

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010

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 March 4, 2010, and March 5, 2010, 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 January 29, 2010 (received January 29, 2010), and February 24, 2010 (received February 25, 2010), the Mayor transmitted lists of nominees to various boards, committees, and commissions, along with the nominees' application forms. The nominees, whose terms expire on March 31, 2015, 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. Karleen Hultquist (Reappointment).
 - B. ANIMAL CONTROL BOARD
 1. Rosanna Cabatic, for a term expiring on March 31, 2013;
 2. Laurie Herrell, for a term expiring on March 31, 2013; and
 3. Judith Neustadter Naone, for a term expiring on March 31, 2013.
 - C. BOARD OF CODE APPEALS
 1. Gary Marshall.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 2

Committee
Report No. _____

- D. BOARD OF ETHICS
 - 1. Frank Moe; and
 - 2. Michael Westfall (Reappointment).

- E. BOARD OF VARIANCES AND APPEALS
 - 1. Bart Santiago Jr.; and
 - 2. Rick Tanner.

- F. CIVIL SERVICE COMMISSION
 - 1. David Hunkins (Reappointment).

- G. COMMISSION ON CHILDREN AND YOUTH
 - 1. Janet Bermejo Barrera (replacing Rafael Boritzer), for a term expiring on March 31, 2011;
 - 2. Karen Isberg; and
 - 3. Greg Kaufman.

- H. COMMISSION ON CULTURE AND THE ARTS
 - 1. Clare Apana; and
 - 2. Phillip Gagle.

- I. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES
 - 1. Brenda Del Rosario; and
 - 2. Sonia Isotov.

- J. COST OF GOVERNMENT COMMISSION
 - 1. Norma Barton, for a term expiring on March 31, 2012;
 - 2. Harold Davis, for a term expiring on March 31, 2012;
 - 3. Robert Hill III (Reappointment), for a term expiring on March 31, 2012;

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 3

Committee
Report No. _____

4. Ivan Lay (Reappointment), for a term expiring on March 31, 2012; and
5. Jody Yoshida, for a term expiring on March 31, 2012.

K. COUNCIL ON AGING

1. Anthony Fisher; and
2. Rhonda Fosbinder (Reappointment).

L. FIRE AND PUBLIC SAFETY COMMISSION

1. Gwen Hiraga; and
2. Ryan Joslin.

M. HANA ADVISORY COMMITTEE

1. Edward Cashman.

N. LANAI PLANNING COMMISSION

1. Shelley Barfield; and
2. John Ornellas.

O. LIQUOR CONTROL ADJUDICATION BOARD

1. Marilyn Chapman; and
2. Ron McOmber.

P. LIQUOR CONTROL COMMISSION

1. Lee Ohigashi; and
2. Monica Revells.

Q. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

1. Joseph Crugnale; and
2. Elsie Santos (Reappointment).

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 4

Committee
Report No. _____

- R. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 - 1. Jacey Laborte; and
 - 2. Bruce U'u.

- S. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. Lehua Kalua (Reappointment); and
 - 2. Richard Nishihara.

- T. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE
 - 1. Fern Duvall II (Reappointment); and
 - 2. Joseph Ritter (Reappointment).

- U. MAUI PLANNING COMMISSION
 - 1. Joaquin "Jack" Freitas; and
 - 2. Robert Pure.

- V. MOLOKAI PLANNING COMMISSION
 - 1. Nathaniel Bacon (Reappointment).

- W. POLICE COMMISSION
 - 1. Roger Dixon; and
 - 2. Gregg Lundberg.

- X. REAL PROPERTY TAX REVIEW BOARD
 - 1. Patrice Matsumoto (Reappointment).

- Y. SALARY COMMISSION
 - 1. Maureen Ross; and
 - 2. Agnes Terao-Guiala (Reappointment).

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010

Page 5

Committee

Report No. _____

2. Nominees to boards, committees, and commissions, requiring Council approval or disapproval with no time limitation:
 - A. KULA AGRICULTURAL PARK COMMITTEE
 1. C. Vance Christensen; and
 2. Ricky Kametani.
 - B. MAUI REDEVELOPMENT AGENCY
 1. Robert Horcajo (Reappointment).
 - C. URBAN DESIGN REVIEW BOARD
 1. Linda Jean Berry, for a term expiring on March 31, 2014;
 2. Marie Kimmey (Alternate);
 3. Jane Marshall;
 4. Bryan Maxwell; and
 5. Michael Silva.

