

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 20, 2009

**Committee
Report No.**

09-23

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on March 5, 2009 and March 10, 2009, makes reference to County Communication No. 09-15, from the Council Chair, relating to the matter of nominations to boards, committees, and commissions.

By correspondence dated and received on January 30, 2009, the Mayor transmitted a listing of nominees to the various boards, committees, and commissions, along with their personal history forms. The nominees, whose terms expire on March 31, 2014, unless otherwise indicated, are as follows:

1. Nominees to boards, committees, and commissions that require Council approval or disapproval within 60 days:
 - A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 1. Antoinette Davis.
 - B. ANIMAL CONTROL BOARD
 1. Allan Almeida.
 - C. BOARD OF CODE APPEALS
 1. Paul Laub.
 - D. BOARD OF ETHICS
 1. Bob Pure.
 - E. BOARD OF VARIANCES AND APPEALS
 1. John "Maynard" Torchiana.

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F. BOARD OF WATER SUPPLY

1. Donald Gerbig;
2. John Hoxie Jr.; and
3. Jeffrey Rebugio.

G. CIVIL SERVICE COMMISSION

1. George Fontaine.

H. COMMISSION ON CULTURE AND THE ARTS

1. Audrey Rocha Reed.

I. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Robin Ritchie; and
2. Gilberto Sanchez.

J. COST OF GOVERNMENT COMMISSION

1. Yarrow Flower, for a term expiring on March 31, 2011;
2. Bradford Ing, for a term expiring on March 31, 2011;
3. Rebecca Kikumoto (Reappointment), for a term expiring on March 31, 2011; and
4. Ann Moe, for a term expiring on March 31, 2011.

K. COUNCIL ON AGING

1. Nancy Tamashiro.

L. FIRE AND PUBLIC SAFETY COMMISSION

1. Robert Motooka; and
2. Mark Vaught.

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- M. LIQUOR CONTROL ADJUDICATION BOARD
 - 1. William Kinaka.
- N. LIQUOR CONTROL COMMISSION
 - 1. Mary-Doreen "M.D." Alborano.
- O. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES
 - 1. Tracy Souza.
- P. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 - 1. Rhiannon Chandler.
- Q. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE
 - 1. Andrea Baer (Reappointment);
 - 2. Charles Hirata (replacing Kaiulani Piper), for a term expiring on March 31, 2012; and
 - 3. Delilah Salcedo (Reappointment).
- R. MAUI PLANNING COMMISSION
 - 1. Warren Shibuya.
- S. MOLOKAI PLANNING COMMISSION
 - 1. Napua Leong;
 - 2. John Sprinzel; and
 - 3. Bruce Yamashita.
- T. POLICE COMMISSION
 - 1. Ronald Vaught.

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U. REAL PROPERTY TAX REVIEW BOARD

1. Joshua Lindsey (Reappointment); and
2. Patrice Matsumoto (replacing Carmela Noneza), for a term expiring on March 31, 2010.

V. SALARY COMMISSION

1. Pamela English.

W. SUBDIVISION ENGINEERING STANDARDS COMMITTEE

1. Gregg Nelson; and
2. Daren Suzuki.

2. Nominees to boards, committees, and commissions that require Council approval or disapproval with no time limitation (for terms expiring March 31, 2014):

A. KULA AGRICULTURAL PARK COMMITTEE

1. Leonard Smock-Randall.

B. MAUI REDEVELOPMENT AGENCY

1. Warren Suzuki.

C. URBAN DESIGN REVIEW BOARD

1. John Ryan.

Your Committee notes that specific appointment procedures are outlined in Section 13-2, Revised Charter of the County of Maui (1983), as amended, and Chapter 2.41, Maui County Code. Your Committee further notes the following general appointment procedures for the various boards, committees, and commissions.

