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November 9, 2017

VIA EMAIL

Mr. Ron Menor  
Chair  
Honolulu City Council  
Honolulu Hale, Room 203  
Honolulu, HI 96813

Re: Notice of Appeal of Sunshine Law Complaint (S APPEAL 18-01)

Dear Chair Menor:

The Office of Information Practices (OIP) has received an anonymous appeal, concerning the Honolulu City Council's (COUNCIL-HON) meeting held on November 1, 2017. Specifically, the complainant asks whether COUNCIL-HON violated Part I of chapter 92, Hawaii Revised Statutes (HRS) (Sunshine Law), when Council-HON added "17-278 report 380 CD-1" to its agenda at the end of the meeting. Section 92-7(d), HRS, governs when boards subject to the Sunshine Law may amend filed agendas. This section states:

[n]o board shall change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the board is entitled; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons. Items of reasonably major importance not decided at a scheduled meeting shall be considered only at a meeting continued to a reasonable day and time.

HRS § 92-7(d) (2012). A copy of the complainant's appeal is enclosed for your information.

COUNCIL-HON's response to this appeal is COUNCIL-HON's opportunity to provide justification for COUNCIL-HON's actions or any additional information that COUNCIL-HON would like OIP to consider for this appeal. Within ten business days of receipt of this notice, please provide OIP with a written statement that includes the information listed in the attached summary of appeal procedures. Please remember that OIP is required to interpret the Sunshine Law to favor openness and to disfavor closed meeting provisions. HRS § 92-1 (2012). For this reason, when a member of the public complains to OIP that a board's action was not in compliance with the Sunshine Law, the board has the burden to justify any departure from the law's general requirement of openness to OIP. As part of your response to this appeal, OIP respectfully asks that you explain why COUNCIL-HON's amendment to its November 1, 2017 agenda was in compliance with section 92-7(d), HRS.

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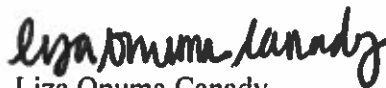
Please provide OIP with unaltered copies of the minutes for COUNCIL-HON's meeting on November 1, 2017, for our use in reviewing this appeal. We would appreciate receiving the copies of these documents no later than ten business days from receipt of this notice.

Please be advised that any person may file a lawsuit to require compliance with or to prevent a violation of the Sunshine Law. HRS § 92-12(c) (2012).

This letter also serves as notice that OIP is not representing anyone in this appeal. OIP's role herein is as a neutral third party.

Thank you in advance for your cooperation. Please feel free to contact this office if you have any questions or would like to discuss this matter.

Very truly yours,

  
Liza Onuma Canady  
Staff Attorney

LOC:za  
Enclosure

cc: Complainant (w/o enclosure)