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

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. When a vacancy occurs due to death, resignation, or removal, the Mayor is required to submit a nominee within 30 days from the date of the occurrence, and the Council shall have 60 days thereafter to approve or disapprove the nominee. 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. If the Mayor fails to submit the name of a nominee within the time periods provided, the Council may, within 60

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 6

Committee
Report No. _____

days, nominate and approve the appointment of an individual to fill the vacancy. If the Mayor submits the name of a nominee within the 60-day period for the Council to nominate and approve an individual, the Mayor's submittal shall be deemed invalid. This procedure applies to the following boards, committees, and commissions:

- A. Affirmative Action Advisory Council (Chapter 2.29 and Section 2.40.080, MCC);
- B. Animal Control Board (Section 6.04.095, MCC);
- C. Board of Code Appeals (Sections 2.40.190 and 16.20A.190, MCC);
- D. Board of Ethics (Section 10-2, Charter);
- E. Board of Variances and Appeals (Chapter 19.520, MCC; Section 8-8.7, Charter);
- F. Civil Service Commission (Section 8-9.4, Charter; Sections 76-71 and 76-47, Hawaii Revised Statutes (HRS));
- G. Commission on Children and Youth (Chapter 2.39, MCC);
- H. Commission on Culture and the Arts (Chapter 2.37 and Section 2.40.200, MCC);
- I. Commission on Naming Streets, Parks, and Facilities (Chapter 2.38 and Section 2.40.140, MCC);
- J. Cost of Government Commission (Chapter 16, Charter);
- K. Council on Aging (Chapter 2.34 and Section 2.40.010, MCC);
- L. Fire and Public Safety Commission (Section 2.40.120, MCC; Section 8-7.2, Charter);
- M. Hana Advisory Committee (Sections 2.28.060 and 2.40.130, MCC);

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010

Page 7

Committee

Report No. _____

- N. Lanai Planning Commission (Section 2.28.025, MCC; Section 8-8.4, Charter);
- O. Liquor Control Adjudication Board (Section 8-13.3, Charter);
- P. Liquor Control Commission (Section 8-13.2, Charter);
- Q. Maui County Commission on Persons with Disabilities (Chapter 2.32, MCC);
- R. Maui County Cultural Resources Commission (Sections 2.40.110 and 2.88.030, MCC);
- S. Maui County Grants Review Committee (Sections 2.40.160 and 3.36.020, MCC);
- T. Maui County Outdoor Lighting Standards Committee (Sections 2.40.030 and 20.35.110, MCC);
- U. Maui Planning Commission (Section 2.28.010, MCC; Section 8-8.4, Charter);
- V. Molokai Planning Commission (Section 2.28.020, MCC; Section 8-8.4, Charter);
- W. Police Commission (Section 8-12.2, Charter);
- X. Real Property Tax Review Board (Sections 2.40.170 and 3.48.620 through 3.48.680, MCC);
- Y. Salary Commission (Section 2.40.210 and Chapter 2.42, MCC; and Section 8-18.1, Charter); and
- Z. Subdivision Engineering Standards Committee (Section 2.40.020 and Chapter 18.40, MCC).

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010

Page 8

Committee
Report No. _____

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 (Sections 2.40.180 and 22.04A.070, MCC), except for the representative from the Council who shall be appointed by the Council for a two-year term, and the representative from the Office of the Mayor who shall be appointed by the Mayor without approval by the Council for a term concurrent with the Mayor's term of office;
 - B. Maui Redevelopment Agency (Section 2.40.050, MCC; Section 53-2, HRS); and
 - C. Urban Design Review Board (Chapter 2.26 and Section 2.40.100, MCC).

Your Committee notes that the Mayor's nominations of Norma Barton to the Cost of Government Commission, and Edward Cashman to the Hana Advisory Committee were not made within the applicable time periods. The Council has until March 31, 2010, to nominate and approve individuals to fill the vacancies.

Your Committee further notes that the deadline for the Council to approve or disapprove Janet Bermejo Barrera to the Commission on Children and Youth is April 26, 2010. The deadline for all other nominees who are subject to the 60-day Council approval process is March 30, 2010.

A representative of the Office of the Mayor informed your Committee that Nathaniel Bacon, nominee to the Molokai Planning Commission, should not have been included on the Mayor's list of nominees, as his term does not expire until March 31, 2014. Your Committee regarded the nomination as invalid and, therefore, did not make a recommendation on it.

Your Committee conducted interviews with Joaquin "Jack" Freitas and Robert Pure, the nominees to the Maui Planning Commission. Your Committee carefully considered Mr. Freitas's responses to the questions posed by your Committee. Your Committee was convinced that Mr. Freitas would be able to make the commitment needed to effectively serve on the Maui Planning Commission.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 9

Committee
Report No. _____

Your Committee voted 7-0 to recommend approval of Joaquin “Jack” Freitas to the Maui Planning Commission. Committee Chair Molina and members Baisa, Johnson, Kaho‘ohalahala, Medeiros, Nishiki, and Pontanilla voted “aye”. Vice-Chair Mateo and member Victorino were excused.

