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April 25, 2003

MEMO TO: Ken R. Fukuoka  
Director of Council Services

F R O M: Blaine J. Kobayashi *BK*  
Deputy Corporation Counsel

SUBJECT: SUNSHINE LAW EFFECT OF DELAY IN CONVENING A COMMITTEE  
MEETING (PAF 01-275)

This responds to your memorandum dated September 17, 2001, which requested a written opinion on "whether a delay of several minutes to several hours in convening a committee meeting would result in a Sunshine Law violation if the public at the meeting location is informed that the meeting may still be held and has not been cancelled."

Your memorandum stated that the Council's Land Use Committee's Legislative Attorney previously contacted the State of Hawaii Office of Information Practices ("OIP") regarding a delay of the Land Use Committee's September 4, 2001 meeting. The OIP provided an informal, oral opinion that "a delay of several minutes to several hours" is not prohibited by the Sunshine Law (Hawaii Revised Statutes Chapter 92). A Deputy Corporation Counsel at the September 4th meeting verbally agreed with the OIP's opinion.

Although the Sunshine Law (HRS § 92-7) requires that the notice of a meeting include "the date, **time**, and place of the meeting," it is silent on the issue of a delay in the starting time of a meeting.<sup>1</sup> Based on that fact, and consistent with the OIP's prior oral opinion, it is our office's opinion that an unanticipated delay of several minutes to several hours in convening a committee meeting would not necessarily result in a Sunshine Law violation.

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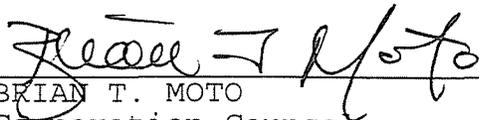
<sup>1</sup>A review of the index of OIP opinion letters has not revealed an opinion directly on point.

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Further, we advise your staff to continue its current practice of informing the public at the meeting location of any delay in the start of the meeting and the cause for such delay. If the time delay is unreasonable, the meeting should be cancelled and rescheduled. The determination of how much time is "unreasonable" is dependent upon the facts and circumstances associated with the meeting in question and any delay. Consequently, it is appropriate that such a determination be made by the committee chair in light of the relevant facts and circumstances.

Should you have any further questions, please feel free to contact me at my office.

APPROVED FOR TRANSMITTAL:

  
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