HAWAII  
OFFICE OF THE LIEUTENANT GOVERNOR  
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January 19, 2005

Mr. James Gonser  
Reporter  
The Honolulu Advertiser  
305 Kapiolani Boulevard  
Honolulu, Hawaii 96801

Mr. Benjamin B. Lee  
Managing Director  
Office of the Managing Director  
City and County of Honolulu  
Honolulu, Hawaii 96813

Re: Downtown Homeless Task Force (RFO-P 04-005)

Dear Messrs. Gonser and Lee:

Mr. James Gonser wrote to the Office of Information Practices ("OIP") in April 2004 to request an opinion as to whether part I of chapter 92, Hawaii Revised Statutes, the "Sunshine Law," applied to the Downtown Homeless Task Force of the City and County of Honolulu ("City"). Mr. Gonser stated that he had tried to attend a meeting of the group, but was asked to leave. In response to a request from OIP, Mr. Benjamin B. Lee wrote to OIP on October 28, 2004, providing information about the history and operations of the Downtown Homeless Task Force. OIP's statement of the facts, below, is based on Mr. Lee's letter.

**ISSUE PRESENTED**

Is the Downtown Homeless Task Force a board subject to the Sunshine Law?

**BRIEF ANSWER**

No. The Downtown Homeless Task Force does not "take official actions," because it does not create recommendations that are to be acted upon by the City.

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See Haw. Rev. Stat. § 92-2(1) (1993). Instead, the members agree on behalf of the various organizations they represent to seek solutions to problems identified by the group. In addition, the group is not “required to conduct meetings” because the group does not need a quorum to reach a decision, so its meetings are not “meetings” as the term is defined in the Sunshine Law. See Haw. Rev. Stat. § 92-2(1) and (3) (1993).

## **FACTS**

### **I. TASK FORCE FORMATION**

In March 2002, the City removed benches that had previously been on Fort Street Mall. As a result of the removal, homeless service providers complained to City that they couldn’t find their clients anymore. These complaints spurred the City to convene an “ad hoc committee” to address issues of homelessness.

Mr. Lee first contacted Susan Au Doyle of the Aloha United Way and the Reverend Dan Chun of the First Presbyterian Church of Honolulu. Ms. Au Doyle and Reverend Chun had been participating in the Hawaii Together Task Force convened by then-Governor Benjamin Cayetano, and through that group knew some advocates and organizations involved in issues of homelessness. Ms. Au Doyle and Reverend Chun suggested some possible members for an ad hoc committee, and the City identified other stakeholders in the issue – businesses, nonprofit organizations, homeless service providers, and agencies of the federal, state, and City governments. Once the potential members were identified, Mr. Lee’s office invited them to participate by telephone.

### **II. TASK FORCE MEMBERSHIP**

The group that was formed at Mr. Lee’s invitation was called the “Community Approach to Addressing Homelessness on Oahu” and, more recently, the “Downtown Homelessness Task Force” (“Task Force”). It originally had 31 members. Since then, some of the original participants have asked to be removed from the list and others have not responded to notices of upcoming meetings. Approximately speaking, half the Task Force’s members represent government agencies, of which half are from assorted City agencies and half from federal or state agencies. One quarter of the members represent homeless service organizations or similar nonprofit organizations; and the remaining quarter represent businesses or other organizations with general concerns about the issue of homelessness (e.g., a downtown theater and a church).

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### **III. MEETING MECHANICS**

Although the Task Force had hoped to meet monthly, in practice it has met far less frequently. The group met six times in 2002 (in March, July, August, September, October, and December), once in January 2003, and twice in 2004 (in March and July). As the past meetings reflect, the group has not followed a regular meeting schedule. Future meetings are set up when necessary.

The Task Force does not check for a quorum of members at its meetings, and it does not typically vote to reach decisions. Instead, the group reaches a consensus through facilitated discussion. Ms. Au Doyle and Reverend Chun co-facilitated the Task Force's meetings in 2002 and 2003. For the two meetings in 2004, Reverend Chun dropped out and Mr. Michael Amii, the Director of the City Department of Community Services, took his place as co-facilitator.

