



News > Kauai News

Council kills proposed rule changes

[Print Page](#)

By Michael Levine - The Garden Island

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LIHU'E — The County Council wrapped up a months-long discussion about the role of democratic principles in county policy by promising Wednesday to work together going forward, but two resolutions to change the body's rules were rejected by 4-3 votes.

Council members Tim Bynum and Lani Kawahara — who have been pushing for reform and went head-to-head with Council Chair Kaipo Asing again Wednesday, two weeks after a marathon meeting saw the three trading barbs — said in separate interviews after the meeting that they were encouraged by the progress that was made in recent weeks, but disappointed with their colleagues' votes.

"I am disappointed in today's events but I remain firm in my belief that this was a fundamental democratic principle that needed to be discussed and addressed," Kawahara said in a phone interview.

"I'm proud of the work that Council member Bynum and I have done to bring the issue of transparent and open government to the forefront. ... I wouldn't have changed anything."

The first resolution, proposed by Council members Jay Furfaro and Dickie Chang, would have appointed an ad hoc committee to review Council Rules and recommend amendments, but a motion to receive it effectively killed the measure — with Chang voting with Asing, Daryl Kaneshiro and Derek Kawakami.

"I don't have problems with any of the rules," Chang said after the meeting, adding that his only goal in co-sponsoring the resolution was to get the discussion to the council floor and that he felt he had accomplished that goal.

Kawahara said she was initially "really leery" of the resolution and thought it could be a distraction and delay tactic, but eventually determined, especially in light of the July 22 meeting, that the council had reached an "impasse," with emotions and personality conflicts rendering it incapable of working together to fix the rules.

"We need help," she said.

The second resolution, which would have amended Council Rule 10(c) to include clarifying language saying the chair should not use his role of initialing items before they get on an agenda to "restrict introduction of any bill or resolution introduced by any member indefinitely," aligning it with Rule 10(a), which says "any bill or resolution may be introduced by any member," was also killed by the same 4-3 vote.

Bynum said a vote to receive the resolution was a vote for the "status quo" that allowed Asing a preemptive veto power outside of public scrutiny.

"I do not believe that any one person, especially the chair, should have that kind of power," Asing said in a statement that Kawahara applauded and said "mirrors the resolution itself."



Kaua'i County Councilwoman Lani Kawahara makes notes while listening to public testimony on ag land housing during Wednesday's Kaua'i County Council meeting. Photos by Dennis Fujimoto/The Garden Island

When asked by Chang if he would support Bynum and Kawahara's future requests to put resolutions and bills on the agenda, Asing said he would do so.

Kawakami agreed the chair should not have absolute power, but said nothing in the rules as currently written gives Asing that power. Kawakami also said Rule 15(d) provides an alternate mechanism to get an item on the agenda without the chair's signature by garnering a supermajority and both he and Chang pledged to support any attempt to add an item to the agenda through that avenue if it comes to that.

Asked if he was concerned that Bynum and Kawahara would be unsatisfied with the meeting's results, Chang said, "I don't think they're ever going to be happy ... but I think they should be happy."

Related items

- A communication from Bynum seeking Asing's rationale for denying a recent travel request was received unanimously by the council as part of a bundle with four other communications and was not discussed. Asked during a break why the public had not been informed of the rationale or details of the request, Bynum said he and the chair had discussed the matter and reached an accord, mutually deciding that they did not want to "air dirty laundry."
- Asing followed up on his lengthy July 22 presentation pertaining to the distribution of council documents by outlining a recent change made to council procedure. As outlined in a July 27 memorandum from Asing to the rest of the council, incoming council documents will be placed in a binder on the council's break room table. Council members seeking copies of those documents were advised to ask staff for assistance.
- Asing made no mention during his presentation of the investigation he said two weeks ago was ongoing pertaining to tampering with the county's official Web site, www.kauai.gov.

Asked about the investigation after the meeting, Kawahara said she had not heard any updates.

- When asked about the appearance of police officers outside the Historic County Building during the dinner break of the July 22 meeting, Kawahara declined further comment. When asked following that meeting if her call to police was related to the council, she said it did not pertain to "council work."

The "incident daily bulletin" provided by the Kaua'i Police Department to The Garden Island shows an incident reported at 7:18 p.m. on July 22 at Rice Street.

The offense is described as "harassment," a petty misdemeanor that could involve strikes, shoves, kicks, or other offensive physical contact, insults, taunts, or challenges in a manner likely to provoke an immediate violent response, repeated communications after being advised that further communication is unwelcome, or communication using offensively coarse language, according to the Hawai'i Revised Statutes.

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