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Hawaii News

City Council hui cleared of flouting Sunshine Law

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The new leaders of the Honolulu City Council did not violate the state's open-meeting laws when they discussed leadership reorganization plans privately in December, the state Office of Information Practices said in an advisory opinion Thursday.

A complaint alleging a violation of the Sunshine Law was filed anonymously with the office after a Honolulu Star-Advertiser story reported that four Council members had formed a leadership reorganization and expected at least one other colleague to support them.

After obtaining statements from seven members of the nine-member Council, OIP concluded four of them discussed a resolution setting up leadership positions. But because five or more members did not engage in those discussions, OIP said, there was no quorum or violation of the Sunshine Law. The law requires all decision-making bodies in the state, with the exception of the state Legislature, to discuss and make decisions in a public meeting except under a narrow set of circumstances.

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“Even if there had been a quorum, OIP precedent determined that the Sunshine Law allows a quorum of elected but not yet sworn-in Council members to discuss selection of officers for their upcoming term,” the OIP opinion said.

The office cited a 2011 opinion letter that said Council members are not subject to the Sunshine Law until their terms of office commence. In this case, five of the nine Council members were incumbents who were re-elected in November but not sworn in until Jan. 3.

OIP had also previously determined that five or more Council members would be violating the law if they privately discussed leadership reorganization in the middle of their terms.

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