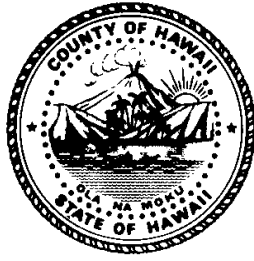


EDMUND HAITSUKA
Chairman

DAVID FUERTES
Vice Chair



DAPHNE HONMA
CASEY JARMAN
JAMAE KAWAUCHI
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TODD SHUMWAY
SCOTT UNGER

**2009-2010
HAWAI‘I COUNTY
CHARTER COMMISSION**

TO: Members of the Hawai‘i County Charter Commission
FROM: Levi Hookano, Commission Attorney
DATE: June 4, 2009
RE: Testimony from Margaret Wille dated June 3, 2009

Members of the Hawai‘i County Charter Commission,

This communication is to address some of the concerns of Ms. Margaret Wille as contained in her testimony dated June 3, 2009 and to assuage any concerns the Commission may have due to her testimony. Ms. Wille is “disturbed” that as of June 3, 2009, the minutes from the May 8, 2009 Charter Commission meeting were not yet available online. There is no requirement in the Hawai‘i Revised Statutes that the minutes of a board or commission be posted online and the Commission is not in violation of any laws.

All that is required by law is that the minutes be available to the public *within thirty days*.¹ As a convenience, we have been posting the Commission minutes online after they have been approved by the Commission so as to provide the most accurate record of the meeting to the public. The law does not require that minutes be approved by the Commission prior to their disclosure. Once any notes and transcripts have been compiled into “draft minutes” then that document becomes a government record subject to disclosure.²

Essentially, Ms. Wille has requested that the Commission post the *draft minutes* on the Charter Commission’s website. It is at the Commission’s discretion to do so as a matter of convenience. OIP has recommended that if the Commission is to provide draft minutes, then it should be clearly marked as such so that the public is on notice that the minutes may be corrected or amended at a later date.³ If Ms. Wille wishes to obtain any draft minutes of a meeting prior to the approval of the Commission and before the minutes are posted to the website, she is free to request a copy from Commission Secretary Karen Eoff directly. Ms. Eoff, however, is not

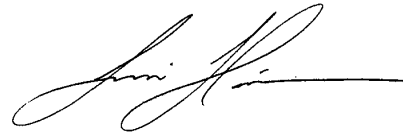
¹ Haw. Rev. Stat. § 92-9(b).

² OIP Op. Ltr. 02-06.

³ *Id.*

required to provide them until her work is complete or until the thirty day time limit has been reached, whichever occurs first.

If you have any questions or concerns regarding this issue, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Levi Hookano', with a long horizontal flourish extending to the right.

Levi Hookano
Commission Attorney

Xc: Karen Eoff, Commission Secretary