

Office of Information Practices
(September 2022)

Sunshine Law:

PUBLIC MEETING NOTICE CHECKLIST

1. Notice Includes:

- Date:** In addition to the date itself, if the notice also specifies the day of the week, make sure it matches the date.
- Time:** While the starting time must be provided, an ending time is not required.
- Location:** All notices must list at least one physical location for the meeting. For an in-person meeting, the notice must list all locations where board members will be physically present and must state that the public can attend the meeting at any of those locations.
- For a **remote meeting using interactive conference technology (ICT)**, the link(s) allowing the public to contemporaneously view and hear the meeting and provide remote oral testimony.
- If **additional locations** (formerly known as “courtesy” locations) are being provided for the public’s convenience, specify whether the meeting will continue without the additional location if the ICT connection between the additional location and the public meeting site(s) is lost, or will be automatically recessed to restore communication.
- Board’s **electronic and postal contact information** for submission of testimony before the meeting.
- Instructions** on how to request an auxiliary aid or service or an accommodation due to a **disability**. The Sunshine Law allows these instructions to include a reasonable response deadline; however, the requirements of other laws may differ on this point and current guidance from the State Disability and Communication Access Board (DCAB) advises against setting a firm response deadline. As explained in section 7 below, OIP does not have the authority to advise on reasonable accommodations and such questions should be directed to DCAB or a board’s own attorney.

- Agenda** describing with reasonable specificity all matters to be considered.
- If an **executive meeting** is anticipated, the agenda describes the purpose and statutory authority in section 92-5(a), HRS, 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.
- Optional: For a meeting **using ICT**, information about what will happen in the event of a connection failure, such as where to find **reconnection information and any necessary visual aids** online or an alternative date, time, and place for **continuation** of the meeting if the ICT connection cannot be restored.

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

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 section 92-8, HRS, 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/.
 - 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/.
 - 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 In-Person Meetings Involving Board Members with a Disability

- Notwithstanding the general requirements for multi-site in-person meetings in section 1 above, a “board member with a disability that limits or impairs the member’s ability to physically attend the meeting” may attend an in-person meeting 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: Sunshine Law Requirements for In-Person Meetings held at Multiple Sites* on OIP’s [Training Page at oip.hawaii.gov](#).

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 requires a notice to include instructions for requesting a reasonable accommodation 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 DCAB: website <https://health.hawaii.gov/dcab/>, telephone (808) 586-8121 (Voice or TTY), or email 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 (but note that the Sunshine Law does not allow all testimony to be taken at the beginning of a meeting and does not authorize setting a deadline for

submission of testimony or requiring people to register for oral testimony: a board can **request, but not require**, pre-registration or submission by a specified date).

- Whether the public can find and get into 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?