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**MEMORANDUM**

February 17, 2009

TO: Bill "Kaipo" Asing, Council Chair  
FROM: Tim Bynum, Councilmember   
SUBJECT: Memo & Resolution

Since I have been on the Council I have on several occasions asked for items to be placed on the agenda that in my judgment warranted public discourse and decision making that you have not allowed. These items include:

1. A bill to facilitate minutes and other public documents being placed on the internet
2. A resolution proposing a Council rule to clarify the process to release confidential documents
3. A bill related to County Attorney Opinions
4. A bill to fund an ocean study in the Po'ipū area to address coastal erosion and public safety issues

I have shared with you my opinion that our current Council rules are not intended to give the Chair the authority to keep a Councilmember's request off the agenda indefinitely. Rule 10(a) states "Introduction. Any bill or resolution may be introduced by any member." (emphasis added). I recognize that rule 10 (c) goes on to add "Placement on Agenda. All bills and resolutions must be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated chair as stated in Rule 3) in order to be placed on the agenda." I believe that a reasonable interpretation of rule 10(c) and the word "initial" is to empower the Chair to appropriately manage the agenda by timing placement.

I believe that an elected official addressing their ideas and putting forth their proposals in the public forum is the point of the democratic process. Open discourse and public debate are fundamental to the process. If a member cannot be persuasive in their argument then the resolution or bill will fail, but to keep the discussion from ever occurring seems to me to be inappropriate.

I am asking you to place on the agenda the attached Resolution proposing to change Council rule 10 (c). The change is intended to clarify that the rule is intended to empower the Chair to appropriately manage the agenda by timing placement not to keep a Councilmember's proposal off the agenda indefinitely.

Tb/Lc  
Attachment  
D:2009-489