The Task Force receives some administrative support from the City in setting up its meetings. Mr. Lee's Executive Assistant/Administrative Assistant notifies the Task Force members of meetings by e-mail (for most), telephone, or mail, and reserves a meeting room in City Hall. Mr. Lee's Assistant also prepares and distributes an "overview report" after each Task Force meeting.

### **IV. TASK FORCE FUNCTION AND DUTIES**

The Task Force was intended to do two things: first, to identify problems resulting from the homeless population, and second, to achieve specific, cooperative solutions to those problems through group members working together and pooling resources. Mr. Lee evidently has tracked the progress of the Task Force and its discussions in the course of providing administrative support for it, and as noted previously approximately one quarter of the Task Force members were from the City (representing five different offices or departments). However, there is no indication that the Task Force was tasked with providing recommendations (such as a proposed policy or projects) for action by a particular City agency, such as the Mayor's office, the City Council, or a particular City Department.

The actions taken by the Task Force have been consistent with the group's intent. The Task Force members agreed to try to do something for homeless in Ala Moana to Iwilei area, as most complaint calls to the City are associated with the Downtown/Fort Street Mall homeless population. The members identified three needs in that area, for which they agreed to find solutions: (1) availability of restroom facilities, (2) a drop-in center for the homeless to seek services, and (3) office space for health care providers servicing the homeless.

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## DISCUSSION

To come within the jurisdiction of the Sunshine Law, a group must satisfy each of five elements. OIP Op. Ltr. 01-01 at 11 (April 6, 2001). A board must be:

(1) an agency, board, commission, authority, or committee of the State or its political subdivisions; (2) which is created by constitution, statute, rule, or executive order; (3) to have supervision, control, jurisdiction, or advisory power over specific matters; (4) which is required to conduct meetings; and (5) which is required to take official actions.

Id. The City argues that the Task Force is not a board for purposes of the Sunshine Law because: (1) the Task Force was not created by constitution, statute, rule, executive order; (2) the Task Force was not expressly required to meet; and (3) the Task Force was not expressly required to take official actions.

### **I. OFFICIAL ACTIONS**

In determining whether a group takes official actions, OIP looks to governmental expectations for the group and to what the group actually does. For instance, in OIP Opinion Letter Number 01-01, OIP concluded that Vision Teams took official actions because they were established by the City to make, and did make, capitol improvement recommendations that the City then acted on. OIP Op. Ltr. No. 01-01 at 22-23 (April 6, 2001). The Task Force, by contrast, was not created with the intent that it have advisory power over specific City matters, but instead has acted as a forum for representatives of the City, the state and federal governments, and private organizations to cooperatively address an issue of common concern.

The Task Force does not, as a body, provide recommendations to the City for implementation by the City. Instead, its members agree to find solutions to the issues identified by group consensus and to cooperate with other members to implement solutions. Each organization that is represented in the Task Force's membership is expected to find its own way to contribute to solving the problems identified by the Task Force. It is true that some Task Force members represent City departments, which would then be expected to take some sort of appropriate action based on the issues identified by the Task Force. However, the majority of the Task Force members are not from the City at all.

The Task Force's function and actions may be distinguished from those of the Vision Teams at issue in OIP Opinion Letter Number 01-01. The Vision Teams involved citizens from various backgrounds coming together as a group to make

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recommendations to the City administration, which was then expected to (and did) consider and act on the recommendations. The members brought their individual backgrounds and viewpoints to the table to contribute to making recommendations, but were not acting on their own behalf or as representatives of other organizations they might be connected to in the sense of agreeing to take some sort of action themselves. In this situation, by contrast, the members participated as representatives of their various organizations, who were agreeing on behalf of their organizations to take cooperative action toward solving problems that the group identified. They were not merely contributing their knowledge to help the City create a sound policy, but instead were expected to take action themselves to resolve the problems identified by the group.

Thus, OIP concludes that the Task Force did not take “official action” because it identified problems for each of its members to act on (including members representing the City), rather than presenting a recommended course of action to the City. The Task Force was a mechanism for enhancing the cooperation between the City, the federal and state governments, and various private organizations, rather than an advisory body charged with developing recommendations for the City alone to implement.

