

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

December 4, 2009

**Committee  
Report No.** \_\_\_\_\_

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 November 5, 2009, and November 19, 2009, makes reference to County Communication No. 09-15, from Michael J. Molina, Chair of your Committee, relating to the matter of nominations to boards, committees, and commissions.

By correspondence dated October 16, 2009 (received October 16, 2009), the Mayor transmitted the nomination of Orlando Tagorda to the Maui Planning Commission to replace John B. Guard for a term expiring on March 31, 2011, along with his personal history form.

Your Committee notes that provisions establishing the Maui Planning Commission are outlined in Section 8-8.4, Revised Charter of the County of Maui (1983), as amended, (Charter) and Section 2.28.020, Maui County Code (MCC).

Your Committee further notes that pursuant to Section 13-2 of the Charter and Chapter 2.41, MCC, the nominee to the Maui Planning Commission requires Council approval or disapproval within 60 days. The deadline for Council approval or disapproval is December 15, 2009. 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.

Your Committee further notes that Section 13-2.3 of the Charter requires the Mayor to give due consideration to balanced geographical representation when making appointments to boards and commissions.

Although consideration is given to balanced geographical representation, a representative from the Office of the Mayor informed your Committee that the Maui Planning Commission does not have a member who resides in West Maui, and the Mayor's nominee is a resident of Kahului. Your Committee expressed its deep concern about the lack of representation on the Maui Planning Commission for West Maui, a

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large geographical area with a number of planned developments. The Mayor's representative indicated that there are two positions on the Maui Planning Commission that will become vacant in 2010, and at that time, the Mayor hopes to consider eligible applicants from West Maui to fill one vacancy.

Your Committee conducted an interview with Mr. Tagorda and inquired about his previous employment, affiliations, and his willingness to serve on the Maui Planning Commission. Your Committee expressed its gratitude for Mr. Tagorda's sincerity and desire to represent the people of Maui County on a commission that often faces complicated and controversial issues.

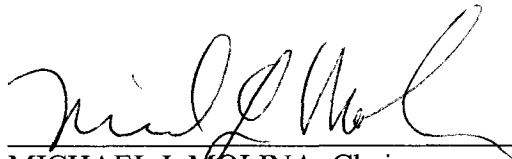
Your Committee requested that the Mayor carefully consider balanced geographical representation when making appointments to boards and commissions.

Your Committee voted 8-1 to recommend approval of the nomination of Orlando Tagorda (replacing John B. Guard) to the Maui Planning Commission for a term expiring on March 31, 2011, and transmittal of this committee report to the Mayor. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Medeiros, Kaho'ohalahala, Pontanilla, and Victorino voted "aye". Committee member Nishiki voted "no".

Your Committee of the Whole **RECOMMENDS** the following:

1. That the nomination of Orlando Tagorda (replacing John B. Guard) to the Maui Planning Commission for a term expiring on March 31, 2011, be **APPROVED**; and
2. That a copy of this committee report be **TRANSMITTED** to the Mayor of the County of Maui.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
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MICHAEL J. MOLINA, Chair