








# 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 § 92-7<sup>1</sup>
  -  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 § 92-9<sup>2</sup>

## 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.

<sup>1</sup> OIP's Public Meeting Notice Checklist is available at [oip.hawaii.gov/training/](http://oip.hawaii.gov/training/).

<sup>2</sup> OIP's Quick Review: Sunshine Law Requirements for Public Meeting Minutes is available at [oip.hawaii.gov/training/](http://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