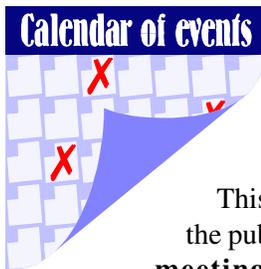


*The Office of Information Practices ("OIP") is charged with the administration of Hawaii's open records law, the Uniform Information Practices Act (Modified), chapter 92F, HRS (the "UIPA"), and Hawaii's open meetings law, part I of chapter 92, HRS (the "Sunshine Law").*

## State Boards Must Post Meeting Notices on State Calendar

Effective immediately, Governor Linda Lingle has directed all State boards subject to the Sunshine Law to post their meeting notices on the State Calendar as soon as those notices are filed at the Office of the Lieutenant Governor. See Executive Memorandum No. 08-06.



This posting is for the convenience of the public only. **A board must still file its meeting notice and agenda with the Lieutenant Governor's office to comply with the Sunshine Law's notice requirements.**

Governor Lingle explained: "Although many State boards and commissions also post these notices on their websites or on the State Calendar, not all do, and as a result, the public cannot easily obtain information on all board and commission meetings and misses opportunities to participate in them. . . . The electronic posting of public meeting notices on the State Calendar will make the information much more readily available and the business of boards and commissions much more transparent to the public." 



### Using the State Calendar



The State Calendar can be found at: [calendar.ehawaii.gov/calendar](http://calendar.ehawaii.gov/calendar). State boards can log in on that page to post their meeting notices.

Meeting notices may be searched by date, department, or specific board or commission. Select "All" to view notices for all posted meetings. The State Calendar is maintained by the **Department of Accounting and General Services**.

You can also link to the State Calendar from OIP's website at [hawaii.gov/oip/sunshinelaw.html](http://hawaii.gov/oip/sunshinelaw.html).

## 2008 Acts Affecting Sunshine Law

Governor Lingle has signed into law two pieces of legislation that affect the Sunshine Law. The newly enacted laws are available on OIP's website. The following summarizes those Acts, which were effective upon receiving the Governor's approval.

### Act 20 - Board Meeting Where Public Attendance Is Not Practicable

On April 18, 2008, Governor Lingle signed into law Act 20, amending the Sunshine Law's "limited meeting" provision. OIP introduced the underlying bill as part of the Governor's legislative package.

Prior to this amendment, the Sunshine Law allowed limited closed meetings where a board determined it necessary to meet at a location that would be dangerous to the health or safety of an attending public, and if the state attorney general concurred. 

Act 20 amends HRS section 92-3.1 to allow a limited closed meeting for a second purpose and also transfers responsibilities under that section from the Attorney General to the OIP Director.

As amended, the law now also allows a limited closed meeting if a board determines it necessary to conduct an on-site inspection if public attendance is not practicable and the OIP Director concurs.

For the convenience of boards, OIP has created a form, "Request for the Office of Information Practices' Concurrence for a Limited Meeting," that is available on OIP's website.

This amendment will enable boards to make better-informed decisions by allowing all members to attend on-site inspections where boards determine it necessary to view a location where public attendance cannot be reasonably accommodated, such as an open-ocean fish farming site or an irrigation system viewed from a location that is difficult to access.

(continued)

(cont.)

**To hold a limited meeting due to impracticability, a board must:**

- Specify the reasons for its determination that the on-site inspection is necessary and that public attendance is impracticable;
- Vote by two-thirds of all board members to adopt those reasons; and
- Obtain the OIP Director’s concurrence.

**In addition, the board must:**

- Provide proper notice of the limited meeting;
- Comply with the minutes requirements;
- Make no decisions at the limited meeting; and
- Videotape the meeting and make the videotape available at the next open meeting, unless the video requirement is waived by the OIP Director;

The video requirements are meant to ensure that the public has access to the information the board obtained during the limited meeting and can see what the board saw during its on-site inspection.

Thus, the OIP Director will waive the video requirement only to the extent that conditions make it dangerous or impracticable to take the video.

**Act 153 - Special Sunshine Exceptions for Neighborhood Boards**

On June 9, 2008, Governor Lingle signed into law Act 153, which creates special exceptions to the Sunshine Law for neighborhood boards. Note: These exceptions



do **not** apply to other boards subject to the Sunshine Law.

► **Issues Raised in Public Comments**

Under the new law, a neighborhood board that hears public comments during its meeting can discuss an issue raised even where that issue is not part of its agenda for that meeting. The neighborhood board must hold off on making any decision on the issue until a subsequent meeting where the issue is on the agenda.

All other boards that choose to hear public comments on issues that are not on the agenda for its meeting must be careful not to discuss those issues.

► **Noticed Meetings That Don’t Make Quorum**

Under the new law, members of a neighborhood board who show up for a noticed meeting can receive testimony and presentations even if the meeting is canceled for lack of quorum. The law requires that they report on the information received at the next meeting.



► **Attending Community Meetings and Seminars**

The new law allows less than a quorum of members of a neighborhood board to attend a community meeting, seminar, or similar event where board business will be discussed, and to discuss that board business as part of their participation in the event so long as they don’t make or seek a commitment on how they will vote.

The event cannot have been specifically arranged for or directed at the neighborhood board members, and the members in attendance must report on what was discussed at the next neighborhood board meeting.

► **Discussing Unanticipated Events at a Scheduled Meeting**

The new law allows a neighborhood board to discuss and act on an “unanticipated event” that occurs less than six days before a scheduled meeting without having to take special steps to add it to the agenda or to call an emergency meeting. However, the new provision is limited to situations where “timely action on the matter is necessary for public health, welfare, and safety.”

The Sunshine Law generally allows boards to call an “emergency meeting” if the board finds an imminent peril to the public health, safety, or welfare, or if an unanticipated event requires a board to act within less than the six days required to notice the meeting, but requires various steps to be taken to do so. See Haw. Rev. Stat. § 92-8.

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