November 14, 2002

Mr. Anthony Sommer
Reporter, Star-Bulletin Kauai
3501 Rice Street, Suite 200 A
Lihue, Hawaii 96766

Re: Meetings of Councilmembers Who Have Not Yet Officially Taken Office to Discuss Selection of Officers

Dear Mr. Sommer:

This is in response to your letter to the Office of Information Practices ("OIP") for an opinion on the above-referenced matter.

ISSUE PRESENTED

Whether members of county councils[1] are subject to part I of chapter 92, Hawaii Revised Statutes ("Sunshine Law"), prior to officially taking office when they meet to discuss selection of officers.

BRIEF ANSWER

No. Section 11-155, Hawaii Revised Statutes, states that the term of office of an elected official shall begin at the close of polls on election day unless otherwise provided. Article VIII of the State Constitution allows the counties to create charter provisions with respect to their legislative and administrative structure and organization. Each county has its own charter provision indicating that terms of office of newly elected members of its county council commence at a date later than the close of polls on election day. Councilmembers are sworn in on the day their terms of office officially commence under each county charter. Thus, in accordance with section 11-155, Hawaii Revised Statutes, and the State Constitution, the counties have each set dates later than the official close of the polls on election day for

[1] The counties of Kauai, Maui, and Hawaii all have county councils. The City and County of Honolulu has a City Council. These four bodies are referred to collectively as "county councils."

councilmembers' terms of office to commence. Once a councilmember's term of office officially begins under a county charter, he or she becomes subject to the Sunshine Law.

The Sunshine Law does contain a provision specifically addressing discussions by board members of the selection of board officers. Section 92-2.5(c), Hawaii Revised Statutes, states "[d]iscussions between two or more members of a board, but less than the number of members which would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting." Based on this clear provision, the OIP opines that less than a quorum of a board may meet privately and without limitation or subsequent reporting to discuss selection of board officers, regardless of whether or not board members have officially taken office. Whether board members have officially taken office is irrelevant, so long as the meeting is restricted to less than the number of members that would constitute a quorum.

The OIP is of the opinion that it is not illegal for a quorum of newly elected members of a council to meet privately to discuss selection of officers prior to commencement of their terms of office. The OIP also believes, however, that a loophole in the Sunshine Law allows such an assemblage, which would be prohibited after councilmembers officially take office. Therefore, for the reasons set forth below, the OIP ***strongly recommends*** that a quorum of members-elect of a board not assemble privately prior to officially taking office to discuss selection of board officers, in keeping with the spirit of the Sunshine Law. The OIP also notes that this issue can be brought before the Legislature for clarification.

FACTS

In a letter to the OIP of November 18, 1998, you advised that four incumbents and three "new-comers" were elected to the County Council for the County of Kauai ("Kauai County Council") in the November 3, 1998, election. You also advised that on November 9 and 12, 1998, the newly elected Councilmembers met in a "caucus" that was closed to the public and the media. During the November 12, 1998 "caucus," a chairman was elected and the other six Councilmembers were given committee chairmanships. You advised that no notice and agenda were filed, and no record was kept of the caucuses. You also advised that a news release was issued on Kauai County Council letterhead, and at County expense, on November 12, 1998,

announcing the election of the Council chair and the committee chairs. These seven Councilmembers were to be sworn in on December 1, 1998.

Finally, you indicated that your employer, a local print media, had no intent to overturn decisions of the Kauai County Council regarding its leadership and organization, because even if the selection was done improperly, it would be remedied at the first "official" Council meeting of December 1, 1998, after the swearing-in ceremony. You asked the OIP whether elected members of a council can meet secretly at all prior to being sworn in.

I. County Practices

After receiving your request for an opinion, the OIP solicited responses from the four counties. Three counties responded.

A. County of Kauai

The OIP received a letter from Kauai County Council Chair Ronald Kouchi dated April 20, 1999. Chair Kouchi's letter advised that the practice of "caucusing" or informal discussion among newly elected legislators has been ongoing statewide somewhat publicly for some period of time.

Chair Kouchi's letter noted that none of the newly elected Councilmembers had been sworn in at the time of the caucuses, and the 1998 general election had not yet been certified as required by statute. This meant that the election results could still have been challenged.

