

The Sunshine Law

Part 1



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



What's the purpose?

- Protect public's right to know
- Open governmental process to public scrutiny and public participation



“[I]t is the policy of this State that the formation and conduct of public policy -- the discussions, deliberations, decisions and actions of government agencies -- shall be conducted as openly as possible.”



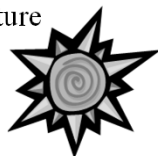
Sunshine Law requires:

- 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



“Board Business”

- Matters over which the board has supervision, control, jurisdiction or advisory power that are before the board or reasonably anticipated to come before the board in the foreseeable future



“Board Business”

- Within the board's authority
- On current or future agenda



- No caucuses
- No polling
- No telephone discussions
- No e-mails
- No memos



Permitted Interactions

- 2 members
- Investigate
- Present, discuss or negotiate
- Selection of officers



Permitted Interactions

- Testimony when no quorum
- Other meeting or presentation
- Circulate legislative testimony
- Governor or department head



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Permitted Interactions - 2 Members

- Communicate privately
- Cannot commit to vote
- Cannot seek commitment
- Cannot use serially



Permitted Interactions - Investigations

- Less than a quorum
- Scope of investigation defined at a meeting
- Findings and recommendations presented at a 2nd meeting
- Deliberation and decision-making at a 3rd meeting



Examples of “Investigation” Permitted Interactions

- Confidential interviews
- Site inspections and product demonstrations
- Receipt and consideration of confidential information



Permitted Interactions - No Quorum

- Noticed meeting canceled b/c no quorum or lost audio connection
- Limited to testimony/presentations on canceled agenda
- Keep a record
- Report at next meeting

Permitted Interactions – Other Meeting or Presentation

- Less than a quorum
- Informational meeting/presentation
- Event not specifically arranged for board
- Discussions only as part of event
- No commitment to vote made/sought
- Report at next board meeting

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Executive Meetings

- Closed to public
- 2/3 vote of board members present
- Announce reasons for closed meeting
- Vote recorded and entered into minutes



Executive Meeting Purposes

- professional or vocational license applicants
- personnel matters
- authority of labor negotiator or person designated to negotiate purchase of land
- legal matters with board’s attorney
- criminal misconduct
- sensitive matters relating to public safety
- private donations and
- matters confidential by law or court order



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Testimony

- All interested persons may submit written testimony on any agenda item.
- All interested persons may present oral testimony on any agenda item.



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Notice Requirements

- written notice
- date, time and place
- contact info for testimony & ADA
- includes agenda
- for executive meeting, must state purpose and cite statutory basis



- Posted on the state or county online calendar, at the board's office, with the LG or clerk (keep proof of filing), & posted at meeting site when feasible
- 6 calendar days prior to meeting
- Copy mailed or emailed to anyone so requesting

Meeting Agenda

- All items that the board intends to consider
- To inform the public of the matters the board intends to consider so that the public can decide whether to participate in the meeting



PEST CONTROL BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

BOARD MEETING AGENDA

Date: Monday, September 27, 2004
Time: 2:00 p.m.
Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

8. Correspondence

9. Unfinished Business

a. **Rule Revisions**
b. Other (if any)

10. Scope

11. New Business

12. Announcements

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPOLANI BOULEVARD, SUITE 200
HONOLULU, HAWAII 96813

MEETING OF THE BOARD OF TRUSTEES
DATE: Thursday, September 2, 2004
TIME: 11:30 a.m. - 1:00 p.m.
PLACE: OHA Board Room - 5th Floor (at above address)

AGENDA

I. Call to Order
II. **Approval of Minutes**
III. **Community Concern**
IV. **Unfinished Business**
V. New Business
VI. Executive Session**
A. Consultation with Counsel concerning the Board's powers and duties with respect to the Native Hawaiian Revolving Loan Fund; presentation of status by ANA Commissioner Quannah C. Stamps**
VII. **Secondary Committee**
VIII. **Announcements/PVI**
IX. Adjournment

Haunani Apollonia
Trustee Haunani Apollonia, BOT Chairperson

8/26/04
Date

Note: Lunch will be provided to Trustees and Commissioner during the meeting.

