


August 23, 2016

MEMO TO: PIA-4(2) File

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

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO -  
2017 MAUI COUNTY LEGISLATIVE PACKAGE** (PIA-4(2))

The attached legislative proposal pertains to Item 4(2) on the Committee's agenda.

pia:ltr:004(2)amc02:kcw

Attachment

# Resolution

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

## APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY 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 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

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

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# A BILL FOR AN ACT

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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

EXHIBIT "A"

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1           (C) Deliberation and decisionmaking on the matter  
2 investigated, if any, occurs only at a duly noticed meeting of  
3 the board held subsequent to the meeting at which the findings  
4 and recommendations of the investigation were presented to the  
5 board; or

6           (2) Present, discuss, or negotiate any position which the  
7 board has adopted at a meeting of the board; provided that the  
8 assignment is made and the scope of each member's authority is  
9 defined at a meeting of the board prior to the presentation,  
10 discussion, or negotiation.

11          (c) Discussions between two or more members of a board,  
12 but less than the number of members which would constitute a  
13 quorum for the board, concerning the selection of the board's  
14 officers may be conducted in private without limitation or  
15 subsequent reporting.

16          (d) Board members present at a meeting that must be  
17 canceled for lack of quorum or terminated pursuant to section  
18 92-3.5(c) may nonetheless receive testimony and presentations on  
19 items on the agenda and question the testifiers or presenters;  
20 provided that:

21          (1) Deliberation or decisionmaking on any item, for which  
22 testimony or presentations are received, occurs only at a duly

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1 noticed meeting of the board held subsequent to the meeting at  
2 which the testimony and presentations were received;

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

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

9 (A) Provide copies of the testimony and presentations  
10 received at the canceled meeting to all members of the board;  
11 and

12 (B) Receive a report by the members who were present  
13 at the canceled or terminated meeting about the testimony and  
14 presentations received.

15 (e) Two or more members of a board, but less than the  
16 number of members which would constitute a quorum for the board,  
17 may attend an informational meeting or presentation on matters  
18 relating to official board business, including a meeting of  
19 another entity, legislative hearing, convention, seminar, or  
20 community meeting; provided that the meeting or presentation is  
21 not specifically and exclusively organized for or directed  
22 toward members of the board. The board members in attendance

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

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

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

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

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

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1        (i) Notwithstanding subsection (e), members of a county  
2   council may jointly attend and speak at a community,  
3   educational, or informational meeting or presentation of another  
4   entity, including a legislative hearing, convention, seminar,  
5   conference, forum, debate, or community association meeting."

6        SECTION 2. New statutory material is underscored.

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

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9                                    INTRODUCED BY: \_\_\_\_\_