Chair Kouchi advised that under section 3.03 of the Revised Charter of the County of Kauai, the Kauai county councilmembers' terms of office commence at noon on the first working day of December following their election. Chair Kouchi also advised that no matters affecting the county can be decided upon by unofficial acts of an unofficial body.

B. City and County of Honolulu

The City Council for the City and County of Honolulu ("Honolulu City Council") responded to the OIP via then Chair, Mufi Hanneman, in a letter dated April 9, 1999. Mr. Hanneman advised that the Corporation Counsel for the City and County of Honolulu ("Honolulu Corporation Counsel") had twice addressed this issue, and enclosed copies of letters from the Honolulu Corporation Counsel dated November 20, 1978, and September 13, 1985.

The letter from the Honolulu Corporation Counsel of November 20, 1978, opined that an informal assemblage of seven democratic party members of the Honolulu City Council to consider leadership and assignment to various committees was not subject to the Sunshine Law because:

1. The term of office of the individuals present at the assemblage commenced after the date of that assemblage,

2. The members were not qualified to exercise powers of their offices because they had not taken an oath of office for the new term,

3. The assemblage was not organized pursuant to the provisions of section 3-108(1) of the Revised Charter of the City and County of Honolulu ("Honolulu City Charter"), and

4. Since they did not observe the requirements noted above, any action taken by the informal assemblage was not official.

The Honolulu Corporation Counsel also noted in its letter of November 20, 1978, that it was "an established custom in our political process in which the majority group of a legislative body exercises its privilege of tentatively establishing its leadership and assignments to the council standing committees for the ensuing term." The Honolulu Corporation Counsel therefore concluded that those in attendance at the informal assemblage could close the meeting to the public and the media because it was not a meeting of a duly constituted council, and therefore not subject to the Honolulu City Charter or the Sunshine Law.

In its letter of September 13, 1985, the Honolulu Corporation Counsel noted that a party "caucus" was a "time honored means of obtaining legislative harmony and efficiency, and a possible means to circumvent the

open meetings law." This letter is not directly on point, however, as it appears to discuss party caucusing after councilmembers take office.

Regarding party caucusing, the Honolulu Corporation Counsel adopted a so-called "compromise" based on New York case law in its September 13, 1985, letter, until such time as the Legislature addresses the issue. New York found that "technical" violations, such as a caucus which agreed to a resolution calling for a public hearing on a reapportionment plan, did not call for sanction because the result actually increased public awareness. Second, the New York courts emphasized the impropriety of using the "caucus" mechanism to shield deliberations on public matters from the public. Finally, New York construed the definition of a caucus narrowly, by pointing out the distinction between discussion of the private matters of a political party, and the discussion of public matters, which happen to be limited to the members of one party.

C. County of Maui

In a letter to the OIP dated April 9, 1999, then Maui County Council Chair Patrick Kawano stated his belief that the Sunshine Law is inapplicable to the Maui County Council prior to members being sworn in, for the following reasons:

1. legal research showed no state court decisions in which a councilmember-elect was held subject to the Sunshine Law prior to taking office,

2. counties have the authority to dictate terms of office for elected officials, and Maui's Council terms commence on January 2 of odd numbered years,

3. there is only one Maui County Council at a time. Even after election day, the previously elected Council remains the only Council until inauguration day on January 2,

4. newly elected councilmembers lack the means of complying with the Sunshine Law's requirements because they do not yet have control over government offices or employees, and they have no staff or budget,

5. prior to taking an oath of office, councilmembers do not have "supervision, control jurisdiction or advisory power over specific matters" under section 92-2(1), Hawaii Revised Statutes, and

6. a rule that prevents private citizens (such as elected officials who have not yet assumed power) from meeting with one another would probably violate the Constitutional right to free association.

The OIP was provided with a letter from the Corporation Counsel for the County of Maui ("Maui Corporation Counsel") dated November 25, 1998, which opined that the Sunshine Law does not apply to individuals until they actually become members of a board that is subject to the Sunshine Law. It advised that individuals who were elected may meet and discuss matters without regard to the Sunshine Law until they begin serving their terms. The Maui Corporation Counsel did caution, however, that current Councilmembers who have been reelected must be careful not to discuss any matters that are currently on the current Council's agenda outside of Council meetings because those current Councilmembers are subject to the Sunshine Law. Current Councilmembers who have been reelected may discuss matters of concern to the next Council without regard to the Sunshine Law since they are not yet members of the next Council.

