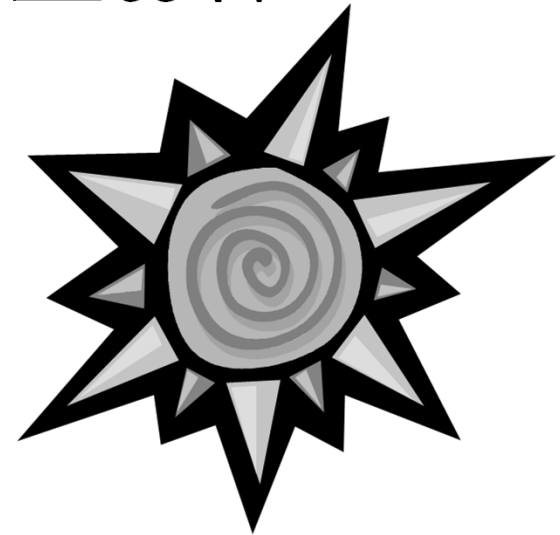


# **The Sunshine Law**

## **Part 1**

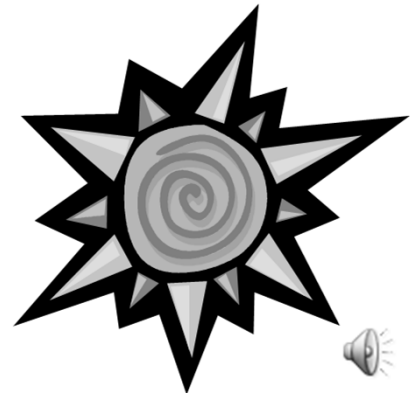


Hawaii's Open Meetings Law  
Part I of Chapter 92, HRS



# What's the purpose?

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



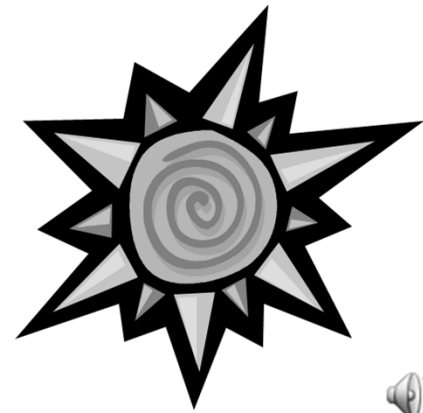


“[I]t is the policy of this State that the formation and conduct of public policy -- the discussions, deliberations, decisions and actions of government agencies -- shall be conducted as openly as possible.”



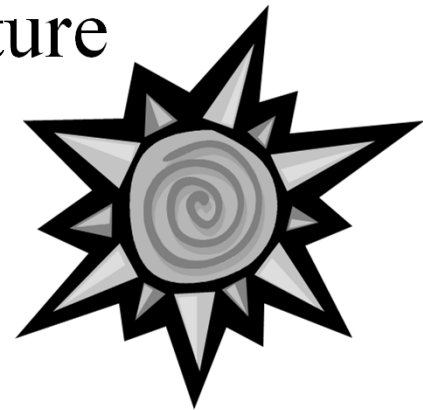
# Sunshine Law requires:

