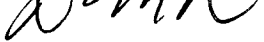


August 23, 2016

MEMO TO: PIA-3(2) File

F R O M: Michael P. Victorino, Chair   
Policy and Intergovernmental Affairs Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
2017 HAWAII STATE ASSOCIATION OF COUNTIES (HSAC)  
LEGISLATIVE PACKAGE** (PIA-3(2))

The attached legislative proposal pertains to Item 3(2) on the Committee's agenda.

pia:ltr:003(2)amc01:kcw

Attachment

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE  
ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE  
A BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND  
COMMUNITY MEETINGS

WHEREAS, the State Sunshine Law (Part I, Chapter 92, Hawaii Revised Statutes) has been interpreted to restrict Councilmembers' attendance at public events, such as community and educational meetings; and

WHEREAS, the Sunshine Law is a serious matter, as violations carry potential criminal and civil penalties; and

WHEREAS, to better serve their constituents in a well-informed, transparent, and responsive manner, Councilmembers should be encouraged to freely attend community and educational meetings, without fear of violating the Sunshine Law; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," enabling Councilmembers to freely attend community and educational meetings, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a certified copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1.   Section 92-2.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           **"§92-2.5 Permitted interactions of members.**   (a) Two  
4 members of a board may discuss between themselves matters  
5 relating to official board business to enable them to perform  
6 their duties faithfully, as long as no commitment to vote is  
7 made or sought and the two members do not constitute a quorum of  
8 their board.

9           (b) Two or more members of a board, but less than the  
10 number of members which would constitute a quorum for the board,  
11 may be assigned to:

12           (1) Investigate a matter relating to the official business  
13 of their board; provided that:

14                   (A) The scope of the investigation and the scope of  
15 each member's authority are defined at a meeting of the board;

16                   (B) All resulting findings and recommendations are  
17 presented to the board at a meeting of the board; and

18                   (C) Deliberation and decisionmaking on the matter  
19 investigated, if any, occurs only at a duly noticed meeting of  
20 the board held subsequent to the meeting at which the findings  
21 and recommendations of the investigation were presented to the  
22 board; or

23           (2) Present, discuss, or negotiate any position which the  
24 board has adopted at a meeting of the board; provided that the  
25 assignment is made and the scope of each member's authority is  
26 defined at a meeting of the board prior to the presentation,  
27 discussion, or negotiation.

**EXHIBIT "A"**

003(2)abill01

\_\_\_\_.B. NO. \_\_\_\_\_

1 (c) Discussions between two or more members of a board,  
2 but less than the number of members which would constitute a  
3 quorum for the board, concerning the selection of the board's  
4 officers may be conducted in private without limitation or  
5 subsequent reporting.

6 (d) Board members present at a meeting that must be  
7 canceled for lack of quorum or terminated pursuant to section  
8 92-3.5(c) may nonetheless receive testimony and presentations on  
9 items on the agenda and question the testifiers or presenters;  
10 provided that:

11 (1) Deliberation or decisionmaking on any item, for which  
12 testimony or presentations are received, occurs only at a duly  
13 noticed meeting of the board held subsequent to the meeting at  
14 which the testimony and presentations were received;

15 (2) The members present shall create a record of the oral  
16 testimony or presentations in the same manner as would be  
17 required by section 92-9 for testimony or presentations heard  
18 during a meeting of the board; and

19 (3) Before its deliberation or decisionmaking at a  
20 subsequent meeting, the board shall:

21 (A) Provide copies of the testimony and presentations  
22 received at the canceled meeting to all members of the board;  
23 and

24 (B) Receive a report by the members who were present  
25 at the canceled or terminated meeting about the testimony and  
26 presentations received.

27 (e) Two or more members of a board, but less than the  
28 number of members which would constitute a quorum for the board,  
29 may attend an informational meeting or presentation on matters  
30 relating to official board business, including a meeting of  
31 another entity, legislative hearing, convention, seminar, or  
32 community meeting; provided that the meeting or presentation is  
33 not specifically and exclusively organized for or directed  
34 toward members of the board. The board members in attendance  
35 may participate in discussions, including discussions among  
36 themselves; provided that the discussions occur during and as  
37 part of the informational meeting or presentation; and provided

\_\_\_\_.B. NO. \_\_\_\_\_

1 further that no commitment relating to a vote on the matter is  
2 made or sought.

3 At the next duly noticed meeting of the board, the board  
4 members shall report their attendance and the matters presented  
5 and discussed that related to official board business at the  
6 informational meeting or presentation.

7 (f) Discussions between the governor and one or more  
8 members of a board may be conducted in private without  
9 limitation or subsequent reporting; provided that the discussion  
10 does not relate to a matter over which a board is exercising its  
11 adjudicatory function.

12 (g) Discussions between two or more members of a board and  
13 the head of a department to which the board is administratively  
14 assigned may be conducted in private without limitation;  
15 provided that the discussion is limited to matters specified in  
16 section 26-35.

17 (h) Communications, interactions, discussions,  
18 investigations, and presentations described in this section are  
19 not meetings for purposes of this part.

20 (i)Notwithstanding subsection (e), members of a county  
21 council may jointly attend and speak at a community,  
22 educational, or informational meeting or presentation of another  
23 entity, including a legislative hearing, convention, seminar,  
24 conference, forum, debate, or community association meeting."  
25

26 SECTION 2. Statutory material to be deleted is bracketed  
27 and in strikethrough. New statutory material is underscored.

28 SECTION 3. This Act shall take effect upon its approval.  
29

30 INTRODUCED BY: \_\_\_\_\_  
31

32 pia:misc:003(2)abill01