It was the opinion of the Maui Corporation Counsel that the organization of the next Council is a matter in which the current Council clearly has no interest or concern. Therefore, newly elected Councilmembers may discuss organization of the next Council whether or not they are sitting on the current Council because these discussions are not subject to the Sunshine Law.

DISCUSSION

I. BACKGROUND

A. OIP's Jurisdiction

The OIP is charged with administering part I of chapter 92, Hawaii Revised Statutes, and is required to take action to oversee compliance with the Sunshine Law, in part by receiving and resolving complaints filed concerning the failure of any board to comply with the Sunshine Law. Haw. Rev. Stat. §§ 92-1.5, 92F-42(18) (Supp. 2001).

B. Provisions on Openness

It is well established that county councils are "boards"[2] subject to the Sunshine Law. See Att. Gen. Op. 86-5. A board "meeting" is defined as "the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power." Haw. Rev. Stat. § 92-2 (1993). A quorum is the majority of all members to which the board or commission is entitled, unless a law or ordinance indicates otherwise. Haw. Rev. Stat. § 92-15 (1993).

The Sunshine Law requires that every meeting of all boards be open to the public, that all persons be permitted to attend any meeting unless otherwise provided, and that all interested persons be allowed to present oral and written testimony on any agenda item. Haw. Rev. Stat. § 92-3 (1993).

II. CREATION OF COUNTY COUNCILS

A "board" subject to the Sunshine Law must be created by constitution, statute, rule, or executive order. Haw. Rev. Stat. § 92-2 (1993). The Legislature was required by article VIII of the Constitution of the State of Hawaii, entitled "Local Government," to create county governments. This article of the State Constitution provides, in relevant part:

> **CREATION; POWERS OF POLITICAL SUBDIVISIONS**
>
> **Section 1.** The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.
>
> **LOCAL SELF-GOVERNMENT; CHARTER**
>
> **Section 2.** Each political subdivision shall have the power to frame and adopt a charter for its own self-government

[2] A "board" means "any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction, or advisory power over specific matters and which is required to conduct meetings and to take official actions." Haw. Rev. Stat. § 92-2 (1993).

> within which limits and under such procedures as may be provided by general law. Such procedures, however, shall not require the approval of a charter by a legislative body.
>
> Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.
>
> A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the provisions of this section.

Haw. Const. art. VIII, §§ 1, 2.[3]

Accordingly, the Legislature set forth statutes pertaining to the counties at Title 6, Hawaii Revised Statutes. Each county has delegated its legislative powers to a county council[4] by means of charter provisions, and these four county councils have long been in existence.

III. COMMENCEMENT OF COUNCILMEMBERS' OBLIGATION TO ADHERE TO THE SUNSHINE LAW

The Sunshine Law does not apply to individuals who are not members of a board as defined therein. The issue here is when must candidates who have been elected to a board subject to the Sunshine Law begin to follow the

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[3] The Hawaii Supreme Court has ruled that the power of the Legislature to enact laws of statewide concern was not limited by section 2 of article VIII of the State Constitution. City and County v. Ariyoshi, 67 Haw. 412, 416 (1984) ("City v. Ariyoshi"). This ruling was based on section 6 of the same article, which states:

> **STATEWIDE LAWS**
>
> **Section 6.** This article shall not limit the power of the legislature to enact laws of statewide concern.

Haw. Const. art. VIII, § 6. The Court went on to say "the state legislature may enact general laws concerning state matters. Provisions of a charter or ordinance of a political subdivision of the state will be held superior to legislative enactments only if the charter provisions relate to a county government's executive, legislative or administrative structure and organization." City v. Ariyoshi at 420-421.

[4] See Rev. Charter of the County of Kauai art. III § 3.01 (rev. ed. 2000); Rev. Charter of the City and County of Honolulu art. III, § 3-101 (rev. ed. 2000); Rev. Charter of the County of Maui art. II, § 2-2, art. III, § 3-6 (rev. ed. 1999); Revised Charter of the County of Hawaii art. III, § 3-1 (rev. ed. 2000).