## II. REQUIRED TO CONDUCT MEETINGS

The City relies on the lack of an express requirement for the Task Force to hold meetings for its conclusion that the Task Force did not meet the “required to conduct meetings” element of a board. A group need not be expressly required to meet for this test to be met: the fact that it does, in fact, meet, is enough. OIP Op. Ltr. No. 01-01 at 16-22 (April 6, 2001). However, the term “meeting” has a specific definition in the Sunshine Law. A “meeting” is:

[T]he convening of a board for which a quorum is required in order to make a decision or deliberate toward a decision. . . .

Haw. Rev. Stat. § 92-2(3) (1993). The Task Force does not check for a quorum of its membership before meeting, even though the Task Force has a fixed membership and it could be readily determined whether a quorum of the membership was present.<sup>1</sup> The Task Force’s lack of concern about quorum is consistent with the fact

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<sup>1</sup> In OIP Opinion Letter Number 01-01, OIP found that the Vision Teams were a board for which quorum was required even though they did not routinely check for quorum before meeting. OIP Op. Ltr. No. 01-01 at 16-22 (April 6, 2001). That result was based on the peculiar nature of Vision Team membership: the Vision Teams treated everyone who showed up at a particular meeting as members for the purpose of that meeting, and deliberated and made decisions based on the majority vote of those present. *Id.* Based on the Vision Teams’ own meeting procedures, OIP concluded that the default quorum requirement of section 92-15, Hawaii Revised Statutes, applied to them. *Id.*

Mr. James Gonser  
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that it typically reaches its decisions by consensus rather than a majority vote of members attending a meeting. OIP concludes that the Task Force is not a board for which quorum is required to make or deliberate toward a decision. Thus, OIP further finds that the Task Force does not hold “meetings” as that term is defined in the Sunshine Law.

### CONCLUSION

The Task Force does not “take official actions,” because it does not create recommendations that are to be acted upon by the City. See Haw. Rev. Stat. § 92-2(1) (1993). Instead, the members agree on behalf of the various organizations they represent to seek solutions to problems identified by the group. In addition, the group is not “required to conduct meetings” because the group does not need a quorum to reach a decision, so its meetings are not “meetings” as the term is defined in the Sunshine Law. See Haw. Rev. Stat. § 92-2(1) and (3) (1993). Because the Task Force does not meet at least two of the five elements of the Sunshine Law’s definition of a board, OIP concludes that the Task Force is not a board subject to the Sunshine Law.

If you have further questions about this matter or the Sunshine Law in general, please do not hesitate to contact OIP.

Very truly yours,

Jennifer Z. Brooks  
Staff Attorney

APPROVED:

Leslie H.Kondo  
Director

JZB:os



Appendix E. Office of Information Practices Opinion Letter No. 08-02



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The Office of Information Practices (“OIP”) is authorized to issue this advisory opinion concerning compliance with part I of chapter 92, Hawaii Revised Statutes (“HRS”) (the “Sunshine Law”) pursuant to section 92F-42(18), HRS.

**OPINION**

**Requester:** Council Member Charles K. Djou  
**Board:** Boards, Generally  
**Date:** July 28, 2008  
**Subject:** Boards Created by Resolution (S RFO-G 09-01)

**REQUEST FOR OPINION**

Requester seeks an advisory opinion on whether a task panel created by resolution of the Honolulu City Council (the “Council”) is a “board” subject to the Sunshine Law.

In March 2008, Requester asked OIP to investigate whether members of the City Mass Transit Technical Expert Panel (the “Transit Panel”) had violated the Sunshine Law. A threshold question there was whether the Transit Panel, created by Council resolution, was a board subject to the Sunshine Law. Because the Council decided after consultation with OIP to have the Transit Panel comply with the Sunshine Law, OIP did not need to answer that threshold question. Instead, OIP solely addressed, by memorandum opinion dated April 14, 2008, the question of whether the Sunshine Law had been violated by certain actions of the Transit Panel’s members.

Although the question of whether the Transit Panel did in fact fall under the Sunshine Law’s definition of “board” was no longer at issue, Requester subsequently asked OIP to opine generally on whether a panel created by Council resolution does fall under that definition. OIP responds to that question generally, but also specifically addresses whether a task panel, such as the Transit Panel, may be

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subject to the Sunshine Law.<sup>1</sup> Because the circumstances surrounding a specific panel may be relevant to the question, OIP advises that each panel or other body<sup>2</sup> should be reviewed on a case-by-case basis in accordance with the following guidance.

