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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

August 31, 2017

Director of Council Services
Sandy K. Baz

OFFICE OF THE COUNTY CLERK
County of Maui

SEP 01 2017 9:33a.m. *JB*

Mr. Danny A. Mateo, County Clerk
Office of the County Clerk
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Mateo:

SUBJECT: **RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO AMEND CHAPTER 92, HAWAII REVISED STATUTES, TO REQUIRE THAT THE LEGISLATURE ABIDE BY THE SUNSHINE LAW** (PAF 17-208)

May I request the attached proposed resolution, entitled "RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO AMEND CHAPTER 92, HAWAII REVISED STATUTES, TO REQUIRE THAT THE LEGISLATURE ABIDE BY THE SUNSHINE LAW," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike White".

MIKE WHITE
Council Chair

paf:jgk:17-208b

Enclosure

COUNTY COMMUNICATION NO. 17-348

Resolution

No. _____

RESOLUTION URGING THE HAWAII STATE
LEGISLATURE TO AMEND CHAPTER 92,
HAWAII REVISED STATUTES, TO REQUIRE
THAT THE LEGISLATURE ABIDE BY THE
SUNSHINE LAW

WHEREAS, Part I of Chapter 92, Hawaii Revised Statutes (“HRS”), also known as the Sunshine Law, requires open public meetings; and

WHEREAS, the Sunshine Law regulates the manner in which all state and county boards conduct their official business; and

WHEREAS, the Sunshine Law defines a “board” to mean, “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”; and

WHEREAS, in Section 92-1, HRS, the State Legislature promotes the wisdom of the Sunshine Law by stating, “Governmental agencies exist to aid the people in the formation and conduct of public policy”; and further, “Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public’s interest”; and

WHEREAS, despite the touted importance of holding meetings open to the public for all state and county boards, by Section 92-10, HRS, the State Legislature has authorized itself to adopt rules and procedures that take precedence over the Sunshine Law; and

WHEREAS, although Article III, Section 10, of the Constitution of the State of Hawaii limits regular sessions of the Legislature to a period of 60 days, the Legislature may propose an amendment to the Constitution to extend the session, thereby allowing additional opportunities for posting agendas and otherwise complying with the requirements of the Sunshine Law to promote transparency in government; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges the Hawaii State Legislature to amend Chapter 92, Hawaii Revised Statutes, to require that the Legislature abide by the Sunshine Law and be equally obligated to protect the public's interest; and
2. That certified copies of this Resolution be transmitted to all members of the Hawaii State Legislature; Alan M. Arakawa, Mayor, County of Maui; The Civil Beat Law Center for the Public Interest; Common Cause Hawaii; and the League of Women Voters.