Sunshine Law's requirements. The Sunshine Law is silent on this issue, and, as Maui County noted, there does not appear to be any relevant Hawaii case law. The OIP therefore looks to State election laws for guidance on when members of a county council become subject to the Sunshine Law.

Section 11-155, Hawaii Revised Statutes, states that a candidate's term of office begins on the close of polls on election day, unless otherwise provided. This provision further requires that the results of all elections be certified, which must be done after the time to contest an election has expired:

> **§11-155 Certification of results of election.** On receipt of certified tabulations from the election officials concerned, the chief election officer or county clerk in county elections shall compile, certify, and release the election results after the expiration of the time for bringing an election contest. . . . A certificate of election or a certificate of results declaring the results of the election as of election day shall be issued pursuant to section 11-156; provided that in the event of an overage or underage, a list of all precincts in which an overage or underage occurred shall be attached to the certificate. The number of candidates to be elected receiving the highest number of votes in any election district shall be declared to be elected. ***Unless otherwise provided, the term of office shall begin or end as of the close of polls on election day.*** The position on the question receiving the appropriate majority of the votes cast shall be reflected in a certificate of results issued pursuant to section 11-156.

Haw. Rev. Stat. § 11-155 (Supp. 2001) (emphasis added).

Section 11-155, Hawaii Revised Statutes, states "[u]nless otherwise provided, the term of office shall begin or end as of the close of polls on election day." Section 2, article VIII of the State Constitution allows the counties to adopt charter provisions with respect to legislative and administrative structure and organization. The county charters for the four counties in Hawaii have each set different dates after a general election as to

when terms of office commence for newly elected members of a county council.[5]

The State Constitution mandates that statutory provisions that are general in allocating and rellocating powers and functions are superior to charter provisions. Haw. Const. art. VIII, § 2. While the OIP views section 11-155, Hawaii Revised Statutes, as a general law that allocates and reallocates the powers and functions of the county councils by establishing a uniform starting date for a term of office, this section itself allows each county to set a different date for terms of office of councilmembers to commence.

Thus, because the State Constitution mandates that charter provisions are superior to statutory provisions regarding a county's legislative and administrative structure and organization, and despite the conclusion that section 11-155, Hawaii Revised Statutes, is a general law allocating power the functions of the county charter, the OIP must conclude that because section 11-155, Hawaii Revised Statutes, itself permits the charter provisions to set different start dates for terms of office, the charter provisions are not in conflict with section 11-155, Hawaii Revised Statutes. The OIP thus concludes that councilmembers' terms of office begin in accordance with the dates set by the county charters, as permitted by section 11-155, Hawaii Revised Statutes.

The OIP is accordingly constrained to opine that councilmembers become subject to the Sunshine Law at the time their terms of office commence under their respective county charters, and not at the close of the polls on election day. The fact that each county charter specifies when councilmembers' terms of office begins is a determining factor here. Had there not been such provisions, the OIP would likely have opined that councilmembers' terms of office begin at the close of the polls on election day, or upon certification of the election results under section 11-155, Hawaii Revised Statutes, and that they become subject to the Sunshine Law at that time.

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[5] See Rev. Charter of the County of Kauai art. III § 3.03 (rev. ed. 2000); Rev. Charter of the City and County of Honolulu art. III, § 3-102 (rev. ed. 2000); Rev. Charter of the County of Maui art. III, § 3-1 (rev. ed. 1999); Revised Charter of the County of Hawaii art. III, § 3-2 (rev. ed. 2000).

IV. ASSEMBLING IN PRIVATE TO DISCUSS SELECTION OF BOARD OFFICERS

A. Less Than a Quorum

The Sunshine Law allows board members to communicate in limited circumstances called "permitted interactions" set forth at section 92-2.5, Hawaii Revised Statutes; and communications, interactions, discussions, investigations, and presentations described therein are not meetings for purposes of the Sunshine Law. Haw. Rev. Stat. § 92F-2.5(f) (Supp. 2001).

