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Wednesday, March 12th, 2014 | Posted by Guest Contributor | Print This Article



**REPORT FROM THE LEAGUE OF WOMEN VOTERS -** Sunshine Week is next week, March 16-22, 2014. This is an occasion for all of us to celebrate and facilitate citizen participation in government decision making.

But there's little to celebrate with HB2139 HD 1 *Relating to Public Agency Meetings*. If passed by the Legislature this measure would create a loophole in Hawaii's Sunshine Laws and allow a quorum or all members of a county council to attend and participate in discussions at free in-state meetings and presentations held by private interests.



It is common for private interests seeking county land use approvals, private businesses seeking county contracts and ad hoc "NIMBY" groups to hold "informational meetings and presentations" for the purpose of advocating for or against special interest projects. Currently, Hawaii's Sunshine Law does not allow a council quorum to attend a "meeting or presentation". This helps prevent one-sided presentations, discussions and vote-trading in private followed by pro-forma public meetings where official votes are taken.

The Sunshine Law ensures that county councils conduct the public's business in public. The existing law guarantees the public both advance notice and the opportunity to hear, question, and disagree with any private presentation to a county council quorum. The existing law also guarantees the public both advance notice and the opportunity to listen to all discussions and decisions by a county council quorum.

If HB 2139 HD 1 becomes law, all county council members could be invited to attend an "informational meeting or presentation" organized by proponents of a special interest project. Prior public notice would not be required. Only invitees might know about the "meeting or presentation" even if the event were open and "free" to the public. At the "meeting or presentation", the proponents could make a one-sided presentation in support of a special interest project and then discuss the project with a quorum or even all council members. It would be possible for the host to structure the "meeting or presentation" to prevent the public from asking questions or participating in discussions. Regardless of how many council members participate, minutes would not be required.

The League of Women Voters of Hawaii and Common Cause Hawaii are not unsympathetic with county councils members who wish to remain actively engaged with their constituents. However, this does not justify amending the sunshine law to allow county council quorums to attend one-sided private presentations and discuss special interest projects without public notice.

Common Cause Hawaii is a state chapter of the national Common Cause organization. Common Cause is a nonpartisan, grassroots organization dedicated to reinventing an open, honest and accountable government that serves the public interest. For more information, visit [www.commoncause.org/HI](http://www.commoncause.org/HI)

The League of Women Voters of Hawaii is a non-partisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. For more information visit [www.lwv-hi.com](http://www.lwv-hi.com)

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