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OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: GET-3(2) File

F R O M: Tamara Paltin, Councilmember

*Tamara M Paltin*

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
2021 HAWAII STATE ASSOCIATION OF COUNTIES  
LEGISLATIVE PACKAGE** (PAF 20-143)

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

paf:kmatt:20-143c

Attachment

# Resolution

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

APPROVING FOR INCLUSION IN THE 2021  
HAWAII STATE ASSOCIATION OF COUNTIES  
LEGISLATIVE PACKAGE A STATE BILL  
RELATING TO MEETINGS BY INTERACTIVE  
CONFERENCE TECHNOLOGY

WHEREAS, members of the public and Councilmembers all found meetings by interactive conference technology to promote openness, efficiency, and safety; and

WHEREAS, the meetings were only made possible by the Governor's suspension of the Sunshine Law because of COVID-19; and

WHEREAS, with the existing Sunshine Law back in effect, meetings by video conference will likely cease, largely because telecommunications infrastructure can have occasional failures in various parts of the State; and

WHEREAS, Section 92-3.5(c), Hawaii Revised statutes requires immediate termination when there is an infrastructure failure causing inability for audio communication to be maintained with all locations where the meeting by interactive conference technology is being held; and

WHEREAS, it is important that a meeting of a Sunshine Law board not be suddenly adjourned when such a failure occurs; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," relating to meetings by interactive conference technology is approved for inclusion in the 2021 Hawaii State Association of Counties Legislative Package; and
2. That certified copies 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

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RELATING TO MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY.

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

1       SECTION 1.   In various parts of Maui County,  
2   telecommunications infrastructure can have occasional failures.  
3   To promote openness, efficiency, and safety by facilitating  
4   meetings by video conference, it is important that a meeting of  
5   a Sunshine Law board not be suddenly adjourned when such a  
6   failure occurs.

7       SECTION 2.   Section 92-3.5, Hawaii Revised Statutes, is  
8   amended to read as follows:

9       "§92-3.5   Meeting by interactive conference technology;  
10   notice; quorum.   (a) A board may hold a meeting by interactive  
11   conference technology; provided that the interactive conference  
12   technology used by the board allows interaction among all  
13   members of the board participating in the meeting and all  
14   members of the public attending the meeting, and the notice  
15   required by section 92-7 identifies all of the locations where



1 participating board members will be physically present and  
2 indicates that members of the public may join board members at  
3 any of the identified locations.

4 (b) Any board member participating in a meeting by  
5 interactive conference technology shall be considered present at  
6 the meeting for the purpose of determining compliance with the  
7 quorum and voting requirements of the board.

8 ~~[(c) A meeting held by interactive conference technology~~  
9 ~~shall be terminated when audio communication cannot be~~  
10 ~~maintained with all locations where the meeting by interactive~~  
11 ~~conference technology is being held, even if a quorum of the~~  
12 ~~board is physically present in one location. If copies of visual~~  
13 ~~aids required by, or brought to the meeting by board members or~~  
14 ~~members of the public, are not available to all meeting~~  
15 ~~participants, at all locations where audio only interactive~~  
16 ~~conference technology is being used, within fifteen minutes~~  
17 ~~after audio only communication is used, those agenda items for~~  
18 ~~which visual aids are not available for all participants at all~~  
19 ~~meeting locations cannot be acted upon at the meeting.]~~

20 [(d)] (c) Notwithstanding the other provisions of this  
21 section to the contrary, a board member with a disability that  
22 limits or impairs the member's ability to physically attend the

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

1 meeting may participate in a board meeting from a location not  
2 accessible to the public; provided that the member with a  
3 disability is connected to other members of the board and the  
4 public by both visual and audio means, and the member identifies  
5 where the member is located and who, if anyone, is present at  
6 that location with the member."

7 SECTION 3. Statutory material to be deleted is bracketed  
8 and in strikethrough. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

11 INTRODUCED BY: \_\_\_\_\_

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