### **QUESTIONS PRESENTED**

1. Whether a task panel created by Council resolution falls within the definition of “board” under the Sunshine Law.
2. Whether a task panel created by a Sunshine Law board may be subject to the Sunshine Law where the panel is delegated the authority to act on a matter that is the official business of the Sunshine Law board.

### **BRIEF ANSWERS**

1. No. Under a plain reading of the Sunshine Law’s definition of “board,” a task panel or other body created by or pursuant to a “resolution” of county (or state) government generally does not fall within that definition.
2. Yes. OIP believes that a task panel or other body created by a Sunshine Law board is subject to the Sunshine Law where circumstances show that, by delegation of authority from that board, it is, in fact, acting in place of that board on a matter that is the official business of that board.

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<sup>1</sup> The Transit Panel consisted of five persons, none of whom were Council members. However, we note that this opinion applies equally to groups formed by a Sunshine Law board that consist of persons other than, as well as in addition to, the Sunshine Law board’s members. Where subgroups are formed that consist entirely of members of a Sunshine Law board, OIP has previously opined that these groups must either be formed as an investigative task force under section 92-2.5, HRS, or must independently comply with the Sunshine Law’s provisions. See OIP Op. Ltr. No. 03-07 (concurring with reasoning in Attorney General Opinion Number 85-27 that “definition of ‘board’ in section 92-2(1) cannot be interpreted to permit members of a board to evade the open meeting requirements of the Sunshine Law by merely convening themselves as ‘committees,’ . . . Failure to subject meetings of the committees to the same requirements as the parent body would allow a committee to do what the parent itself is prohibited from doing.”); OIP Op. Ltr. No. 08-01 at 3-4 & n.4.

<sup>2</sup> This opinion applies to any type of “committee” created, whether called a committee, task panel, working group, or otherwise. See Haw. Rev. Stat. § 92-2(1) (1993) (“Board’ means any agency, board, commission, authority, or committee . . . .”); Black’s Law Dictionary 288 (8<sup>th</sup> ed. 2004) (“committee” is defined as “[a] subordinate group to which a deliberative assembly or other organization refers business for consideration, investigation, oversight, or action . . . .”).

## FACTS

The Council acts by ordinance, which is a legislative act, or by resolution, which is a non-legislative act that does not have the force or effect of law:

Every legislative act of the council shall be by ordinance. Non-legislative acts of the council may be by resolution, and except as otherwise provided,<sup>3</sup> no resolution shall have force or effect as law. . . .

Rev. Charter of Honolulu § 3-201, 2000 Ed., 2003 Supp. Procedures for the passage of the Council’s ordinances and resolutions differ. For example, ordinances may be passed only after three readings on separate days, must be advertised in a daily newspaper of general circulation, and must be presented to the mayor for approval. See id. at §§ 3-202.1, -202.8, and -303.1. Resolutions, on the other hand, may be adopted on one reading, generally need not be advertised, and except for resolutions authorizing eminent domain proceedings, are not presented for mayoral approval. See id. at §§ 3-202.6, -202.8, and -202.9.

## DISCUSSION

The Sunshine Law defines a “board” subject to its terms as follows:

- (1) “Board” means any agency, board, commission, authority, or committee of the State or its political subdivisions **which is created by constitution, statute, 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.

Haw. Rev. Stat. § 92-2(1) (1993) (emphasis added). In analyzing whether an entity falls under this definition, we have previously sought guidance from the Hawaii Supreme Court memorandum opinion in Green Sand Cmty. Ass’n v. Hayward, Civ. No. 93-3259 (Haw. 1996) (mem.). See OIP Op. Ltr. No. 01-01 (recognizing that such memorandum opinion may not be cited as precedent before the Hawaii courts but adopting the test articulated therein as its own).

As the Court there stated, “[t]he definition of “board” in section 92-2(1), HRS, contains five distinct elements. A ‘board’ is: (1) an agency, board, commission, authority, or committee of the State or its political subdivisions; (2) **which is created by constitution, statute, rule, or executive order**; (3) to have

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<sup>3</sup> For example, it appears that resolutions authorizing proceedings in eminent domain are such an exception provided for under section 3-202.9 of the Revised Charter of Honolulu.

supervision, control, jurisdiction or advisory power over specific matters; (4) which is required to conduct meetings; (5) and which is required to take official actions.” Id. at 11 (quoting Green Sand at 9) (emphasis added). Consistent with that opinion, OIP looks to whether an entity meets all five elements to determine whether it is a “board” as defined by the Sunshine Law.

