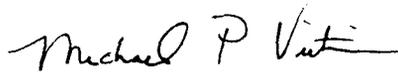


August 29, 2016

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  
LEGISLATIVE PACKAGE** (PIA-3(2))

The attached revised Bill for an Act Relating to Community Meetings simplifies the proposed amendment by clarifying that the restriction of Section 92-2.5 (e), Hawaii Revised Statutes, on the number of Councilmembers who may attend a community meeting does not apply. However, the revision preserves the safeguards of that section, including the reporting requirement, the prohibition against making or seeking a voting commitment, and that the meeting not be organized specifically for Councilmembers.

pia:ltr:003(2)02:scb

Attachment

RECEIVED AT PIA MEETING ON 8/29/16  
*from Committee Chair*

# 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.

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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

1 assignment is made and the scope of each member's authority is  
2 defined at a meeting of the board prior to the presentation,  
3 discussion, or negotiation.

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

9 (d) Board members present at a meeting that must be  
10 canceled for lack of quorum or terminated pursuant to section  
11 92-3.5(c) may nonetheless receive testimony and presentations on  
12 items on the agenda and question the testifiers or presenters;  
13 provided that:

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

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

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

24 (A) Provide copies of the testimony and presentations  
25 received at the canceled meeting to all members of the board;  
26 and

27 (B) Receive a report by the members who were present  
28 at the canceled or terminated meeting about the testimony and  
29 presentations received.

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

1 themselves; provided that the discussions occur during and as  
2 part of the informational meeting or presentation; and provided  
3 further that no commitment relating to a vote on the matter is  
4 made or sought.

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

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

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

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

22 (i) For meetings described in subsection (e), the  
23 limitation on number of attendees shall not apply to members of  
24 a county council."

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

27 SECTION 3. This Act shall take effect upon its approval.

28

29 INTRODUCED BY: \_\_\_\_\_

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31 pia:misc:003(2)abill03:scb