

The Sunshine Law

Part 2



Hawaii's Open Meetings Law
Part I of Chapter 92, HRS



Sunshine Law requires:

- Discussions, deliberations and decisions must be conducted at a meeting
- Every meeting must be open unless executive meeting is allowed
- Boards must accept testimony
- Boards must provide notice
- Boards must keep minutes



Minutes

- Written or recorded format
- Posted online within 40 calendar days
- Executive meeting minutes may be withheld for so long as publication would defeat lawful purpose of meeting



Recorded Minutes

- Recorded minutes must include:
 - Recording of full meeting
 - Date, time and place
 - Members present/absent
 - Record, by member, of votes and motions
 - Time stamp or other reference for when board began each agenda item and when motions and votes happened



Written Minutes

- Written minutes must include:
 - Date, time and place
 - Members present/absent
 - Substance of all matters proposed, discussed or decided
 - True reflection of matters discussed and views of participants
 - Record, by member, of votes
 - Other information that a member requests be included



Remote Meetings

- Platform allows audio-visual interaction between members and public
- Members and public access from anywhere via internet or phone
- Must offer at least one physical public meeting location
- Record meeting 'when practicable'



Remote Meetings: Notice



- Notice gives link to join remote meeting
- Notice also gives link and/or number to testify, if separate
- Notice lists physical location
- Notice may list “additional locations” – not guaranteed to stay connected



Remote Meetings: Quorum



- Quorum of members generally must be visible
- Announce who’s there
- Roll call votes unless unanimous
- In executive meeting, audible-only ok, but confirm no unauthorized person connected



Remote Meetings: Dropped Connection



- Dropped connection: recess to restore
- Applies to
 - Hosting platform
 - Public broadcast (if separate)
 - Quorum of members visible
 - Public physical site
 - NOT additional sites (if notice says so)



Remote Meetings: Restore Connection



- 30 minute time limit to restore
- If cannot restore audio-video, can continue audio-only with conditions
- Notify public how to rejoin or how meeting will be continued
- If no restoration after 30 minutes, terminate



Multi-site Meetings



- Audio interaction at all locations
- Notice lists all locations where non-disabled board members will be
- Can also list “additional” locations - no board members, could lose connection
- Public can attend at any listed location



Multi-site Meetings: Restore Connection



- Meeting recessed to restore connection if audio interaction not maintained at all official locations
- As with remote meetings, 30 minute time limit to restore
- If no restoration, terminate (or continue at another time if notice given)



Limited Meetings

- Dangerous location OR public attendance impracticable
- OIP concurrence
- 2/3 Vote
- Show video next time
- No decisions made
- Other type:
 - 'guest meeting'



Emergency Meetings

- imminent peril to public health, safety and welfare, or
- unanticipated event
- requires meeting in less than 6 calendar days



Need Help?

- AOD -- 586-1400



- E-mail: oiip@hawaii.gov
- OIP Website: oiip.hawaii.gov