The question presented here requires interpretation of the second element. Specifically, OIP must determine whether the phrase “created by constitution, statute, rule, or executive order” also includes creation by “resolution.” Based upon rules of statutory construction, OIP believes that it does not.

In construing the language of a statute, Hawaii courts follow these established rules of statutory construction:

First, the fundamental starting point for statutory interpretation is the language of the statute itself. Second, where the statutory language is plain and unambiguous, our sole duty is to give effect to its plain and obvious meaning. Third, implicit in the task of statutory construction is our foremost obligation to ascertain and give effect to the intention of the legislature, which is to be obtained primarily from the language contained in the statute itself. Fourth, when there is doubt, doubleness of meaning, or indistinctiveness or uncertainty of an expression used in a statute, an ambiguity exists.

Olelo: The Corp. for Cmty. Television v. Office of Information Practices, 116 Haw. 337, 344, 173 P.3d 484, 491 (2007) (citing Peterson v. Hawaii Elec. Light Co., Inc., 85 Haw. 322, 327-28, 944 P.2d 1265, 1270-71 (1997)). Courts will look to the “general or popular use or meaning” of words in a statute and may rely upon legal and lay dictionaries as extrinsic aids. Id. at 349, 173 P.3d at 496; Haw. Rev. Stat. § 1-14 (1993).

As a threshold matter, we note that a plain reading of the terms “constitution, statute, rule, or executive order,” which clearly refer to state authority, creates an ambiguity under the statute because it is equally clear that the legislature intended the Sunshine Law to govern county boards, which are generally created under county authority. This intent is made clear by the language in the first element of the definition that includes boards “of the State or its political subdivisions” and by the explicit direction in section 92-71 that “[t]he provisions contained in this chapter shall apply to all political subdivisions of the State.” Haw. Rev. Stat. § 92-71 (1993); see S. Stand. Comm. Rep. No. 759-76, Haw.

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S.J. 1216, 1217 (1976); H. Stand. Comm. Rep. No. 580-76, Haw. H.J. at 1543, 1544 (1976).<sup>4</sup>

Given this clear intent, OIP believes that the terms “constitution, statute, rule, or executive order” must be read to refer to equivalent county authority, i.e. “charter, ordinance, rule or executive order (of the chief executive officer of the political subdivision)” to prevent rendering the above-quoted language in sections 92-2 and 92-71 insignificant. “It is a cardinal rule of statutory construction that a statute ought upon the whole be so constructed that, if it can be prevented, no clause, sentence or word shall be superfluous, void, or insignificant.” In re Honolulu Corp. Counsel, 54 Haw. 356, 373-374 (1973) (citing Application of Island Airlines, Inc., 47 Haw. 87, 112, 384 P.2d 536, 565 (1963); State v. Taylor, 49 Haw. 624, 425 P.2d 1014 (1967)). Consistent with this reading, the Hawaii Supreme Court has implicitly construed the second element of “board” to refer to equivalent county authority by applying the Sunshine Law to the Maui County Planning Commission, which is created by Maui County Charter provision. Chang v. Planning Comm’n, 64 Haw. 431, 438, 442 & n.12 (1982) (noting that blanket mandate of open meetings “is made applicable to all political subdivisions of the state by HRS § 92-71”); see Charter of the County of Maui § 8-8.4, 2003 ed.; see also Haw. Att. Gen. Op. 86-5 (1986) (in concluding that the Maui County Council was a “board” subject to the Sunshine Law, the attorney general construed the term “constitution” in section 92-2(1), HRS, broadly “to mean the written organic and fundamental law of a body which establishes the government thereof, rather than . . . to refer only to the state constitution” given legislative intent to subject county agencies, boards,

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<sup>4</sup> The legislative history to section 92-71 reads as follows:

This bill further amends Chapter 92, Hawaii Revised Statutes, by adding a new section dealing with the applicability of various provisions of said Chapter to the political subdivisions of the State. This amendment provides that in the event that any political subdivision of the State has provisions relating to open meetings which are more stringent than Chapter 92, Hawaii Revised Statutes, then the more stringent provisions of the charter, ordinance, or otherwise, of the political subdivision shall apply. The purpose of this amendment is to clarify the fact that it was not the intent of the Legislature, in enacting the Sunshine Law, to unintentionally dilute the existing open meeting requirements of the various county charters and ordinances when they were, in fact, more stringent than those of the Sunshine Law.

