

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

April 6, 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 15, 2010, makes reference to County Communication No. 09-15, from the Chair of your Committee, relating to the matter of nominations to boards, committees, and commissions.

By correspondence dated March 1, 2010 (received March 1, 2010), the Mayor transmitted the following nominees to the boards, committees, and commissions, as indicated, along with their application forms, for terms expiring on March 31, 2013:

1. Nominees to boards, committees, and commissions that require Council approval or disapproval within 60 days:
 - A. BOARD OF VARIANCES AND APPEALS
 1. Bernice Vadla.
 - B. BOARD OF WATER SUPPLY
 1. Kevin Boteilho.

Your Committee notes that the Mayor's nominations of Bernice Vadla to the Board of Variances and Appeals, and Kevin Boteilho to the Board of Water Supply were not made within the applicable time periods. Therefore, the Council has until April 5, 2010, and April 22, 2010, respectively, to nominate and approve individuals to fill these vacancies.

By correspondence dated March 3, 2010 (received March 4, 2010), the Mayor transmitted the following nominees to the boards, committees, and commissions, as indicated, along with their application forms:

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1. Nominees to boards, committees, and commissions that require Council approval or disapproval within 60 days:
 - A. ANIMAL CONTROL BOARD
 1. Dr. Brian Atwell, for a term expiring on March 31, 2012.
 - B. SUBDIVISION ENGINEERING STANDARDS COMMITTEE
 1. Paul Mikolay, for a term expiring on March 31, 2015.

Your Committee notes that the deadline for the Council to approve or disapprove the nominees to the Animal Control Board, and the Subdivision Engineering Standards Committee is May 3, 2010.

Your Committee further notes that general appointment procedures for the above-referenced boards, committees, and commissions 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), as follows:

When a vacancy occurs due to the expiration of a member's term, the Mayor is required to submit a nominee not more than 70 days nor less than 60 days before the vacancy occurs, 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 periods 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 days, nominate and approve the appointment of an individual to fill the vacancy.

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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.

Your Committee further notes that specific provisions for these boards, committees, and commissions are contained in the Charter and the MCC as follows:

- A. Animal Control Board (Section 6.04.095, MCC);
- B. Board of Variances and Appeals (Chapter 19.520, MCC; Section 8-8.7, Charter);
- C. Board of Water Supply (Section 8-11.3, Charter); and
- D. Subdivision Engineering Standards Committee (Section 2.40.020 and Chapter 18.40, MCC).

Your Committee interviewed Kevin Boteilho, nominee to the Board of Water Supply. Your Committee questioned Mr. Boteilho on his knowledge about water issues facing Maui County and inquired into how he might handle various issues that may come before the Board of Water Supply. Your Committee noted that Mr. Boteilho has served on the Kula Community Association and was impressed with his commitment to public service. Your Committee was also persuaded by Mr. Boteilho's extensive background in the agricultural industry.

Your Committee voted 8-0 to nominate and recommend approval of Bernice Vadla to the Board of Variances and Appeals and Kevin Boteilho to the Board of Water Supply. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Kaho`ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye". Committee member Johnson was excused.

Your Committee voted 8-0 to recommend approval of Dr. Brian Atwell to the Animal Control Board and Paul Mikolay to the Subdivision Engineering Standards Committee. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Kaho`ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye". Committee member Johnson was excused.

Following your Committee's meeting, it was verified that the next Council meeting had been rescheduled from April 2, 2010, a holiday, to April 6, 2010, the day

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after the Council's deadline to nominate and approve an individual to serve on the Board of Variances and Appeals. Therefore, as of April 6, 2010, the nomination of Bernice Vadla to the Board of Variances and Appeals will be invalid. However, the Mayor may submit another nomination on or after that date, pursuant to Section 13-2 of the Charter, and Section 2.41, MCC.

Your Committee of the Whole RECOMMENDS the following:

1. That the following nominees to County boards, committees, and commissions be APPROVED:
 - A. ANIMAL CONTROL BOARD
 1. Dr. Brian Atwell, for a term expiring on March 31, 2012.
 - B. SUBDIVISION ENGINEERING STANDARDS COMMITTEE
 2. Paul Mikolay, for a term expiring on March 31, 2015.
2. That Kevin Boteilho be NOMINATED to the Board of Water Supply and APPROVED for a term expiring on March 31, 2013.
3. 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