

The Sunshine Law

Part 1

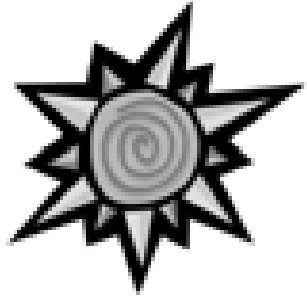


Hawaii's Open Meetings Law
Part I of Chapter 92, HRS

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.”

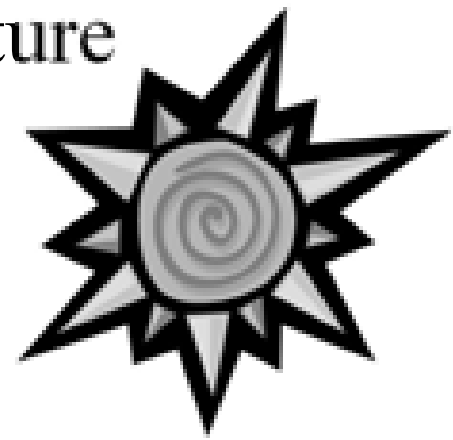
Sunshine Law requires:

- 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

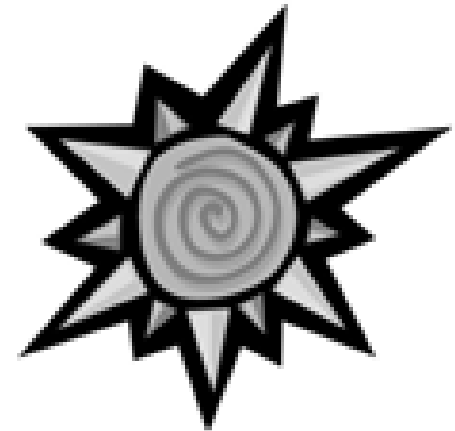


- **No caucuses**
- **No polling**
- **No telephone discussions**
- **No e-mails**
- **No memos**



Permitted Interactions

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



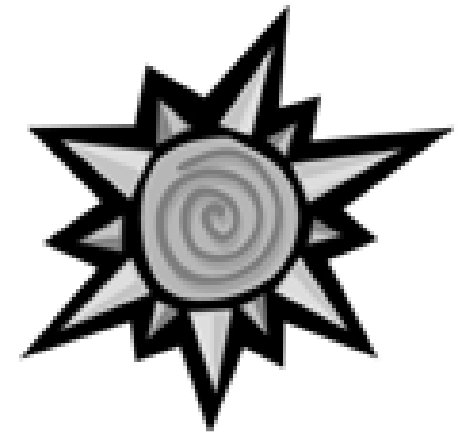
Permitted Interactions

- 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
- Report afterward

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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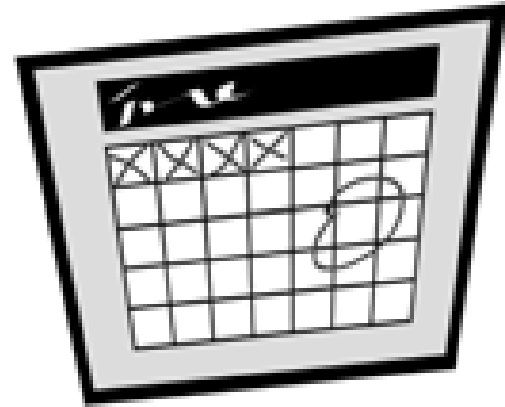
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Notice Requirements

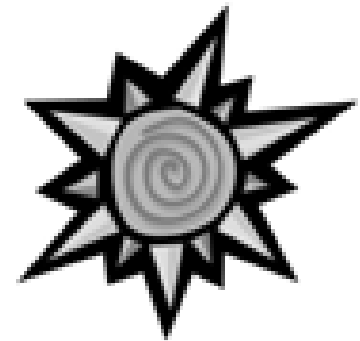
- written notice
- date, time and place
- contact info for testimony & ADA
- includes agenda
- for executive meeting, must state purpose and cite statutory basis



- 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



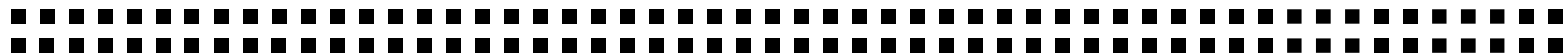
PEST CONTROL BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

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 500
HONOLULU, HAWAII 96813

BOARD OF TRUSTEES
Haunani Apollonia, Chairperson
John Walker IV, Vice-Chairperson
Raymond Akana, Trustee At-Large
Diane K. Carpenter, O'ahu Trustee
Donald B. Catalano, Kauai'/Ni'ihau Trustee
Linda Dale Cruz, Hawaii Trustee
Colleen Y. Machado, Molokai'/Lana'i Trustee
Boyd P. Mowman, Maui Trustee
Gerald Sessler, Trustee At-Large

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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 - 5th 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 Quannah 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 Kapiolani Blvd., Suite 500, Honolulu, HI 96813 or fax to 394-1865, 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 394-1866.


Trustee Haunani Apollonia, 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 Hawaii
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 Hawaii
- A-6 Establishment of the Sidney and Erica Heiao Endowed Chair, Department of Zoology, College of Natural Sciences, University of Hawaii at Manoa
- 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-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 Devlpmnt \$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-Natl Inst of Child Health & Human Devlpmnt \$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!