

JAN 23 2015

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# A BILL FOR AN ACT

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RELATING TO COMMUNITY MEETINGS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the State's current  
2       sunshine law limits the ability of county council members to  
3       attend a variety of community meetings. The legislature further  
4       finds that, as elected officials, county council members are  
5       expected to determine how members of the community feel about  
6       policy issues, become educated on the issues, and enact  
7       legislation addressing those issues when advisable. These types  
8       of important policy issues may be discussed at community  
9       meetings. However, to ensure compliance with state law, council  
10      members have had to depart from community meetings or decline  
11      invitations to attend community meetings, which creates  
12      confusion amongst meeting attendees and members of the public.  
13      The legislature notes that council members have no control  
14      over agendas, discussions, or outcomes of meetings conducted by  
15      non-council members. Permitting council members to attend these  
16      public meetings would therefore not jeopardize openness in  
17      government.



1       Accordingly, the purpose of this Act is to promote greater  
2 transparency and accessibility in county government by  
3 permitting county council members to jointly attend and speak at  
4 certain community meetings or presentations; provided that the  
5 meetings or presentations are events open to the public.

6       SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "§92-2.5 Permitted interactions of members. (a) Two  
9 members of a board may discuss between themselves matters  
10 relating to official board business to enable them to perform  
11 their duties faithfully, as long as no commitment to vote is  
12 made or sought and the two members do not constitute a quorum of  
13 their board.

14       (b) Two or more members of a board, but less than the  
15 number of members which would constitute a quorum for the board,  
16 may be assigned to:

17       (1) Investigate a matter relating to the official business  
18 of their board; provided that:

19       (A) The scope of the investigation and the scope of  
20 each member's authority are defined at a meeting  
21 of the board;



1 (B) All resulting findings and recommendations are  
2 presented to the board at a meeting of the board;  
3 and

4 (C) Deliberation and decisionmaking on the matter  
5 investigated, if any, occurs only at a duly  
6 noticed meeting of the board held subsequent to  
7 the meeting at which the findings and  
8 recommendations of the investigation were  
9 presented to the board; or

10 (2) Present, discuss, or negotiate any position which the  
11 board has adopted at a meeting of the board; provided  
12 that the assignment is made and the scope of each  
13 member's authority is defined at a meeting of the  
14 board prior to the presentation, discussion, or  
15 negotiation.

16 (c) Discussions between two or more members of a board,  
17 but less than the number of members which would constitute a  
18 quorum for the board, concerning the selection of the board's  
19 officers may be conducted in private without limitation or  
20 subsequent reporting.



(d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:

(1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;

(2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and

(3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:

(A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and



1 (B) Receive a report by the members who were present  
2 at the canceled or terminated meeting about the  
3 testimony and presentations received.

4 (e) Two or more members of a board, but less than the  
5 number of members which would constitute a quorum for the board,  
6 may attend an informational meeting or presentation on matters  
7 relating to official board business, including a meeting of  
8 another entity, legislative hearing, convention, seminar, or  
9 community meeting; provided that the meeting or presentation is  
10 not specifically and exclusively organized for or directed  
11 toward members of the board. The board members in attendance  
12 may participate in discussions, including discussions among  
13 themselves; provided that the discussions occur during and as  
14 part of the informational meeting or presentation; and provided  
15 further that no commitment relating to a vote on the matter is  
16 made or sought.

17 At the next duly noticed meeting of the board, the board  
18 members shall report their attendance and the matters presented  
19 and discussed that related to official board business at the  
20 informational meeting or presentation.



1 (f) Discussions between the governor and one or more  
2 members of a board may be conducted in private without  
3 limitation or subsequent reporting; provided that the discussion  
4 does not relate to a matter over which a board is exercising its  
5 adjudicatory function.

6 (g) Discussions between two or more members of a board and  
7 the head of a department to which the board is administratively  
8 assigned may be conducted in private without limitation;  
9 provided that the discussion is limited to matters specified in  
10 section 26-35.

11 (h) Communications, interactions, discussions,  
12 investigations, and presentations described in this section are  
13 not meetings for purposes of this part.

14 (i) Notwithstanding subsection (e), members of a county  
15 council may jointly attend and speak at a community, education,  
16 or informational meeting or presentation of another entity,  
17 including a legislative hearing, convention, seminar,  
18 conference, forum, debate, or community association meeting;  
19 provided that the public has been invited to attend the meeting  
20 or presentation through print or broadcast news media outlets or  
21 through other methods of communication that clearly demonstrate



1 the intent for the meeting or presentation to be an event open  
2 to the public."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 723

**Report Title:**

Public Meetings; Community Meetings; County Council Members;  
Permitted Interactions of Members

**Description:**

Permits members of a county council to jointly attend and speak at certain community meetings or presentations; provided that the meetings or presentations are events open to the public.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

