

What's New on the Web Site

In the past few months the Office of Information Practices has added valuable new content to its web site at www.state.hi.us/oip.

To check out the new features, follow the bird's pointer and click on the "What's New" button on the home page.

Here are just a few of those new resources to help us all fly right!



► Public Meeting Notice Checklist

In response to a request from a training class on the Sunshine Law, the OIP has created a Public Meeting Notice Checklist.

This one-page form is a handy guide to following the notice requirements under Part I of chapter 92, Hawaii Revised Statutes.



OFFICE OF INFORMATION PRACTICES

SUNSHINE LAW
PUBLIC MEETING NOTICE CHECKLIST

Notice Includes:

Date Place

Time Agenda of all items to be considered

How essential meeting is to acquisition, retention, state program

Filing Dates:

If calendar days prior to meeting

File at:

Department Director's Office (State) or County Clerk (County)

County office

Site of meeting when feasible

Mailing fee

www.oip.state.hi.us (optional)

Meeting Cancelled for Late Filing of Notice:

Check meeting notice posted at meeting site

Special Instructions for Emergency Meetings (in line of items):

File emergency agenda and board's package (see how to file filing of notice rules)

Forward on mail (not restricted by mail or telephone MAP)

The form is available on the OIP's web site both in pdf format and in MS Word, ready to print for use by State and county boards and commissions, and for the education of all agencies and the public. Mahalo to the DLNR training class for suggesting this checklist!

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► Index of Opinion Letters

The OIP's site has also expanded the information about the office's opinion letters. The latest addition in this section is an update of the subject matter index. This indexes all 262 of the OIP's formal opinion letters, going back to 1989 and up to the most recent letter in September 2003.

The index is available as a pdf file for printing, and also in MS Word as a text file, which allows a user to select "Edit" and "Find" (or Ctrl-F), and then type in a key word or words to bring up the relevant opinion letters.

The 71-page index covers subjects from A (addresses, administrative rules, adoption records, applicants, etc.) to Z, or at least A to W (wages, whistleblowers, workers' compensation, etc.).

► Opinion Letter Summaries and Text

Another useful feature is the opinion letter summaries, which were added to the site in May. These summaries are updated promptly with each new OIP opinion, so it's a good place to look at what's new, as well as browse for older opinions.



Included is a chronological index of all the opinion letters, with date and subject. The summaries, typically one paragraph, are designed to serve only as a quick guide to

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What's New (from p. 1)



locate an OIP opinion letter relating to a certain subject. They do not cover all the important legal points of an opinion. To fully understand an opinion, it is necessary to read the full text of the opinion.

The OIP site has a link to the full text of all opinion letters. In addition, the full text of the most recent opinion letters is now available immediately on the "What's New" page.

For more information about the OIP's web site, go to the *Openline* page and look at the April 2003 issue of the newsletter.

If you have comments or suggestions regarding the site, there is contact information on the home page, as well as at the bottom of this page. Your comments are always welcome. 

Recent OIP Opinion

► *Attorneys' Presence - Required to Accomplish the Essential Purposes of an Executive Meeting*

In OIP Opinion Letter Number 03-12, the OIP advised that the Sunshine Law authorizes boards to summon non-board members to participate in a closed board meeting if necessary to further the purpose for which the executive meeting is convened.



The Hawaii County Corporation Counsel thereafter sought advice concerning whether the Sunshine Law only authorizes attorneys to be present in executive meetings convened to consult concerning a board's "powers, duties, privileges, immunities, and liabilities" (one of the Sunshine Law's eight authorized purposes set out at section 92-5(a), Hawaii Revised Statutes ("HRS")).

Two circumstances were articulated: consultation concerning any purpose listed in section 92-5(a), HRS, and consultation to ensure that a board complies with 92-5(b), which requires that boards deliberate and decide in executive meetings only on matters directly related to the eight purposes listed in 92-5(a), HRS.

The OIP advised that consultation in both those circumstances is appropriate, but only so long as the attorney's presence is essential to accomplish the purpose of the executive meeting. [*OIP Op. Ltr. No. 03-17, September 11, 2003*] 

Executive Meeting Agendas

On numerous occasions, the OIP has advised boards that the Sunshine Law requires the agenda for a public meeting to be sufficiently detailed so as to provide the public with reasonable notice of what the board intends to consider. The statute's notice requirement is intended to, among other things, give interested members of the public enough information so that they can decide whether to participate in the meeting.



Although an executive meeting is closed to the public, the Sunshine Law nevertheless requires a board to provide notice of any anticipated executive meeting and requires a board to include an agenda stating the purpose of the meeting. *See* Haw. Rev. Stat. § 92-7(a) (Supp. 2002).

It is insufficient for an executive meeting agenda to simply state that the board intends to consider matters protected from disclosure by law or that the board is meeting in executive session for one or more of the purposes listed in section 92-5(a), HRS.



The OIP recommends that the agenda provide as much detail regarding the subject matter of the executive meeting as possible without jeopardizing the purpose of the executive meeting.

At a minimum, the agenda must refer to the specific subsection of section 92-5(a), HRS, which is the basis for the executive meeting. The amount of detail appropriate for an executive meeting agenda is case specific and, accordingly, must be decided on a case-by-case basis.

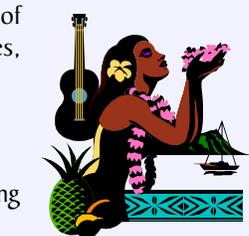
If you have questions about an executive session agenda, please call the Attorney of the Day. 

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