

The Sun Shines on County Lawmakers  
by  
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The timing was perfect to learn about the state's Sunshine Law. League of Women Voters of Hawaii County hosted a workshop on July 23, 2009 and those who attended considered it to be a reality check. The one-hour long course was presented by Ms. Linden H. Joesting, a staff attorney with the Office of Information Practices (OIP). It was attended by League members, residents, and the press (staff writer, Nancy Cook Laver of "West Hawaii Today").

The State Sunshine Law which is codified in Part I of Chapter 92 of the Hawaii Revised Statutes "is the policy of this state that formation and conduct of public policy – the discussions, deliberations, decisions and action of government agencies shall be conducted as opened as possible." This law insists on transparency, the people's right to know and preference for open meetings.

Joesting provide the group hard copy handouts of a PowerPoint presentation and reviewed in depth what is required, what is prohibited, and what is allowed.

Recently, Hawaii County Council was sued by Stephens Media, parent company of "West Hawaii Today" and the "Hawaii Tribune-Herald." The suit alleged the County Council members violated the state's Sunshine Law which they discussed and obtained support from its members to reorganize the committee chairmanships. The suit requested the court to find the June 16 reorganization vote and all subsequent votes "null and void," due to the violation. Stephens Media alleged that by discussing the reorganization the council members committed a serial communication violation.

Ms. Joesting described serial communication at the workshop as "Councilmember 'A' contacts Councilmember 'B' who then contacts Councilmember 'C', and so forth, to arrive at a desired result without openly meeting as a quorum."

According to Nancy Cook Laver, writer for Stephens Media and a workshop attendee, “Almost all of the Council members met either in person or by telephone to discuss the reorganization that removed Kohala Councilman Pete Hoffman as Council Vice Chairman and stripped South Kona Councilwoman Brenda Ford and Hamakua Councilman Dominic Yagong of their committee chairmanships.”

The workshop attendees learned that permitted interactions allow for two members of the Council to meet, but less than a quorum, and that while they could communicate privately, they were not permitted to commit to a vote, nor seek commitment.

The OIP attorney closed by reminding the group that “Sunshine Law is not intuitive nor efficient, but rather about open and transparent practices.”

Those who attended this concise workshop left feeling better informed on Sunshine Law and knew that if they had questions they could turn to OIP for guidance. In fact, OIP has a hot line and an Attorney of the day phone number in Honolulu which is 808-586-1400. Their website is: <http://hawaii.gov/oip>

The Sunshine Law material is at  
<http://www.state.hi.us/oip/openlineguidance.html>