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1. For most of the boards, committees, and commissions, the Mayor is required to submit nominees 60 to 70 days before the prior members' terms expire, and the Council must approve or disapprove the nominee within 60 days thereafter. If the Council fails to approve or disapprove the Mayor's nominee within the time period provided, the nominee shall be deemed appointed to fill the vacancy upon its occurrence. If the Council disapproves a nominee, it shall immediately notify the Mayor of its action. This procedure applies to the following boards, committees, and commissions:
 - A. Affirmative Action Advisory Council (Maui County Code, Sections 2.29.010, 2.29.020, and 2.40.080; Maui County Charter, Section 13-2).
 - B. Animal Control Board (Maui County Code, Section 6.04.095; Maui County Charter, Section 13-2.17).
 - C. Board of Code Appeals (Maui County Code, Sections 2.40.190 and 16.20A.190; Maui County Charter, Section 13-2).
 - D. Board of Ethics (Maui County Charter, Sections 10-2 and 13-2).
 - E. Board of Variances and Appeals (Maui County Charter, Sections 8-8.7 and 13-2).
 - F. Board of Water Supply (Maui County Charter, Sections 8-11.3 and 13-2).
 - G. Civil Service Commission (Maui County Charter, Sections 8-9.4, 13-2; Hawaii Revised Statutes, Sections 76-71 and 76-47).
 - H. Commission on Children and Youth (Maui County Code, Section 2.39.010; Maui County Charter, Section 13-2).
 - I. Commission on Culture and the Arts (Maui County Code, Chapter 2.37 and Section 2.40.200; Maui County Charter, Section 13-2).

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- J. Commission on Naming Streets, Parks, and Facilities (Maui County Code, Sections 2.38.030 and 2.40.140; Maui County Charter, Section 13-2).
- K. Cost of Government Commission (Maui County Charter, Sections 8-15.2, 3-15.3, and 13-2).
- L. Council on Aging (Maui County Code, Sections 2.34.020, 2.34.030, and 2.40.010; Maui County Charter, Section 13-2).
- M. Fire and Public Safety Commission (Maui County Charter, Sections 8-7.2 and 13-2).
- N. Liquor Control Adjudication Board (Maui County Charter, Sections 8-13.3 and 13-2).
- O. Liquor Control Commission (Maui County Charter, Sections 8-13.2 and 13-2).
- P. Maui County Commission on Persons with Disabilities (Maui County Code, Sections 2.32.020 and 2.32.030; Maui County Charter, Section 13-2).
- Q. Maui County Cultural Resources Commission (Maui County Code, Sections 2.40.110 and 2.88.030; Maui County Charter, Section 13-2).
- R. Maui County Outdoor Lighting Standards Committee (Maui County Code, Sections 2.40.030, 20.35.110; Maui County Charter, Section 13-2).
- S. Maui Planning Commission (Maui County Code, Section 2.28.010; Maui County Charter, Sections 8-8.4 and 13-2).
- T. Molokai Planning Commission (Maui County Code, Section 2.28.020; Maui County Charter, Sections 8-8.4 and 13-2).
- U. Police Commission (Maui County Charter, Sections 8-12.2 and 13-2).

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- V. Real Property Tax Review Board (Maui County Code, Sections 2.40.170 and 3.48.620; Maui County Charter, Section 13-2).
 - W. Salary Commission (Maui County Code, Section 2.40.210 and Chapter 2.42; and Maui County Charter, Sections 8-17.1 and 13-2).
 - X. Subdivision Engineering Standards Committee (Maui County Code, Sections 2.40.020 and 18.40.010; Maui County Charter, Section 13-2).
2. For the following boards, committees, and commissions, the Mayor is required to submit nominees for Council approval, but there is no time limitation for the Council's approval:
- A. Kula Agricultural Park Committee (Maui County Code, Sections 2.40.180 and 22.04A.070), except for the representative from Council who shall be appointed by the Council for a two-year term.
 - B. Maui Redevelopment Agency (Maui County Code, Section 2.40.050; Hawaii Revised Statutes, Section 53-2).
 - C. Urban Design Review Board (Maui County Code, Sections 2.26.030 and 2.40.100; Maui County Charter, Section 13-2.1).

Your Committee further notes that the deadline for the Council to approve or disapprove the nominees who are subject to the 60-day Council approval process is March 31, 2009.

A representative from the Mayor's office informed your Committee that Bruce Yamashita, nominee to the Molokai Planning Commission, verbally withdrew his name from consideration as he has relocated out-of-state.

Your Committee conducted interviews with Paul Laub, nominee to the Board of Code Appeals; Warren Shibuya, nominee to the Maui Planning Commission;

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Donald Gerbig, nominee to the Board of Water Supply; John Hoxie, Jr., nominee to the Board of Water Supply; and Jeffrey Rebugio, nominee to the Board of Water Supply.