Your Committee expressed serious concerns with the Mayor’s nomination of Mr. Pure to the Maui Planning Commission because he is currently serving a term on the Board of Ethics, which expires on March 31, 2014. Your Committee indicated that the Mayor should consider other applicants who are not already serving on a board, committee, or commission.

Your Committee voted 6-0 to recommend disapproval of Robert Pure to the Maui Planning Commission. Committee Chair Molina and members Baisa, Johnson, Kaho‘ohalahala, Medeiros, and Pontanilla voted “aye”. Vice-Chair Mateo and members Nishiki and Victorino were excused.

Your Committee received oral testimony from Clare Apana, nominee to the Commission on Culture and the Arts. Ms. Apana asked that her nomination be withdrawn and explained that she would not be comfortable serving on the Commission on Culture and the Arts since she does not have experience or knowledge in the area.

Your Committee voted 9-0 to recommend disapproval of Clare Apana to the Commission on Culture and the Arts based on her request to withdraw her nomination. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho‘ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted “aye”.

Your Committee voted 9-0 to recommend approval of Phillip Gagle to the Commission on Culture and the Arts. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho‘ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted “aye”.

Your Committee voted 9-0 to recommend approval of Shelley Barfield to the Lanai Planning Commission. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho‘ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted “aye”.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 10

Committee
Report No. _____

Your Committee debated the qualifications of John Ornellas to serve on the Lanai Planning Commission. Your Committee concluded that his record of public service, including his current tenure on the Police Commission, justified his appointment.

Your Committee voted 5-4 to recommend approval of John Ornellas to the Lanai Planning Commission. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Pontanilla, and Victorino voted "aye". Committee members Johnson, Kaho'ohalahala, Medeiros, and Nishiki voted "no".

Your Committee voted 9-0 to recommend approval of Marilyn Chapman to the Liquor Control Adjudication Board. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho'ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye".

Your Committee debated the qualifications of Ron McOmber to serve on the Liquor Control Adjudication Board. Your Committee concluded that his record of public service, including his current tenure on the Liquor Control Commission, justified his appointment.

Your Committee voted 7-2 to recommend approval of Ron McOmber to serve on the Liquor Control Adjudication Board. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye". Committee members Johnson and Kaho'ohalahala voted "no".

Councilmember Victorino requested your Committee's permission to abstain from voting on the nominees to the Liquor Control Commission based on Rule 8(C), Rules of the Council. Your Committee notes that Rule 8(C) allows a voting member of a committee to abstain from voting in certain circumstances only when approved by a majority of the voting members of the Committee. Your Committee voted to approve Councilmember Victorino's request to abstain from voting pursuant to Rule 8(C), Rules of the Council.

Your Committee voted 8-0 to recommend approval of Lee Ohigashi and Monica Revells to the Liquor Control Commission. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho'ohalahala, Medeiros, Nishiki, and Pontanilla voted "aye". Committee member Victorino abstained.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 11

Committee
Report No. _____

Your Committee reviewed Chapter 2.88, MCC, relating to the Maui County Cultural Resources Commission. Your Committee expressed its view that the Administration should ensure that the County complies with any and all relevant Federal laws and regulations with respect to the Maui County Cultural Resources Commission. The Chair of your Committee stated that he would prepare relevant follow-up correspondence on your Committee's behalf.

Your Committee voted 7-1 to recommend approval of Jacey Laborte to the Maui County Cultural Resources Commission. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho'ohalahala, Medeiros, and Pontanilla voted "aye". Committee member Nishiki voted "no". Committee member Victorino was excused.

Your Committee debated the qualifications of Bruce U'u to serve on the Maui County Cultural Resources Commission. Your Committee concluded that his record of public service, including his current tenure on the Maui Planning Commission, justified his appointment.

Your Committee voted 5-3 to recommend approval of Bruce U'u to the Maui County Cultural Resources Commission. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Medeiros, and Pontanilla voted "aye". Committee members Johnson, Kaho'ohalahala, and Nishiki voted "no". Committee member Victorino was excused.

Your Committee voted 7-0 to nominate and recommend approval of Norma Barton to the Cost of Government Commission and Edward Cashman to the Hana Advisory Committee, respectively. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho'ohalahala, Medeiros, and Nishiki voted "aye". Committee members Pontanilla and Victorino were excused.

Your Committee voted 7-0 to recommend approval of Janet Bermejo Barrera to the Commission on Children and Youth and Linda Jean Berry to the Urban Design Review Board, respectively. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho'ohalahala, Medeiros, and Nishiki voted "aye". Committee members Pontanilla and Victorino were excused.

Your Committee voted 7-0 to recommend approval of the nominees to all other boards, committees, and commissions. Committee Chair Molina and members Baisa,

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 12

Committee
Report No. _____

Johnson, Kaho‘ohalahala, Medeiros, Nishiki, and Pontanilla voted “aye”. Vice-Chair Mateo and member Victorino were excused.

