

**Office of Information Practices**  
**(July 2019)**

***Sunshine Law:***  
**PUBLIC MEETING NOTICE CHECKLIST**

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**1. Notice Includes:**

- Date  
(If including day of the week, make sure it is correct)
- Place
- Time
- Instructions on how to request an auxiliary aid or service or an accommodation due to a disability. If there is a deadline to make such a request, it must be stated in the notice and must be reasonable.
- Agenda - describing with reasonable specificity all matters to be considered
- If an executive meeting is anticipated, agenda describes the purpose and statutory authority in HRS § 92-5(a) or other laws applicable to your board that allow the executive meeting. Use as much detail as possible without compromising the executive meeting's purpose.

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**2. Filing Notice:**

- 6 calendar days prior to meeting:
- Electronically post on:
- State Calendar: <http://calendar.ehawaii.gov/calendar/html/event> (State only)
  - County Calendar (counties only)
  - Board's website (unlike the above, this is not a legal requirement)
- Physically post for public inspection in:
- Board's Office
  - Site of meeting (when feasible or if meeting is canceled)
- File (and keep proof of filing) with:
- Lieutenant Governor's Office (State)
  - County Clerk (counties)

Mail or email to persons who requested notification of meetings (MUST be postmarked/emailed no later than 6 calendar days before the meeting):

- Postal mailing list
- Email list

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### 3. Meeting Canceled for Late Filing of Notice:

It is suggested but not required that the board post a notice canceling the meeting at:

- Meeting site
- State Calendar: <http://calendar.ehawaii.gov/calendar/html/event> (State only)
- County Calendar (counties only)
- Anywhere else notice was previously posted, mailed, or filed such as county or board website (not a legal requirement)

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### 4. Special Instructions for Emergency Meetings

(held less than 6 calendar days prior to meeting):

- Board must first decide to hold emergency meeting by vote of two-thirds of members to which board is entitled (include authorized but vacant positions)
- Must meet criteria in HRS § 92-8, either:
  - when “imminent peril to the public health, safety, or welfare,” or
  - because of an “unanticipated event” and board must take action.
    - For an unanticipated event, the Attorney General must concur (even for county boards).
- File board’s findings justifying emergency meeting with emergency agenda as set forth in section 2 above (but without the 6-day notice requirement).

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### 5. Special Instructions for Limited Meetings

- Limited meetings not open to the public may be held when a board determines it necessary to inspect a location that is dangerous or that is impracticable for public attendance.
- Must obtain concurrence from OIP’s Director.

*See OIP's Request for the Office of Information Practices' Concurrence for a Limited Meeting form at [www.oip.hawaii.gov/forms/](http://www.oip.hawaii.gov/forms/).*

- For county councils only: *See OIP's Checklist and County Council's Request to Waive Videotaping of a Meeting as Guests of a Board or Community Group form at [www.oip.hawaii.gov/forms/](http://www.oip.hawaii.gov/forms/).*
  - Notice must be filed 6 days before limited meeting.
- File board's limited meeting agenda as set forth in section 2 above.

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## 6. Special Instructions for Meetings Held by Interactive Conference Technology (ICT)

- In addition to the requirements in section 1 above, notice for ICT meetings must indicate all locations where board members will be physically present, and must provide that the public can attend the meeting at any of those locations.
- A “board member with a disability that limits or impairs the member’s ability to physically attend the meeting” may attend via a connection by **audio and video** means from a private location (e.g., home or hospital room). The specific address of the private location need not be listed on the notice, but a board member with a disability attending from a private location must generally identify the location (e.g., home; hospital) and all persons present with the member.
- *See OIP's Quick Review: Audio- or Videoconferenced Meetings on OIP's [Training Page at oip.hawaii.gov](http://oip.hawaii.gov).*

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## 7. Other Considerations

There are matters outside of OIP’s jurisdiction that you may wish to consider when preparing a meeting notice, such as:

- Although the Sunshine Law now requires a notice to include instructions for requesting a reasonable accommodation language for disabled persons (for example, provision of sign language interpreters for individuals who are deaf or hard of hearing), OIP does not have authority to advise as to what constitutes a reasonable accommodation. If you have questions about what accommodations or auxiliary aids must be provided in response to a request

you may wish to contact your board's attorney or the Disability and Communication Access Board: (808) 586-8121 (Voice or TTY) or email: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) for assistance.

- Applicable statutes or administrative rules related to your board.
- For county boards, your County's applicable charter, ordinances, or other provisions.
- Your board's own procedural rules or policies; or instructions for the public regarding, among other things, your board's preferred method for submission of written testimony and opportunity to provide oral testimony at the meeting.
- Whether the public can find and get in to the meeting site. For example, is the meeting site large enough that someone might have trouble finding the right room? Are there improper barriers to public access such as a security checkpoint requiring attendees to show identification?