

LIMITED MEETINGS

OFFICE OF INFORMATION PRACTICES

What is a Limited Meeting? A limited meeting is a special meeting where access to the public is restricted or closed because either (1) the meeting location poses a dangerous health or safety risk; or (2) the meeting involves a necessary on-site inspection where public attendance is impracticable. Below is a checklist to help boards meet the limited meeting requirements under HRS § 92-3.1.

Before the Limited Meeting

- ☐ **Hold a Regular Meeting:** with an agenda item indicating the board will discuss holding a limited meeting at a specified location. At this regular meeting:
 - ☐ After  **public deliberation**, make a **motion** and **vote** on whether:
 - a limited meeting is necessary, and the location is  dangerous to the health or safety of the attending public **for specified reasons; or**
 - the on-site inspection is necessary, and public attendance is impracticable **for specified reasons.**
 -  If applicable, ask OIP to **waive** the **video** recording requirement based on a specified reason (e.g., privacy or safety concerns).
 - ☐ At least **two-thirds** of all voting members (not just those present) must vote in favor of a limited meeting.
- ☐ **The Office of Information Practices (OIP) Director Concurrence**
 -  Obtain written concurrence from OIP's Director to hold the limited meeting. See page 2.
- ☐  **Limited Meeting Notice and Agenda**
 - ☐  Provide public notice of the Limited Meeting at least **6 calendar days** before the meeting date in accordance with HRS § 92-7¹
 - ☐  Include in the notice: A statement that the meeting is limited, and the location is **not open to the public**, with the legal basis cited (HRS § 92-3.1)

During the Limited Meeting

- ☐  **Video record** the limited meeting unless OIP's Director waived this requirement
- ☐  No decision-making at the limited meeting

After the Limited Meeting

- ☐  Make video recording of the limited meeting available to the public at the **next regular meeting** (include an agenda item about the limited meeting)
- ☐  Post written minutes or recorded minutes on the board's website within 40 days of the limited meeting and follow minute requirements in HRS § 92-9²

FREQUENTLY ASKED QUESTIONS ?

Q: Do you need quorum at a limited meeting?

A: Yes. A limited meeting is a "meeting," which requires a quorum of members. Less than a quorum of members may still do a site visit if a permitted interaction under HRS § 92-2.5 applies.

Q: Are the board's discussions during a limited meeting automatically confidential?

A: No. Limited meetings are not for discussing confidential or sensitive information; that's the purpose of executive sessions.

Q: Can a board hold a limited meeting when partial public access is available?

A: Yes. Even though full public access is not practicable for a limited meeting, a board can still provide limited public access in a fair way. For example, if the boat to the meeting location has limited extra seats, the board could offer the seats to the first 10 people to arrive.

Q: Does the board need to video record members traveling between sites at a multi-site limited meeting?

A: No, so long as the Board takes a recess between sites and refrains from discussing board business.

¹ OIP's Public Meeting Notice Checklist is available at oip.hawaii.gov/training/.

² OIP's Quick Review: Sunshine Law Requirements for Public Meeting Minutes is available at oip.hawaii.gov/training/.

**REQUEST FOR THE OFFICE OF INFORMATION PRACTICES'
CONCURRENCE FOR A LIMITED MEETING**

BOARD INFORMATION:

DATE:

Name of Board:

Board Contact Person:

Date of Proposed Limited Meeting:

Phone:

Email:

Location of Proposed Limited Meeting:

Board Attorney:

Phone:

Email:

- 1. Type of Limited Meeting:** ☐ Location is dangerous to health or safety of the public; or
☐ Public attendance is impracticable

2. Board Determined By Two-Thirds Vote After Sufficient Public Deliberation at a Prior Regular Meeting:

- ☐ Limited meeting is necessary, **and** the location poses a danger to the health or safety of the attending public; or
☐ On-site inspection is necessary, **and** public attendance is impracticable

The Board based its determination on the following: *(attach the relevant portion of the minutes or cite to the relevant time stamps of recorded minutes)*

3. Notice of the Limited Meeting under HRS § 92-7 (attach agenda):
check one

- ☐ was filed on date:
☐ will be filed by date:

4. Required Video Recording of the Meeting: *check one*

- ☐ Will be made ☐ Board requests a waiver of the video requirement because:

OFFICE USE OF OIP ONLY

CONCURRENCE

The Director of the Office of Information Practices concurs with the request for a Limited Meeting and:

- ☐ does not waive the video recording requirement
☐ waives the video recording requirement, with the following conditions:

If concurrence is granted above, the Board must:

1. Provide notice of the Limited Meeting in accordance with HRS § 92-7;
2. Refrain from making any decisions during the Limited Meeting;
3. Comply with all minute and record keeping requirements in HRS § 92-9; and
4. Video record the Limited Meeting and make that recording available at the next regular meeting, unless this requirement is fully waived above.

Carlotta Amerino
Director

Date