- 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



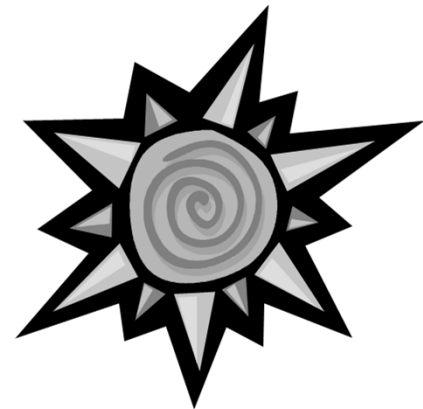
# **“Board Business”**

- 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

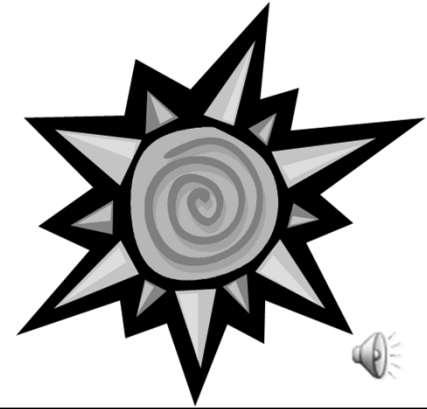


- **No caucuses**
- **No polling**
- **No telephone discussions**
- **No e-mails**
- **No memos**



# Permitted Interactions

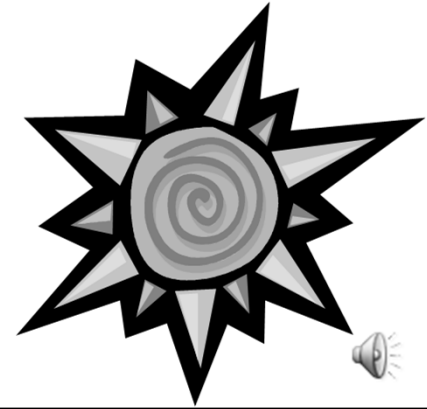
- 2 members
- Investigate
- Present, discuss or negotiate
- Selection of officers





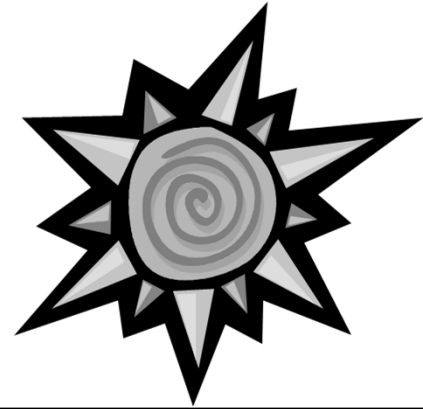
# Permitted Interactions

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



# Permitted Interactions

- 2 members
- Investigate
- Present, discuss or negotiate
- Selection of officers
- Testimony when no quorum
- Other meeting or presentation
- Circulate legislative testimony
- Governor or department head



# 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 2<sup>nd</sup> meeting
- Deliberation and decision-making at a 3<sup>rd</sup> 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



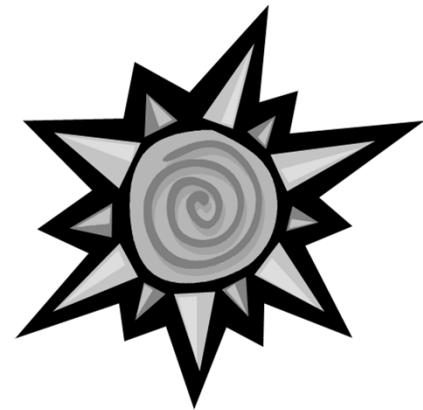
# **Permitted Interactions – Other Meeting or Presentation**

- 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



# 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





# Executive Meetings



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

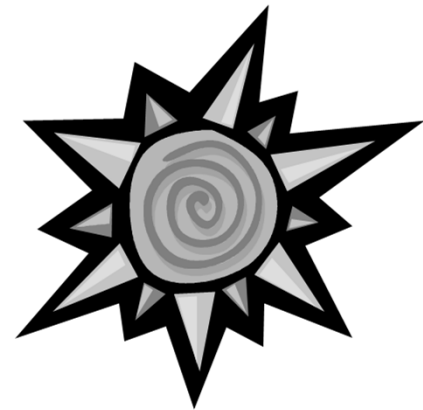
# Executive Meeting Purposes

- 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



# Sunshine Law requires:

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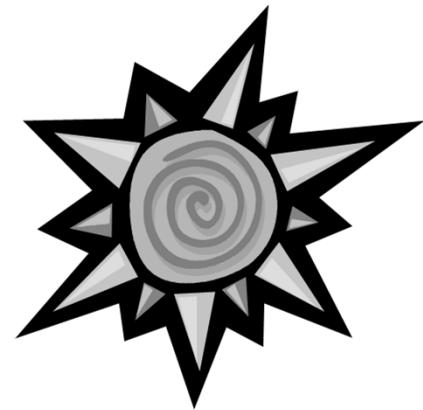
# Testimony

