

the Honua'ula project and moving forward with the affordable units, there's a new delay on a completely different level — it's now about the process.

Claims have been made by a few residents that the County Council violated the state Sunshine Law in reviewing and approving zoning for the Honua'ula project. In reviewing the matter, 2nd Circuit Judge Joseph Cardoza found there was some validity to the complaint and issued an injunction, blocking Maui County from taking further actions to permit the Honua'ula project district until a determination concerning alleged violations can be made. As Honua'ula continues to move forward with its planning, the county is reviewing its policies for meeting the Sunshine Law requirements.

The Sunshine Law was intended to open up the governmental processes to public scrutiny and participation by requiring state and county boards, which includes county councils, to conduct their business as openly as possible.

In the matter before Judge Cardoza, concern was noted that council members took up proposals that were not posted on the agenda for the meetings. This raises the question about the level of detail needed on the agenda.

The law states that an agenda for the meeting must be published six days in advance and that the agenda must list all of the business to be considered by the board at the meeting. It must be sufficiently detailed so as to provide the public with adequate notice of the matters that the board will consider so that the public can choose whether to participate. So what constitutes "all of the business" or "sufficiently detailed"? Is it enough to simply include the topic and be able to discuss every facet? It's unclear. But the booklet goes on to note that "general descriptions," such as "unfinished business" or "old business," are insufficient and do not satisfy the agenda requirements. By comparison, it would seem that broadly naming the matter/project on the agenda would seem sufficient to notify

list, then the process is delayed as it will then go on the next meeting agenda. An item could be stalled perpetually by someone simply bringing up a new angle for discussion at each meeting. Businesses can't do business this way.

There's also a question of process in determining whether a related matter falls under the agenda presented. The law notes that boards can decline to accept public testimony that is unrelated to a matter listed on its agenda. So who makes the call? Is it the discretion of the chairperson who conducts the meeting or will corporation counsel decide whether parts of a conversation are adequately covered by the matter listed on the agenda?

The complaint also challenged the legality of recessing and continuing a meeting on 13 days spread over two months. They felt too many recesses took place. However, our council members went through a marathon of meetings on this project, always accepting public and written testimony to come to

These, all made in the meetings, are the process entire state.

Mayor C said, "Recessings and interruptions writing were expediting business. The obvious implications government do agree. We want to cover everything on the agenda difficult to, Maui County

The ultimate complaint is come desired plaintiffs could call the pro down government decision making them; negative community business is and state. State

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