



August 15, 2025

Dawn Szewczyk, Chair
Charter Commission
530 South King Street, Room 202
Honolulu, Hawai'i 96813

RE: Charter Proposal Concerning the Sunshine Law and City Council

Dear Chair and Members of the Commission:

I am Executive Director at Public First Law Center, a nonprofit organization that promotes government transparency. We offer the attached proposal on the Honolulu City Charter provisions governing the Honolulu City Council.

Issue or Concern

This proposal seeks to address recurring confusion in the community when newly elected councilmembers privately discuss Council business.

Relevant Charter Sections

Charter § 3-102

Current Charter Language

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section 16-122, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than two consecutive four-year terms.

Proposed Change

New sentence: All elected councilmembers shall comply with part I of HRS chapter 92 before taking office.

Rationale and Intended Impact

The Hawai'i Office of Information Practices (OIP) is the state agency that interprets the Sunshine Law, which governs open meetings of government boards, *e.g.*, the Honolulu City Council. OIP has long recognized what it references as a "loophole" in the Sunshine Law when applied to newly-elected members of the City Council. *E.g.*, OIP Op. No. 02-11. According to OIP, the Sunshine Law does not apply until



Dawn Szewczyk, Chair
Charter Commission
August 15, 2025
Page 2

councilmembers-elect are sworn-in to office, weeks after their election. As a consequence, a *majority* of soon-to-be Council members can make critical decisions affecting the public without any public awareness or participation. The proposal makes clear the letter and intent of the Sunshine Law should guide Council members from the day they are elected to serve.

Respectfully,

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

R. Brian Black
Executive Director