Page 1 of 1 September 2, 2004 BOT

Agenda for Meeting of
Board of Regents, University of Hawai'i
Friday, September 3, 2003
Laulima 105, Maui Community College

I. Call Meeting to Order at 8:30 a.m.
II. Approval of Minutes of the Board of Regents' July 11, 2003 Meeting
III. President's Memorandum No. 22

Recommendations - General - For Board Action

A-1 Proposed Revision to Administrative Policy on Procurement
A-2 Authorize Administration to Enter into Consultation and Construction Contracts for Capital Improvements Program and Repair and Maintenance Project Contracts for Fiscal Year 2003-2005
A-3 Affiliated Student Housing Contract
A-4 Delegation of Authority to the President to Approve Personnel Actions
A-5 Delegation of Authority to the President to Grant Exceptions to the Board of Regents' Policy on Personnel Employed Through Research Corporation of the University of Hawai'i
A-6 Establishment of the Sidney and Erica Hsiao Endowed Chair, Department of Zoology, College of Natural Sciences, University of Hawai'i at Mānoa
A-7 Proposed Amendment to Board of Regents' Policy Relating to Research
A-8 **Gifts, Grants, and Contracts**

University Personnel - For Board Action

B-1 Appointments, Changes in Appointments, Leaves of Absence, Promotion, Tenure, Waiver of Minimum Qualifications, Emeritus Titles, Shortening of Probationary Period, Salary Adjustments, Position Actions, Classification and Pricing

Information - General

C-1 Resignations and Retirements of Board of Regents' Appointees
C-2 Retirements of Civil Service Employees

IV. Oral Report of Executive Officer

a. _____

Attachment #3 - Board of Regents' Meeting, 2/17/05

GIFTS, GRANTS AND CONTRACTS

The following gifts, grants, and contracts received during the period December 1, 2004 through December 31, 2004, total \$11,161,595. The University of Hawai'i at Hilo received a total of \$2,669,794 during the same period.

RESEARCH AWARDS

FROM: DHHS-Dept of Health & Human Services

1. NIH-Natl Center for Research Resources (NCRR) \$77,336
"Cellular Basis of Immunological and Neurological Diseases"
Smith, Dean O School of Medicine
The INBRE program is to foster health-related research and increase the competitiveness of investigators at UH-Manoa, Queens Medical Research Center, Chaminade University, Hawaii Pacific University and UH-Hilo.

2. NIH-Natl Inst of Child Health & Human Development \$68,150
"Preservation of Ejaculated Mouse Spermatozoa"
Ward, Monika Anatomy- MED
The major goal of this application is to develop a simple and efficient method for preservation of valuable mouse gametes by using intracytoplasmic sperm injection (ICSI) with preserved ejaculated spermatozoa. We will test if ejaculated preserved spermatozoa injected into oocytes by ICSI allow obtaining live offspring with high efficiency.


3. NIH-Natl Inst of Child Health & Human Development \$214,673
"Importance of the Sperm Nuclear Matrix for Embryogenesis"
Ward, W Steven Anatomy- MED
We will study the structural organization of DNA in the sperm cell and how this contributes to proper embryogenesis in the mouse.

FROM: DOD-Dept of Defense

1. DOD-Dept of Army \$400,000
"Active Hyperspectral Sensor Research"
Madey, John Physics & Astronomy
Research on optical sensors employing a wavelength-agile, spectrally bright laser illuminator and a matched, hyperspectral optical receiver.

Amending the Agenda

- Only with 2/3 vote of all members
- Cannot add item if:
 - of reasonably major importance, and
 - will affect a significant number of people



Board Packet

- Documents compiled by board & distributed to board members before meeting
- Only what's public under UIPA
- Nothing the board can't reasonably redact in time

Board Packet

- Available in board's office
- Notify mailing list that it's there
- Access upon request
- Accommodate electronic requests quickly
- Not required to mail / email to all

Board Packet

- Practical tips:
 - Think about what's public as you put packet together
 - Prepare public version of each thing as it comes in
 - Have pdf of public packet ready to go

Break Time!

This concludes the first half of the Sunshine Law training.

When you're ready, please continue with the second half in Sunshine Law Part 2.

A hui hou!