

August 31, 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)amc04: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.____

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

EXHIBIT "A"

____.B. NO. _____

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

____.B. NO. _____

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:004(2)abill03:kcw