Section 92-2.5(c), Hawaii Revised Statutes, allows discussions between two or more members of a board, but less than the number of members which would constitute a quorum for the board, concerning the selection of the board's officers in private without limitation or subsequent reporting. In light of this clear provision, the OIP opines that less than a quorum of a council, whether officially in office or not, may meet privately and without limitation or subsequent reporting to discuss selection of board officers. The OIP believes that whether councilmembers have officially taken office is irrelevant, so long as the meeting is restricted to less than the number of members that would constitute a quorum.

B. Quorum

While the Sunshine Law clearly applies to councilmembers who have officially taken office, the Sunshine Law is silent on how to treat a quorum of board members who have not yet officially taken office, and wish to meet privately to discuss selection of board officers. Research into the legislative history of section 92-2.5(c), Hawaii Revised Statutes, found only the following:

> Your Committee has . . . substituted the following provisions to increase board efficiency while remaining mindful of the sometimes competing interests of open government:
>
> . . .
>
> (4) Allowing discussions regarding selection of board officers;
> . . .

S. Comm. Rep. No. 789-96, 18th Leg., 1996 Reg. Sess., Haw. H.J. 1338 (1996). This legislative history does not shed light on the issue of a quorum of councilmembers assembling privately before officially taking office to discuss selection of officers.

The OIP is thus of the opinion that the law as currently written creates an inadvertent loophole. That is, between the time that councilmembers are elected and the time they take office in accordance with a county charter, there is no requirement that they comply with the Sunshine Law.

As a result of this loophole, a scenario like the following could arise: a quorum of newly elected councilmembers who have not yet taken office meet privately with contractors who convince them to pass a bill allowing development of property that is designated conservation land. Such a meeting would be illegal under the Sunshine Law only after the councilmembers officially take office. After these newly elected councilmembers do take office, they pass the proposed measure based on the private conversations they had prior to taking office.[6]

Such a scenario, although technically not illegal under the Sunshine Law, would go against its very policies:

> **§92-1 Declaration of policy and intent.** In a democracy, the people are vested with the ultimate decision-making power. Governmental agencies exist to aid the people in the formation and conduct of public policy. Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy – the discussions, deliberation, decisions, and action of governmental agencies – shall be conducted as openly as possible. To implement this policy the legislature declares that:
>
> (1) It is the intent of this part to protect the peoples' right to know;

[6] The OIP notes that this hypothetical scenario is not meant to reference an actual event, but is merely an example of what could happen under the current wording of the law.

(2) The provisions requiring open meetings shall be liberally construed; and

(3) The provisions providing for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

Haw. Rev. Stat. § 92-1 (1993).

Case law in other jurisdictions is sparse on how to treat newly elected members of a board whose terms have not commenced, and who plan to assemble. Courts have gone both ways on whether newly elected members of a council should act in accordance with open meetings laws prior to officially taking office.

In Florida, two councilmen-elect met with a current councilman privately, without regard to that State's open meetings provisions. The court rejected the argument that there was no meeting under the open meetings law:

> In order for there to be a violation of [the Florida open meetings law], a meeting between two or more public officials must take place which is violative of the statute's spirit, intent, and purpose. The obvious intent of the Government in the Sunshine Law, supra, was to cover any gathering of some of the members of a public board where those members discuss some matters on which foreseeable action may be taken by the board.
>
> . . .
>
> To adopt this viewpoint [that councilmen-elect are not subject to the open meetings law] would in effect permit as in the case sub judice members-elect of a public board or commission to gather with impunity behind closed doors and discuss matters on which foreseeable action may be taken by that board or commission in clear violation of the purpose, intent, and spirit of the Government in the Sunshine Law.
>
> We find the position untenable to hold on the one hand that Florida Statute 286.011 is applicable to elected board or commission members who have been officially sworn in and on

> the other hand inapplicable to members-elect who as yet merely have not taken the oath of public office. An individual upon immediate election to public office loses his status as a private individual and acquires the position more akin to that of a public trustee.
>
> Therefore, we hold that members-elect of boards, commissions, agencies, etc. are within the scope of the Government in the Sunshine Law. To hold otherwise would be to frustrate and violate the intent of the statute which "having been enacted for the public benefit, should be interpreted most favorably to the public."

