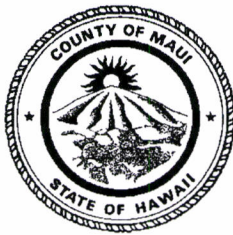


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September 10, 2015

MEMO TO: Mike White  
Council Chair

FROM: Linden H. Joesting   
Deputy Corporation Counsel

RE: Meeting by Interactive Technology

This is in response to your memorandum dated September 9, 2015.

QUESTION PRESENTED:

Section 4-2(6) of the Revised Charter of the County of Maui (1983), as amended, provides:

The council may prescribe by rule procedures for emergency meetings of its membership to be held by conference telephone or similar communication equipment in the event of public calamity.

Does this Charter provision, or any other Charter provision, restrict the Council's ability to conduct a non-emergency meeting by interactive technology pursuant to Section 92-3.5, Hawaii Revised Statutes?

SHORT ANSWER:

Your memo asked if any provision in the Charter, including Charter § 4-2(6), restrict the Council's ability to conduct a non-emergency meeting by interactive technology under the State Sunshine Law. In short, no.

Hawaii's Sunshine Law, found in Chapter 92 of the Hawaii Revised Statutes ("HRS"), provides for meetings by interactive conference technology ("ICT"). HRS § 92-3.5. This section of Chapter 92 is meant for non-emergency

meetings because there are provisions elsewhere in the Sunshine Law and the Charter for emergency meetings.

However, there are pros and cons to holding a meeting by ICT. The positive benefits are:

- 1) Greater flexibility than in person attendance.
- 2) Quorum can still be established and voting take place.
- 3) A member with a disability that limits or impairs the member's ability to physically attend may attend in a location not accessible to the public.

These benefits are subject to the following requirements:

- 1) The agenda for the meeting must also list the public location for the distant attendee.
- 2) The public must be able to join the member at the distant location.
- 3) The ICT must allow all members of the board participating to interact.
- 4) The meeting must be terminated when audio communication cannot be maintained at all noticed locations.
- 5) Visual aids, if any, must be made available at all locations within fifteen minutes or the item for which visual aids are not available cannot be acted upon at the meeting.

Please advise if further information is needed.

APPROVED FOR TRANSMITTAL:



EDWARD S. KUSHI  
First Deputy Corporation Counsel