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, 2015, unless otherwise indicated:
 - A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 1. Karleen Hultquist (Reappointment).
 - B. ANIMAL CONTROL BOARD
 1. Rosanna Cabatic, for a term expiring on March 31, 2013;
 2. Laurie Herrell, for a term expiring on March 31, 2013; and
 3. Judith Neustadter Naone, for a term expiring on March 31, 2013.
 - C. BOARD OF CODE APPEALS
 1. Gary Marshall.
 - D. BOARD OF ETHICS
 1. Frank Moe; and
 2. Michael Westfall (Reappointment).
 - E. BOARD OF VARIANCES AND APPEALS
 1. Bart Santiago Jr.; and
 2. Rick Tanner.
 - F. CIVIL SERVICE COMMISSION
 1. David Hunkins (Reappointment).

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 13

Committee
Report No. _____

G. COMMISSION ON CHILDREN AND YOUTH

1. Janet Bermejo Barrera (replacing Rafael Boritzer), for a term expiring on March 31, 2011;
2. Karen Isberg; and
3. Greg Kaufman.

H. COMMISSION ON CULTURE AND THE ARTS

1. Phillip Gagle.

I. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Brenda Del Rosario; and
2. Sonia Isotov .

J. COST OF GOVERNMENT COMMISSION

1. Harold Davis, for a term expiring on March 31, 2012;
2. Robert Hill III (Reappointment), for a term expiring on March 31, 2012;
3. Ivan Lay (Reappointment), for a term expiring on March 31, 2012; and
4. Jody Yoshida, for a term expiring on March 31, 2012.

K. COUNCIL ON AGING

1. Anthony Fisher; and
2. Rhonda Fosbinder (Reappointment).

L. FIRE AND PUBLIC SAFETY COMMISSION

1. Gwen Hiraga; and
2. Ryan Joslin.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 14

Committee
Report No. _____

- M. KULA AGRICULTURAL PARK COMMITTEE
 - 1. C. Vance Christensen; and
 - 2. Ricky Kametani.

- N. LANAI PLANNING COMMISSION
 - 1. Shelley Barfield; and
 - 2. John Ornellas.

- O. LIQUOR CONTROL ADJUDICATION BOARD
 - 1. Marilyn Chapman; and
 - 2. Ron McOmber.

- P. LIQUOR CONTROL COMMISSION
 - 1. Lee Ohigashi; and
 - 2. Monica Revells.

- Q. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES
 - 1. Joseph Crugnale; and
 - 2. Elsie Santos (Reappointment).

- R. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 - 1. Jacey Laborte; and
 - 2. Bruce U'u.

- S. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. Lehua Kalua (Reappointment); and
 - 2. Richard Nishihara.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 15

Committee
Report No. _____

- T. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE
 - 1. Fern Duvall II (Reappointment); and
 - 2. Joseph Ritter (Reappointment).

- U. MAUI PLANNING COMMISSION
 - 1. Joaquin “Jack” Freitas.

- V. MAUI REDEVELOPMENT AGENCY
 - 1. Robert Horcajo (Reappointment).

- W. POLICE COMMISSION
 - 1. Roger Dixon; and
 - 2. Gregg Lundberg.

- X. REAL PROPERTY TAX REVIEW BOARD
 - 1. Patrice Matsumoto (Reappointment).

- Y. SALARY COMMISSION
 - 1. Maureen Ross; and
 - 2. Agnes Terao-Guiala (Reappointment).

- Z. URBAN DESIGN REVIEW BOARD
 - 1. Linda Jean Berry, for a term expiring on March 31, 2014;
 - 2. Marie Kimmey (Alternate);
 - 3. Jane Marshall;
 - 4. Bryan Maxwell; and
 - 5. Michael Silva.

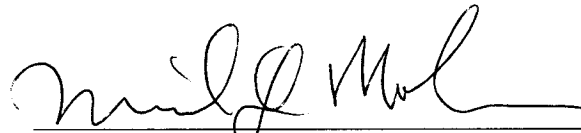
COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 19, 2010
Page 16

Committee
Report No. _____

2. That the following individuals be **NOMINATED** to County boards, committees, and commissions and **APPROVED** for terms expiring as indicated:
 - A. **COST OF GOVERNMENT COMMISSION**
 1. Norma Barton, for a term expiring on March 31, 2012.
 - B. **HANA ADVISORY COMMITTEE**
 1. Edward Cashman, for a term expiring on March 31, 2015.
3. That the following nominees to County boards, committees, and commissions be **DISAPPROVED**:
 - A. **COMMISSION ON CULTURE AND THE ARTS**
 1. Clare Apana.
 - B. **MAUI PLANNING COMMISSION**
 1. Robert Pure.
4. 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.



MICHAEL J. MOLINA, Chair