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Council rules debate bubbles up

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By Michael Levine - The Garden Island

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LIHU'E — The contentious summer debate over the Kaua'i County Council's in-house rules bubbled up briefly again Wednesday when Tim Bynum's proposed resolution for a special subcommittee was killed on arrival.

"With all due respect, I feel that we've spent enough time on this item," said Councilman Derek Kawakami, who made the motion to receive the item because the council's rules are "not rocket science" and there are bigger issues to attend to. "Let's put this behind us and move forward."

Bynum and Lani Kawahara, who eventually cast the two dissenting votes, both expressed disappointment with the decision.

"I expected this to sail through based on the comments on July 22," Bynum said, referencing a marathon 16-hour meeting in which he and Kawahara challenged the power of Chair Bill "Kaipo" Asing to "initial" items before placing them on the agenda and secured promises to work together to solve problems.

Kawahara said the debate on the council rules is "just as important" as all the other work the body is working on, and criticized her colleagues for denying both the resolution and her request for a two-week deferral.

Kawakami said he is "getting tired" of every disagreement turning into "petty" "grandstanding" that "doesn't foster any kind of working relationship" and that the resolution's demise does not stop anybody from looking at the rules and proposing changes.

Bynum countered that he thinks the council will "lose something" if the public is not involved and engaged in legally sunshined subcommittee meetings, and said a formal process would also maximize efficiency rather than forcing council members to bring each change to the council floor, one by one.

The subcommittee would have consisted of Bynum and Vice Chair Jay Furfaro, and would have had 150 days to report its findings and recommendations to the Committee of the Whole, according to the text of Resolution No. 2009-55.

Kawakami said it came down to a "philosophical difference" on the way the body should operate.

"Maybe some people feel we should take our internal operations and take them out to the public," he said, disagreeing and comparing the council to his experience in the private sector.

Furfaro said some of the "discussion should be pau already" and "I wish we could move on," and Dickie Chang said the council has "a lot more pressing issues." Both voted to receive the resolution. Furfaro said afterwards he may have voted differently, but the will of the body was readily apparent.

The last time the issue hit the council floor, a proposal to create an ad hoc subcommittee of non-members to evaluate the rules and recommend changes was shot down because council members said they could handle the work themselves.

After a brief but contentious argument in which Bynum requested extra time to review minutes of the Aug. 5 meeting and Asing quipped, "This is not a homework session," Bynum quoted Daryl Kaneshiro — who said Wednesday that a resolution for a subcommittee is "not the way to do it" — and former Council Chair Ron Kouchi, who may have been on that ad hoc committee, as saying the body could appoint two council members to take a look at the rules.

Bynum said the members who had suggested the alternative of an in-house subcommittee two months ago had apparently "changed their mind," and said he was counting on the fact that he had been promised that any member will be able introduce rule changes in the future.

Later in the meeting, a resolution introduced by Kaneshiro at Asing's request that would clarify that council's travel policy was deferred for two weeks.

If passed, the resolution would amend Rule No. 3(a)(10) to require that travelers provide the chair with advanced written requests and justification, itinerary, itemization of estimated expenses and funding source.

In recent months, Bynum and Asing butted heads over Asing's decision to deny a travel request by Bynum to travel to O'ahu to meet with special counsel to discuss a lawsuit in which the county was a party.

Furfaro said he is against Asing's proposed change because the council should keep its rules — which designate the power to authorize travel requests to the chair — separate from its policies — which can explain how the chair will implement that power.

Furfaro said afterwards he intends to introduce a pair of rule changes that will further define the power of committee chairs in various matters.

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