Hough v. Stembridge, 278 So. 2d 288, 289-290 (Fla. App. 1973) ("Hough") (citations omitted).

More recently, the court in Wood v. Battle Ground School District, 2001 Wash. App. LEXIS 1638 ("Wood"), held that the Washington open meetings law ("OMPA") did not cover persons elected but not yet sworn into public office. Wood at 1. The court found that OMPA is, at most, ambiguous as to its application to members-elect. Id. at 11. The court reasoned that although OMPA defines "action" broadly, nothing suggests that members-elect have the power to transact a governing body's official business before they are sworn in. Id. Thus, the court found that members-elect are not "members" of a governing body with authority to take "action." Id.

In keeping with the Sunshine Law's policies supporting open government, the OIP prefers the conclusion reached by the Florida court, that an individual loses his status as a private individual and acquires a position more akin to that of a public trustee upon election to public office. Hough at 289. While the Sunshine Law appears to have a loophole that allows newly-elected councilmembers who have not yet officially taken office to meet privately as a body to discuss selection of officers, such a scenario would clearly not be allowed once the councilmembers officially take office. The OIP therefore ***strongly recommends***, based on the spirit and intent of the Sunshine Law, that a quorum of members-elect of a board not meet privately prior to officially taking office to discuss selection of board officers. Again, the fact that each county's charter specifies when councilmembers' terms of office begin is a determining factor. Had there been no such provisions, the OIP would likely have opined that councilmembers' terms of office begin at the close of the polls on election day, or upon certification of election results

under section 11-155, Hawaii Revised Statutes, and that they become subject to the Sunshine Law at that time. The OIP believes this recommendation is in accordance with the policy and intent of Hawaii's Sunshine Law quoted above.

C. Legislative Amendment

The OIP recommends that the Legislature clarify its intent on this issue. Such a statute was enacted by the California Legislature:

> Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated . . . as if he or she has already assumed office.

Cal. Gov't Code § 54952.1 (1994).[7]

CONCLUSION

The obligations of the Sunshine Law are not imposed upon an elected councilmember until he or she begins the term of office as set forth in each county charter.

Less than a quorum of a board, whether or not officially in office, may meet privately and without limitation or subsequent reporting to discuss selection of board officers, under section 92-2.5(c), Hawaii Revised Statutes. Whether board members have been sworn into office is irrelevant, so long as the meeting is restricted to less than the number of members that would constitute a quorum.

While the OIP is of the opinion that it is not illegal for a quorum of newly elected members of a council to meet privately to discuss selection of officers prior to commencement of their terms of office, the OIP also believes

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[7] In 216 Sutter Bay Assoc. v. County of Sutter, 68 Cal Rptr. 2d 492, 58 Cal App. 4th 860 (1997) ("Sutter Bay"), a current member of the county board of supervisors met with two members-elect in 1992, prior to their being sworn in. The California open meetings law was amended shortly thereafter to apply to members-elect. The court held that the 1994 amendment to the open meetings law expressly applied its provisions to members-elect. Sutter Bay at 878. This indicated a legislative intent to change what previously had only applied to current board members. Id. As the meeting at issue took place prior to the amendments to the law, the court reasoned that it did not apply to then members-elect. Id. The Wood court concurred with the Sutter Bay court that it is "for the Legislature, not the judiciary, to determine a basic legislative question such as whether [members-elect are] covered." Wood at 11.

this result arises from an unintended loophole in the Sunshine Law. Therefore, for the reasons set forth above, the OIP ***strongly recommends*** that a quorum of members-elect of a board not assemble privately prior to officially taking office to discuss selection of board officers, in keeping with the spirit of the Sunshine Law.

Very truly yours,

Carlotta Dias
Staff Attorney

APPROVED:

Moya T. Davenport Gray
Director

CMD: ankd

cc: Honorable Ronald D. Kouchi, Chair, Kauai County Council
Honorable Dain P. Kane, Acting Chair, Maui County Council
Honorable John DeSoto, Chair, Honolulu City Council
Honorable James B. Takayesu, Corporation Counsel, County of Maui
Amy Esaki, Deputy County Attorney, Office of the County Attorney, County of Kauai
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David Raatz, Legislative Attorney, Office of Council Services, County of Maui