S. Stand. Comm. Rep. No. 759-76, Haw. S.J. at 1217; H. Stand. Comm. Rep. No. 580-76, Haw. H.J. at 1544.

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commissions and committees to the Sunshine Law and the statute's policy and intent).<sup>5</sup>

We now address the general issue raised here of whether the Sunshine Law governs a board created by a "resolution" adopted by an official or body of either state or county government. The Hawaii courts have not yet addressed this question.

As discussed above, the terms "constitution, statute, rule, or executive order" create some ambiguity as to whether they should be read to include their county equivalents. With respect to whether they should be read to include "resolution," however, OIP finds that those terms, read alone or in the context of the entire statute, generally do not create a "doubt, doubleness of meaning, or indistinctiveness or uncertainty of an expression" because each of these terms have specific and distinct meanings.

The plain and obvious meanings of the terms "constitution, statute, rule, or executive order" do not include a "resolution." See Black's Law Dictionary 330, 1448, 1357, 610. More specifically, a resolution generally<sup>6</sup> does not fall within the

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<sup>5</sup> The Department of the Attorney General (the "AG"), who shared and shares enforcement power under the Sunshine Law with the Department of the Prosecuting Attorney, issued formal advisory opinions concerning the Sunshine Law prior to OIP being charged with administration of the statute in 1998. Haw. Rev. Stat. § 92-12 (1993). However, unlike OIP, the AG was not specifically authorized to provide administrative interpretation and resolution of complaints. Haw. Rev. Stat. §§ 92F-42(18), 92-1.5 (Supp. 2007). Thus, AG opinions are cited for more general guidance only.

<sup>6</sup> OIP believes there are specific types of resolutions that may fall within the definition of "statute." Specifically, there are instances in which resolutions are legislative pronouncements, i.e., they have the force and effect of law and are subject to executive veto. See e.g., Rev. Charter of Honolulu § 6-1511, 2000 Ed., 2003 Supp. ("council shall adopt the general plan or revisions thereof by resolution" which is then presented for mayoral approval under the same procedures as bills); Lum Yip Kee, Ltd. v. City and County of Honolulu, 70 Haw. 179, 767 P.2d 815 (1989) ("enactment of and amendments to development plans constitute legislative acts of the City Council") (citing Kailua Cmty. Council v. City & County, 60 Haw. 428, 432, 591 P.2d 602, 605 (1979)); Life of Land v. City Council of Honolulu, 61 Haw. 390, 424, 606 P.2d 866, 887 (1980) (veto power of the Mayor, which serves the principle of checks and balances, extends to ordinances, resolutions authorizing proceedings in eminent domain, and resolutions adopting or amending the General Plan); Black's Law Dictionary 1337 (a "joint resolution" "has the force of law and is subject to executive veto."). However, because these types of resolutions are used for specific purposes generally provided for by statute or ordinance and because OIP is unaware of any instance in which they are used to create boards, OIP does not address them here. See e.g., Haw. Rev. Stat. § 6E-52 (1993) (specifying that certain lands shall be

definition of “statute,” which means “[a] law passed by a legislative body; specifically, legislation enacted by any lawmaking body, including legislatures, administrative boards, and municipal courts.” *Id.* 1448 (emphasis added). A “resolution,” whether by legislative or other body, whether simple or concurrent, has a distinct meaning: it is a formal expression of a body’s opinion or desired action that does not have the force of law. See *Black’s Law Dictionary* 1337; Rev. Charter of Honolulu § 3-201 (“Non-legislative acts of the council may be by resolution, and except as otherwise provided, no resolution shall have force or effect as law.”). Specifically, it is defined as “[a] main motion that formally expresses the sense, will, or action of a deliberative assembly (esp. a legislative body).” *Black’s Law Dictionary* 1337.

