

Boards and Commissions

Sunshine Law Workshop Scheduled for August 5

The Office of Information Practices will conduct a Sunshine Law training workshop on August 5, 2004, from 9:00 a.m. to 12:00 p.m. The workshop is directed to State board members and commissioners as well as staff assigned to assist State boards and commissions

and is intended to aid their understanding of, and compliance with, the statute.

Training for the county boards and commissions will be scheduled for a later date. Ordinance 03-30, passed by the Honolulu City Council,

Sunshine Law on the Internet

The Law:

[www.hawaii.gov/
oip/sunshinelaw](http://www.hawaii.gov/oip/sunshinelaw)



Guide to the Sunshine Law:

[www.hawaii.gov/oip/
sunshineguide](http://www.hawaii.gov/oip/sunshineguide)

Public Notice Checklist:

[www.hawaii.gov/oip/
noticelist.pdf](http://www.hawaii.gov/oip/noticelist.pdf)
or [www.hawaii.gov/oip/
noticelist.doc](http://www.hawaii.gov/oip/noticelist.doc)

establishes a program to provide training to members of City boards, commissions, and committees on their obligations under the Sunshine Law.

The Sunshine Law, Hawaii's open meetings law, governs the manner in which all State and county boards must conduct their business. The law is codified at Part I of chapter 92, Hawaii Revised Statutes.

► Workshop Topics

The workshop will cover the following parts of the Sunshine Law:

- **public meetings**, including the types of communication and interactions that are permitted between board members or commissioners outside of meetings;
- **executive meetings**;
- **emergency meetings**;
- **limited meetings**; and
- **procedural requirements**, such as notice and agendas for meetings and minutes of meetings.

► RSVP Information

The OIP encourages board members, commissioners, and support staff to attend. Those interested in attending the

workshop may RSVP by contacting Adrienne Dacuag at 586-1400 or via facsimile at 586-1412.

The tentative location for the workshop, based on the number responding, is the State Capitol Auditorium. The OIP will notify those attending the workshop of the location no later than July 30.

► Questions and Concerns

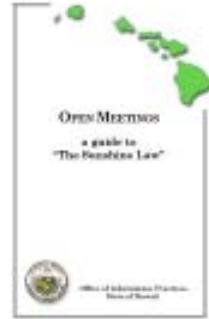
If board members, commissioners, or support staff have specific questions or areas of concern regarding the Sunshine Law that they would like addressed as part of the workshop, please forward those questions or topic areas to the OIP by August 2 by either facsimile or email at oop@hawaii.gov. ☎



OIP's New Guide to the Sunshine Law Available Online

The Office of Information Practices has created a new 36-page guide to Hawaii's Sunshine Law. The guide is available for viewing and printing at www.hawaii.gov/oip/guidance.

Open Meetings: a guide to "The Sunshine Law" uses a question and answer format to give general information about the law and to cover such topics as public meetings, telephonic and videoconference meetings, testimony, recessing and reconvening meetings, discussions between board members outside of a meeting, social events, permitted interactions, executive meetings, emergency meetings, unanticipated events, limited meetings, notice and agenda, minutes, recordings, suit to void board action, and the role of the OIP.



The guide also includes the full text of chapter 92, Part I, Hawaii Revised Statutes; the Sunshine Law Public Meeting Notice Checklist; and an Executive Meetings Flowchart to help decide whether a board can convene an executive meeting to talk about Subject X. ☎

Table of Statutes for OIP Opinion Letters

The Office of Information Practices has just published an updated Table of Statutes.

This table contains citations to statutes, constitutions, ordinances, rules, regulations, model codes, and other sources referred to in OIP opinion letters, including those of the State of Hawaii, other states, and the United States.



The Table of Statutes, which now covers OIP opinion letters 89-1 through 04-09, is available on the opinions page of the OIP's web site, www.hawaii.gov/oip/opinions.

If you are looking at a certain statute or ordinance, such as a section of the open meetings law or the open records law, and want to know if any OIP opinion letters refer to it, just locate the section in the left column of the table and the OIP opinion letter numbers appear in the right column.

For example, Section 92F-12(a)(9), Hawaii Revised Statutes, regarding disclosure of certified payroll records on public works contracts, is cited in OIP opinion letters 89-8, 90-3, 94-17, 94-18, and 94-30. ☺



Recent OIP Opinion

Anonymous Testimony and Liability for Disclosure of Records Containing Defamatory Statements

The Office of Information Practices ("OIP") was asked for an opinion on receipt and disclosure of testimony provided to boards subject to the "Sunshine Law" at Part I of chapter 92, HRS.



The OIP opined that, because the Sunshine Law requires that "all interested persons" be given the opportunity to provide written and oral testimony on agenda items (see Haw. Rev. Stat. § 92-3 (1993)), in keeping with the Sunshine Law's policy of liberally construing its provisions in favor of openness, it is not appropriate to condition submission of testimony on whether a potential testifier identifies himself or herself.

Because boards "shall" allow interested persons the opportunity to submit testimony, they do not have authority to refuse anonymous testimony.

Staff Update



The Office of Information Practices bids a fond aloha to staff attorney **Carlotta Dias**, who has taken a position as staff attorney with the State Ethics Commission. Carlotta joined the OIP in 1996, beginning a highly distinguished eight years of public service with the agency. We wish Carlotta all the best in her new work.

The OIP welcomes its newest staff attorney, **Cathy Takase**. Cathy is a graduate of Waiakea High School in Hilo; the University of California at Davis, where she majored in English; and the William S. Richardson School of Law. She worked at the Hawaii Supreme Court as a law clerk for Justice Yoshimi Hayashi before joining the law firm of Case & Lynch.

Cathy comes to the OIP from the law firm of Case Bigelow & Lombardi. She enjoys golf and travel, and is a big fan of University of Hawaii football and basketball. Welcome, Cathy! ☺

The OIP also opined that an agency or agency employee is immune from liability under the Uniform Information Practices Act (Modified), chapter 92F, HRS, for disclosing testimony that may contain defamatory statements. The UIPA requires that government records be public, unless access is closed by law. Haw. Rev. Stat. § 92F-11(a) (1993). Written testimony received by a board at a public meeting is public, and copies of such testimony should be made available upon request.

Because the OIP is of the opinion that the UIPA requires agencies to disclose public testimony upon request, the OIP believes that section 92F-16, HRS, provides agency employees with immunity from criminal or civil liability for such disclosures. The OIP noted, however, that section 92F-16, HRS, has never been tested in court. [OIP Op. Ltr. No. 04-09, May 3, 2004] ☺

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