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### 'Hallelujah!' Council finds harmony — or not

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**By Michael Levine - The Garden Island**

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LIHU'E — Nearly eight months into its term, the Kaua'i County Council finally started to "break the ice" during a marathon meeting Wednesday that saw most of its 16-plus hours spent not on legislative proposals but politics of personality.

Excluding an hour for lunch, another hour for dinner, and an hour of previously scheduled unrelated public testimony, the council argued from 9 a.m. until past 9 p.m. about a single agenda item, then continued the discussion until past 1 a.m., at one point reaching apparent "harmony" only to see much of the day's progress undermined in the meeting's final minutes.



A large crowd fills the gallery of the Kaua'i County Council meeting Wednesday, with many desiring to testify on issues of government transparency. Photos by Dennis Fujimoto/The Garden Island

The main discussion — relating to members' access to the agenda, the placement of public documents on the county Web site, equitable and timely circulation of documents, and general access to information — included presentations by Tim Bynum and Lani Kawahara in which they accused Council Chair Kaipo Asing of stifling democracy and failing to abide by the council's rules — specifically rule 10(c), which covers the chair's power to initial proposed items before they are added to the agenda.

Kawahara said she recognizes that gamesmanship is a part of the reality of life on the council, but said "when it comes to transparency in government, when it comes to the public having access to public documents, and basic democratic principles, that game must end."

Asing, in turn, made his own presentation outlining Council Services' procedures for distributing communications to council members and painted Bynum and Kawahara as dishonest, at one point saying he could "disprove every single allegation he (Bynum) has made."

"Why do you say inaccurate things to make somebody else look bad? That's wrong," Asing said.

Asing also disclosed that the official County Council government Web site had been tampered with, as unauthorized changes were made. He said an investigation was ongoing.

Kawahara said Thursday that the investigation was "ridiculous" as she believed it stemmed from a recent change to the council's e-mail system that distributes electronic correspondence from the public sent to councilmembers@kauai.gov and counciltestimony@kauai.gov to all council members rather than to only the County Clerk.

Kawahara on Thursday also explained the arrival of two Kaua'i Police Department cruisers at the Historic County Building during the dinner recess. Kawahara was seen speaking to a female officer for approximately 10 to 15 minutes in the adjacent parking lot, and said Thursday her call to police had been for a personal issue "not related to any of the council work."

Back inside Council Chambers, after hours of infighting and finger-pointing across the table, Asing eventually agreed to make some changes going forward.

"I am willing as chair to work with you to solve the problems, I am making that commitment now in front of the public and it is for public view," he said. "What more do you want?"

Later, Bynum said he was happy to hear the change in attitude and was excited about an agreement to work on some of the communication problems starting on Monday.

"Hallelujah!" he said. "That's the first time that I've heard that."

The meeting took on the feel of a marriage counseling session, with Dickie Chang and Jay Furfaro often serving as mediators.

Bynum said he had been reluctant during his first term to question Asing's decisions because as "the haole guy that wasn't born and raised here," he wanted to remain humble and honor the local culture.

Answering a question from Chang, Kawahara acknowledged that despite claims by her and Bynum that they had "explored all avenues," she had never actually raised her concerns about transparency in a face-to-face meeting with Asing, instead sending written communications because she was intimidated after she voted for Furfaro and not Asing to serve as chair during the body's first meeting in December.

"You have broken the ice," Chang said. "I think we've accomplished a lot today, and I think we'll accomplish a lot more."

After the council voted unanimously 6-0 — Derek Kawakami had left hours earlier to attend a conference on the Mainland — to end the discussion, it addressed other issues before taking up a resolution co-introduced by Jay Furfaro and Dickie Chang that would appoint an ad hoc Special Advisory Committee to review all of the council's rules and report back within 90 days with recommendations.

The measure received tepid support from some council members and a mixed reaction from the few members of the public remaining in Council Chambers before Daryl Kaneshiro explained why he believed the council, not an outside committee, should look at the rules.

"As elected official ... I have the duty to be able to do it and make decisions right on the floor rather than rely on an advisory committee to make recommendations," Kaneshiro said. "I'm afraid that this would lead to advisory committees for many other ordinances we take up and resolutions here on the council floor."

Kaneshiro's stance shook up the rest of the body, with all council members agreeing to defer the agenda item for two weeks while continuing to work out the kinks.

"There's some harmony around the table, some unity, some agreement that we can do some things," Furfaro said. "We've re-established the faith in the 'ohana here."

That vibe was short-lived, however, when a bill introduced by Bynum and Kawahara pertaining to a ban on plastic bags at retail check-out areas induced Asing to rehash an earlier accusation that Bynum had not shared with other council members a communication he'd received from the Office of the County Attorney pertaining to the bill.

Furfaro, who had earlier spoken of harmony and unity, wondered aloud after the renewed debate if "all bets are off," and Bynum said he had been "a little suspicious of the 'Kumbaya' feeling."

The marathon meeting ended much like it began, with Kawahara and Bynum facing down the rest of the council.

After the body had finished its agenda, Asing quickly declared the meeting adjourned, but County Attorney Al Castillo, who had seen his birthday come and go from inside Council Chambers, asked for an unanticipated executive session at Kawahara's request.

The motion to go into the late-night executive session garnered only two votes — Bynum's and Kawahara's — causing Kawahara to yell angrily and slam her papers on the table.

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