Under these plain meanings, thus, an ordinary resolution cannot be considered to be a “statute.” Further, nothing in the remaining provisions of the Sunshine Law or its legislative history indicates that the legislature intended a Sunshine Law “board” to have an official existence other than as authorized by “constitution, statute, rule, or executive order” or, as explained above, their county counterparts. See S. Stand. Comm. Rep. No. 759-76, Haw. S.J. at 1216; H. Stand. Comm. Rep. No. 580-76, Haw. H.J. at 1543.

OIP acknowledges that, as a practical matter, a task force created by the legislature through concurrent resolution may have the same purpose and effect as one created by the legislature through statute. However, given the above analysis, OIP believes that it must not read into the definition a distinct term that the legislature chose not to include. It is the legislature’s function to determine public policy and to accordingly define the parameters of the Sunshine Law’s application. See *In re Water Use Permit Applications*, 94 Haw. 97, 196, 9 P.3d 409, 508 (2000) (Ramil, J., dissenting), *vacated in part*, 105 Haw. 1, 93 P.3d 643 (2004) (legislature determines public policy and separation of powers doctrine requires that executive agency not transcend its statutory authority when interpreting law); see also *Olelo*, 116 Haw. at 346, 173 P.3d at 493 (threshold issues relating to the applicability of chapter 92F, HRS, defined by the legislature). Accordingly, under a plain reading of the definition’s terms, we must find that a task panel created by Council resolution falls outside the definition of “board” and, therefore, outside the ambit of the Sunshine Law.

We next address the specific question of whether a body created by Council resolution and delegated an official function, such as the Transit Panel, may be subject to the Sunshine Law even though it does not fall within the definition of “board.” As explained above, OIP did not have reason to opine on the Transit Panel and, therefore, OIP did not complete its investigation into the circumstances

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used to create living war memorial as provided by Act 288, Session Laws of Hawaii 1949, as amended by Joint Resolution 37, Session Laws of Hawaii 1951).

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surrounding the Transit Panel. For that reason, OIP does not hereby render an opinion on the Transit Panel, but merely uses it as an example for guidance purposes only.

The Council resolution creating the Transit Panel instructs the panel “to perform the evaluation and the final technology selection for the fixed guideway” for the City and County of Honolulu’s proposed mass transit system. See Council Resolution No. 07-376, CD1, FD1 (B). In a letter to OIP dated March 14, 2008, Requester stated that the Office of the Corporation Counsel had opined that the decision made by the Transit Panel would, absent council action, be “an official action and the final government decision on the fixed guideway technology selection.” Selection of the guideway technology system was apparently a matter upon which the Council was to take official action. See id.

A board, as defined by the Sunshine Law, must conduct its official business in meetings open to the public unless otherwise provided by the constitution or in the statute. Haw. Rev. Stat. § 92-3 (1993). OIP agrees with the general rule adopted by other jurisdictions that, where a board governed by the Sunshine Law delegates its duties or powers to another entity, the policies underlying an open meetings law require that that entity also comply with the Sunshine Law because it is functioning in place of the Sunshine Law board with respect to the delegated authority. See News-Press Publishing Co., Inc. v. Carlson, 410 So. 2d 546, 547-8 (Fla. App. 1982) (public hospital board’s delegation of its responsibility to prepare hospital’s budget and “[t]he preponderant interest of allowing the public to participate in the conception of a complex multimillion dollar budget” justified placing the ad hoc committee it created in the shoes of the board for application of its Government in the Sunshine Law; court noted that one purpose of that law “is to prevent at nonpublic meetings the crystallization of secret decisions to a point just short of ceremonial acceptance” and that the \$35 million dollar budget “was conceived during a several month period but approved by ceremonial acceptance of the board with very little discussion” (citation omitted)); Red & Black Publishing Co. v. Board of Regents, 262 Ga. 848, 427 S.E.2d 257 (1983) (although student Organization Court, created by delegated authority of the Board of Regents, did not fit the literal language as a “governing body,” court found it “stands in the place of, and is equivalent to the Board of Regents and the University under the Open Meetings Act” because, having been delegated official responsibility and authority, the Organization Court “is the *vehicle* by which the University carries out its responsibility” to regulate social organizations); Town of Palm Beach v. Gradison, 296 So. 2d 473, 475 (1974) (nature and function of citizen’s advisory committee, created by town council to make tentative decisions guiding the zoning planners and advising the Council as to their ultimate zoning ordinances, reached the status of a board or commission that must comply with the sunshine law; “Council delegated to the committee much of their administrative and legislative decisional zoning formulation authority which is ordinarily exercised by a city-governing body

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itself - and particularly the position of the process where the affected citizens expect to be officially heard.”); Ind. Code § 5-14-1.5-2(b) (defining “governing body” for purposes of Indiana’s Open Door Law to include “any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated.”).