Your Committee carefully considered the responses by each nominee to questions posed by your Committee. Your Committee also considered the extensive written testimony received in opposition to the nominees to the Board of Water Supply, particularly with regard to the nomination of Mr. Gerbig. Testimony in opposition to the nominees to the Board of Water Supply noted the nominees' ties to the sugar industry, development companies, and their view of genetic modification of organisms.

Your Committee notes that Section 13-2(3), Revised Charter of the County of Maui (1983), as amended, directs the Mayor to "give due consideration to balanced geographic representation" when making appointments to boards, committees, and commissions. Your Committee questioned why there were no representatives from East Maui on the Board of Water Supply.

Your Committee further notes that a resident of East Maui applied to serve on the Board of Water Supply but was not nominated by the Mayor.

Your Committee was unable to decide, by a majority vote, on a recommendation for the nominees to the Board of Water Supply.

Your Committee voted 9-0 to recommend disapproval of Bruce Yamashita to the Molokai Planning Commission based on his request to withdraw his nomination. Chair Molina, Vice-Chair Mateo, members Baisa, Johnson, Kaho'ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye".

Your Committee voted 9-0 to approve the nominees to all other boards, committees and commissions, except the nominees to the Board of Water Supply. Chair Molina, Vice-Chair Mateo, members Baisa, Johnson, Kaho'ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye".

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Your Committee of the Whole REPORTS that it is unable to arrive at a recommendation for the following nominees to the Board of Water Supply (for terms expiring on March 31, 2014):

1. Donald Gerbig.
2. John Hoxie, Jr.
3. Jeffrey Rebugio.

Your Committee of the Whole RECOMMENDS the following:

1. That the following nominees to County boards, committees, and commissions be APPROVED (for terms expiring on March 31, 2014, unless otherwise indicated):
 - A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 1. Antoinette Davis.
 - B. ANIMAL CONTROL BOARD
 1. Allan Almeida.
 - C. BOARD OF CODE APPEALS
 1. Paul Laub.
 - D. BOARD OF ETHICS
 1. Bob Pure.
 - E. BOARD OF VARIANCES AND APPEALS
 1. John "Maynard" Torchiana.
 - F. CIVIL SERVICE COMMISSION
 1. George Fontaine.

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G. COMMISSION ON CULTURE AND THE ARTS

1. Audrey Rocha Reed.

H. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Robin Ritchie; and
2. Gilberto Sanchez.

I. COST OF GOVERNMENT COMMISSION

1. Yarrow Flower, for a term expiring on March 31, 2011;
2. Bradford Ing, for a term expiring on March 31, 2011;
3. Rebecca Kikumoto (Reappointment), for a term expiring on March 31, 2011; and
4. Ann Moe, for a term expiring on March 31, 2011.

J. COUNCIL ON AGING

1. Nancy Tamashiro.

K. FIRE AND PUBLIC SAFETY COMMISSION

1. Robert Motooka; and
2. Mark Vaught.

L. KULA AGRICULTURAL PARK COMMITTEE

1. Leonard Smock-Randall.

M. LIQUOR CONTROL ADJUDICATION BOARD

1. William Kinaka.

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O. MAUI COUNTY COMMISSION ON PERSONS WITH
 DISABILITIES

1. Tracy Souza.

P. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Rhiannon Chandler.

Q. MAUI COUNTY OUTDOOR LIGHTING STANDARDS
 COMMITTEE

1. Andrea Baer (Reappointment);
2. Charles Hirata (replacing Kaiulani Piper), for a term
 expiring on March 31, 2012; and
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R. MAUI PLANNING COMMISSION

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S. MAUI REDEVELOPMENT AGENCY

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1. Napua Leong; and
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U. POLICE COMMISSION

1. Ronald Vaught.

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V. **REAL PROPERTY TAX REVIEW BOARD**

1. Joshua Lindsey (Reappointment); and
2. Patrice Matsumoto (replacing Carmela Noneza), for a term
 expiring on March 31, 2010.

W. **SALARY COMMISSION**

1. Pamela English.

X. **SUBDIVISION ENGINEERING STANDARDS COMMITTEE**

1. Gregg Nelson; and
2. Daren Suzuki.

Y. **URBAN DESIGN REVIEW BOARD**

1. John Ryan.
2. That the nomination of Bruce Yamashita to the Molokai Planning
 Commission be **DISAPPROVED**; and
3. That a copy of this committee report be **TRANSMITTED** to the Mayor of
 the County of Maui.

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Adoption of this report is respectfully requested.



MICHAEL J. MOLINA, Chair

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