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



# Sunshine Law requires:

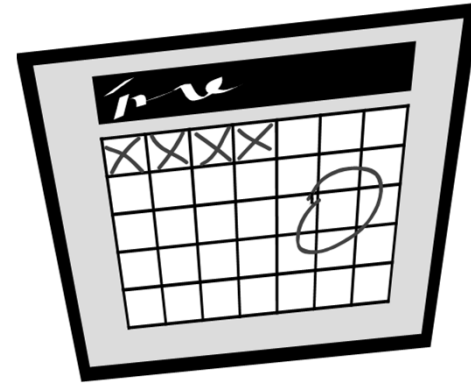
- Discussions, deliberations and decisions must be conducted at a meeting
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# Notice Requirements

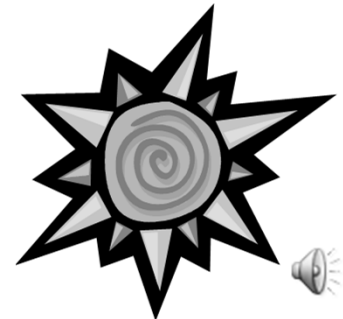
- written notice
- date, time and place
- contact info for testimony & ADA
- includes agenda
- for executive meeting, must state purpose and cite statutory basis



- 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





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

**Date:** Monday, September 27, 2004

**Time:** 2:00 p.m.

**Place:** King Kalakaua Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
335 Merchant Street  
Honolulu, HI 96813

- 

**BOARD OF TRUSTEES**

Haunani Apoliona, Chairperson  
John Waihe'e IV, Vice-Chairperson  
Rowena Akana, Trustee At-Large  
Dante K. Carpenter, O'ahu Trustee  
Donald B. Cataluna, Kauai'/Ni'ihau Trustee  
Linda Dela Cruz, Hawaii Trustee  
Colette Y. Machado, Moloka'i/Lana'i Trustee  
Boyd P. Moesman, Maui Trustee  
Oswald Stender, Trustee At-Large

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

04 AUG 26 P2:33

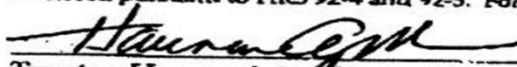
LIEUTENANT GOVERNOR'S  
OFFICE

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

**AGENDA**

- I. Call to Order
- II. Approval of Minutes
- III. Community Concerns\*
- 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 Quanah C. Stamps)\*\*
- VII. Beneficiary Comments\*
- VIII. Announcements/FYI
- IX. Adjournment

\*NOTICE: Persons wishing to provide testimony are requested to submit 10 copies of their testimony to the Administrator, at 711 Kapi'olani Blvd., Suite 500, Honolulu, HI, 96813 or fax to 594-1865, 48 hours prior to the scheduled meeting. Testimony may be faxed through neighbor island offices. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes. \*\*This portion of the meeting will be closed pursuant to HRS 92-4 and 92-5. For further information, please call 594-1886.

  
Trustee Haunani Apoliona, BOT Chairperson

8/26/04  
Date

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



Agenda for Meeting of  
Board of Regents, University of Hawai'i  
Friday, September 5, 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 Consultant and Construction Contracts for Capital Improvements Program and Repairs 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. \_\_\_\_\_



**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-Nat'l 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-Nat'l Inst of Child Health & Human Devlpmt \$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 genomes 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-Nat'l Inst of Child Health & Human Devlpmt \$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!