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The Big Island Press Club

P.O. Box 1920 Hilo, Hawaii 96721

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Mayor, Council earn 2008 Lava Tube Award

HILO – Hawaii County Mayor Harry Kim and the Hawaii County Council are recipients of the Big Island Press Club's 2008 Lava Tube Award, presented annually to recognize the worst examples of openness during the past year in Hawaii.

Mayor Kim and the County Council held a meeting in August to discuss a potentially dangerous new lava flow without notifying the public about the meeting.

The Press Club also presents its annual Torch of Light award for the best example of openness in Hawaii to **Les Kondo**, former director of the state Office of Information Practices.

The Lava Tube and Torch of Light awards are announced each year on March 16, the birthday of James Madison and National Freedom of Information Day. Madison, born in 1751, was the foremost proponent of openness in government among the nation's founding fathers.

On August 22, the Hawaii County Council, accompanied by Mayor Harry Kim, held a 7 a.m. meeting at Civil Defense headquarters to discuss a newly active lava flow from Kilauea Volcano. There was no public announcement and the doors were locked. The secret meeting of the council was an apparent violation of the state Sunshine Law. The mayor is not subject to the Sunshine Law, but Kim has a long history of promoting openness. He stumbled badly by participating in the secret meeting.

The state Office of Information Practices took the Press Club's complaint for investigation in November but no formal decision has been made. The Press Club board however maintains that advanced public notice in accordance with state law is required for such a meeting and that the absence of public notice violates the letter of the law and undermines public confidence and trust in government.

This cavalier regard for the public's interest in getting good and timely information about an important matter of public safety from its public officials moves the Council into territory where, unfortunately, it has gone before. Last year the Hawaii County Council received a Lava Tube dishonorable mention for twice violating state open public meetings law in 2006.

"We think Mayor Kim and the Hawaii County Council need to demonstrate a higher regard for public participation in the functions of government at all times, but especially in matters affecting public safety," said John Burnett, president of the Big Island Press Club. "It is also especially egregious that the Council would continue these kinds of actions in light of its previous violations of the Sunshine law."

This year the Press Club also awarded three 2008 Lava Tube dishonorable mentions:

University of Hawaii at Hilo officials and visiting CIA recruiters prevented students and the local press from photographing a recruitment meeting that was held on the school campus in March, which was open to the public and advertised in advance. The forced removal of a photographer, ostensibly to protect the identity of a CIA agent, who was appearing by name in a public place, was an affront to free speech on a public university campus that should not be tolerated.

The **University of Hawaii Board of Regents** discussed documents at a public meeting in August that the general public and members of the audience were not permitted to see.

The **Hawaii State Legislature**, again, earned a dishonorable mention for continually failing to adopt a Sunshine Law for itself that it has mandated for every other public agency in Hawaii. The Legislature has received this dubious distinction each year since the awards began in 1997.

Torch of Light

For his dedication to openness in Hawaii government while director of the state Office of Information Practices, the Press Club is presenting its Torch of Light award, recognizing the best example of openness in Hawaii, to **Les Kondo**.

Kondo was enthusiastically committed to openness and transparency in government and made numerous trips to conduct workshops on Sunshine Law compliance for government agencies and boards throughout the state. Kondo served as OIP director for four years and saw to the reduction of an enormous backlog of requests for opinions at the OIP. He was appointed to the Public Utilities Commission in June 2007.

The Big Island Press Club was founded in Hilo, Hawaii, in 1967. The Lava Tube and Torch of Light awards have been presented annually since being established on the occasion of the Club's 30th anniversary in 1997.

For information, call Hunter Bishop, 808-987-5186; or visit the club's Web site, HYPERLINK "http://www.bigislandpressclub.com" www.bigislandpressclub.com.

The following are the past recipients of the awards:

Torch of Light

- 2007** West Hawaii Today
- 2006** Lillian Koller, director of the state Department of Human Services
- 2005** Former judge and Hawaii County Police Commissioner Paul DeSilva
- 2004** University of Hawaii at Manoa Journalism Professor Beverly Keever
- 2003** U.S. Rep. Patsy Mink (posthumously)
- 2002** Hawaii County Mayor Harry Kim
- 2001** Hawaii County Clerk Al Konishi
- 2000** Hawaii Gov. Ben Cayetano
- 1999** Jerry Rothstein and Judith Graham
- 1998** Environment Hawaii and Common Cause
- 1997** Society of Professional Journalists, Hawaii Chapter

Lava Tube

- 2007** Hawaii Board of Education
- 2006** Kauai County Council, Honolulu City and County Council
- 2005** Third Circuit District Court Judge Matthew Pyun
- 2004** State Land Board Chairman Peter Young
- 2003** State Sen. Calvin Kawamoto
- 2002** University of Hawaii Board of Regents
- 2001** University of Hawaii Board of Regents
- 2000** State Rep. Eric Hamakawa, Hawaii County Councilman James Arakaki
- 1999** Hawaii County Council
- 1998** Hawaii Gov. Ben Cayetano
- 1997** Hawaii County Councilman Elroy Osorio
