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Bynum, Kawahara continue crusade

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Council members push for open government

By Nathan Eagle - The Garden Island

Published: Friday, June 12, 2009 1:59 AM HST

LIHU'E — Two Kaua'i County Council members want to know why the chair of the seven-member legislative body, Kaipo Asing, and the county clerk, Peter Nakamura, continue to stifle their requests.

After trying unsuccessfully to get the clerk to post meeting minutes online as county boards and commissions routinely do, or provide them their mail in a more timely and effective fashion, the pair decided this month to shed light on the problem. The bottom line, they said in interviews this week, is that their ability to do their jobs as elected representatives is being hampered by Asing's and Nakamura's actions.

Tim Bynum and Lani Kawahara last month filed a formal request for certain public records under the state Uniform Information Practices Act.

Bynum and Kawahara want in electronic format the minutes of all posted council and committee meetings since Dec. 1, 2006.

Under the state open records law, the agency had 10 business days to comply with the request or say in writing why the request could not be met in such time. Monday marked the deadline for Nakamura to reply to Bynum and Kawahara's records request, which was logged into the county record on May 26.

Bynum said in an interview Tuesday that he did not receive the records or any reason why not.

"As I suspected, there hasn't even been an acknowledgment that it was received," he said. "I'm disappointed that the clerk hasn't chosen to follow Hawai'i Revised Statutes and respond. I would've liked to have those minutes to post on the Internet."

During an interview on Kaua'i Community Radio's "Outside the Box," show Thursday, Bynum and Kawahara said they had still not received any information.

The pair recently launched a Web site, kauaiinfo.org, where they post public records. The site also notes their ultimate goals: "Allow all council members to place items on the council agenda for consideration," "Make key public documents readily available to the public on the county's Web site," and "Circulate council service documents equitably to all council members in a timely manner."

Bynum has been requesting electronic versions of public council documents since he was first elected in 2006.

"I find myself, inexplicably, at an impasse with you regarding the support I need to work effectively as a councilperson," Bynum wrote in an August 2007 letter to Nakamura. "To date, you have failed, in my opinion, to respond adequately to any of my repeated requests. ... I am still dismayed that after all these months these simple and fundamental requests are unmet and I renew my expectation that the situation be rectified without further delay."

Kawahara, who was sworn in Dec. 1, 2008, joined the crusade for a more open government.

In an April 21 letter to the council chair and county clerk, she asked for electronic files of approved County Council and committee meeting minutes, and resolutions and ordinances passed by the current council and those of the previous council. She asked for those documents to be made available to her by April 30, or to explain a reason why not, but made no headway.

Asing and Nakamura did not return repeated calls or messages seeking comment this week.

Kawahara and Bynum have pursued multiple routes to have the electronic changes implemented.

Kawahara in March proposed an "e-Council initiative." She said this would, among other things, streamline office processes by putting committee and council meeting minutes in a shared folder accessible from council computer accounts.

This would reduce the clerical burden on staff while helping council members become more efficient in their duties, which include approving the minutes, she said.

The current practice requires assistance from staff and hard copying of pertinent information, Kawahara said. The proposed change would be more environmentally friendly too, because less paper would be needed and council members could access the information from home.

Bynum tried last year, without success, to accomplish a similar goal. Despite the initiatives, not much has changed.

The council and public can still access council and committee meeting agendas online but, unlike with most of the boards and commissions, can still not access meeting minutes. The public, like council members, must physically go to the Historic County Building to see the records.

Bynum also faulted the policy governing the e-mails people send to cokcouncil@kauai.gov. He said these should simply be forwarded to the appropriate council member, not printed out and disseminated days or weeks later.

Along this same line, the councilman has also raised concerns about "what should be routine distribution of documents intended for all council members."

"I feel it should be standard procedure for council members to be copied communication that is sent on behalf of the council or committees at the time of transmission and that responses are time stamped in and copied to council members upon receipt," he said in the letter to the chair.

In an interview, Bynum said he has sat down for a council meeting only to later learn that some members had been supplied documents that he had not received — putting him on an unequal playing field when it came to providing input on the issue at hand and voting on it.

In a May 24 letter to the county clerk that Bynum had previously sent the council chair, he voices his concerns to receiving "timely information."

"There are numerous times when communication sent to the administration or correspondence back from the administration is not distributed to everyone routinely," Bynum wrote. "I believe it is appropriate that all communications be distributed in a timely manner to each of us at the same time as called for in our council rules. On a number of occasions communications have been discussed on the council floor when not all of the members have been copied."

Aside from the clerk allegedly restricting the public and council members' access to information, the chair has thwarted council members' attempts to put proposed legislation on the agenda.

Bynum was unsuccessful at the council meeting June 3 to introduce an agenda item that would have clarified council rules that the chair currently interprets to essentially hold veto power over the setting of the agenda.

The [kauaiinfo.org](http://www.kauaiinfo.org) site provides a list of some of the bills and resolutions that the chair has not allowed on the agenda for discussion since 2007, such as Po'ipu Beach restoration and a bill related to permitting visitor accommodations.

In the meantime, Kawahara and Bynum said they have written a second letter to the clerk asking why he failed to comply with the law concerning their UIPA request.

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