Such a construction “is consistent with the legislature’s [d]eclaration of policy and intent,’ set forth in HRS § 92-1 (1985), ‘that the formation and conduct of public policy – the discussions, deliberations, decisions, and action of governmental agencies – shall be conducted as openly as possible’ in order ‘to protect the people’s right to know . . . .” Kaapu v. Aloha Tower Dev. Corp., 74 Haw. 365, 383, 846 P.2d 882, \_\_\_ (1993). Moreover, similar to the court in Carlson, we believe that to conclude otherwise would create a ludicrous result in that actions taken in closed meetings by subordinate groups created by and given the authority of a Sunshine Law board would be allowed, whereas those same actions taken by the board itself in a closed meeting would be voidable:

We agree with the holding of the Fourth District Court of Appeal in the case of IDS Properties, Inc. v. Town of Palm Beach that it would be ludicrous to invalidate the actions of a public body where said actions are the results of secret meetings of that body, while at the same time giving approval to similar actions resulting from the secret meetings of committees designated by, or acting under the authority of, the public body.

Carlson, 410 So. 2d at 548. See generally Haw. Att. Gen. Op. 85-27, supra note 1, at 2; see Haw. Rev. Stat. § 92-11 (Supp. 2007).

Lastly, we believe that allowing Sunshine Law boards to create subordinate groups that may meet in private on matters that the Sunshine Law board delegated and which the board would have to deliberate in an open meeting, would provide a means for boards to circumvent the open meetings requirement of the Sunshine Law. We do not have any reason to believe that Sunshine Law boards do so to deliberately attempt to circumvent the statute. However, even a good faith delegation will result in taking the official business of a Sunshine Law board outside of the law’s open meeting requirements.

Accordingly, OIP believes that a task panel or other body created by resolution may be subject to the Sunshine Law where the surrounding circumstances show that it is, in fact, acting in the place of a board that is subject to the Sunshine Law through a delegation of that board’s powers and duties. These circumstances must necessarily be reviewed on a case-by-case basis.

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OIP notes, for guidance purposes only, that it thus believes that the Council created Transit Panel was subject to the Sunshine Law by virtue of the Council's delegation of authority to the panel to make the final selection<sup>7</sup> of the fixed guideway technology. Although we understand that the Council had legitimate reasons for doing so,<sup>8</sup> OIP believes that allowing a subordinate group of the Council to meet in private to act on a matter of Council business would contravene the policies and intent underlying the Sunshine Law to allow the public to participate in the formation of public policy. Clearly, the public had a preponderant interest in, and an expectation to be officially heard early in the process on, a decision as important and far reaching as the choice of the City and County's mass transit system.

### **RIGHT TO BRING SUIT**

Any person may file a lawsuit to require compliance with or to prevent a violation of the Sunshine Law or to determine the applicability of the Sunshine Law to discussions or decisions of a government board. Haw. Rev. Stat. § 92-12 (1993).

### **OFFICE OF INFORMATION PRACTICES**

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APPROVED:

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<sup>7</sup> We note our belief that the Transit Panel would have been subject to the Sunshine Law under the analysis set forth even if the Council decided to vote to ratify the Transit Panel's determination. We believe that concluding otherwise could prevent public participation at the conception point, which is what the Sunshine law intends. We agree with courts of other jurisdictions that find it is contrary to the policy of open meetings laws to allow "at nonpublic meetings the crystallization of secret decisions to a point just short of ceremonial acceptance." Carlson, 410 So. 2d at 547-8 (citation omitted).

<sup>8</sup> To be clear, we do not, by this opinion, find or imply any intent by the Council members to circumvent the Sunshine Law.

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