

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

March 29, 2011

Committee
Report No. _____

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

Chair and Members:

Your Policy Committee, having met on March 22, 2011, makes reference to County Communication No. 11-31, from Council Chair Danny A. Mateo, relating to the matter of nominations to boards, committees, and commissions.

By correspondence dated and received March 2, 2011, the Mayor transmitted a draft resolution entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", along with the nominees' application forms. The purpose of the draft resolution is to approve or disapprove the Mayor's 48 nominees to 23 various boards, committees, and commissions.

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 apply to the various boards, committees, and commissions for which the Mayor submitted nominations.

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 days, nominate and approve the appointment of an individual to fill the vacancy. If the Mayor submits the name of a nominee within this 60-day period, the Mayor's submittal shall be deemed invalid.

Accordingly, the Mayor had until January 30, 2011, to nominate individuals to fill the vacancies due to the expiration of members' terms on March 31, 2011. It appears that

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all but two of the Mayor's nominees are to fill such vacancies. These nominations were not submitted to the Council within the applicable time period. Therefore, the Council has until March 31, 2011, to nominate and approve individuals to fill these vacancies.

For the vacancy on the Salary Commission due to the resignation of a member (Jeremiah Savage, who resigned in January 2011), the Mayor's nomination was not made within the applicable time period, which ended on February 25, 2011. Therefore, the Council has until April 26, 2011, to nominate and approve an individual to fill the vacancy.

Your Committee notes that one of the three vacancies on the Commission on Culture and the Arts is due to the expiration of a member's term (Elaine Slavinsky) on March 31, 2010. Your Committee Chair sought the guidance of the Department of the Corporation Counsel in determining whether it was the Mayor's or the Council's opportunity to nominate an individual to fill the year-old vacancy.

Your Committee Chair transmitted a draft resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI". The purpose of the draft resolution is to nominate and approve the appointment of the following 43 persons, whose names were submitted by the Mayor, as members to the 23 various boards, committees, and commissions (for terms expiring on March 31, 2016, unless otherwise indicated).

- A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 - 1. Lilah Inaba.

- B. BOARD OF CODE APPEALS
 - 1. Thomas Behnke; and
 - 2. Brandon Starr.

- C. BOARD OF ETHICS
 - 1. Sydney Kikuchi.

- D. BOARD OF VARIANCES AND APPEALS
 - 1. Jacqueline Haraguchi; and
 - 2. Patrick De Ponte.

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- E. BOARD OF WATER SUPPLY
 - 1. William Kamai.

- F. CIVIL SERVICE COMMISSION
 - 1. Arnold Wunder (Reappointment).

- G. COMMISSION ON CHILDREN AND YOUTH
 - 1. Lei Fagan; and
 - 2. Kalimaya Herrera.

- H. COMMISSION ON CULTURE AND THE ARTS
 - 1. Gaylord Kubota;
 - 2. Caroline Belsom; and
 - 3. Henry Allen.

- I. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES
 - 1. June Davis; and
 - 2. Chad Beitler.

- J. COST OF GOVERNMENT COMMISSION
 - 1. Joseph Kanahuna, for a term expiring on March 31, 2013;
 - 2. Fred Rohlfig, for a term expiring on March 31, 2013;
 - 3. Walter Baloaloo, for a term expiring on March 31, 2013; and
 - 4. Gregory Evans, for a term expiring on March 31, 2013.

- K. COUNCIL ON AGING
 - 1. Candice Carter (Reappointment);
 - 2. James Jackson;
 - 3. Iris Peelua; and
 - 4. Robert Santry.

- L. FIRE AND PUBLIC SAFETY COMMISSION
 - 1. Allen Souza; and
 - 2. William Soares.

- M. HANA ADVISORY COMMITTEE
 - 1. John Blumer-Buell; and
 - 2. Anjoleen Hoopai-Waikoloa.

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- N. LANAI PLANNING COMMISSION
 - 1. Roberto Hera.

- O. LIQUOR CONTROL ADJUDICATION BOARD
 - 1. Edward Zwick.

- P. LIQUOR CONTROL COMMISSION
 - 1. Zachary Paz; and
 - 2. Frank Sylva.

- Q. MAUI COUNTY CULTURAL RESOURCES COMMISSION
 - 1. Irene Kaahanui.

- R. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. Yarrow Flower; and
 - 2. Kathryn Ghean.

- S. MAUI PLANNING COMMISSION
 - 1. Ivan Lay; and
 - 2. John "Keone" Ball.

- T. MOLOKAI PLANNING COMMISSION
 - 1. Zhantell Dudoit.

- U. POLICE COMMISSION
 - 1. Pancho Alcon; and
 - 2. Kelly Ruidas.

- V. REAL PROPERTY TAX REVIEW BOARD
 - 1. Bernice Lu.

- W. SALARY COMMISSION
 - 1. Maxwell Tsai (replacing Jeremiah Savage), for a term expiring on March 31, 2013;
 - 2. May Fujiwara; and
 - 3. Ralph Masuda.

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Five of the Mayor's nominees were not included in the draft resolution from your Committee Chair (Leo Caires, Board of Ethics; Richard Pohle, Board of Water Supply; Sam Kalalau, Hana Advisory Committee; David Olsten, Liquor Control Adjudication Board; and Carl Brito, Molokai Planning Commission). Your Committee notes that it did not receive the information required under Section 2.41.020, MCC, for Sam Kalalau. Further, your Committee received a written notification dated March 7, 2011, from Carl Brito, requesting that his name be withdrawn from consideration. Because the Mayor's nominations were invalid, it was not necessary for your Committee to make a recommendation on these nominees.

Your Committee received a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee Chair's 43 recommended nominees.

Your Committee interviewed Sydney Kikuchi, nominee to the Board of Ethics. Mr. Kikuchi stated that he had recently retired from the Department of Police, after nearly 32 years of work with the Department. He described his work experience and noted that he believed service on the Board of Ethics presented an opportunity to give back to the community.

Your Committee carefully considered Mr. Kikuchi's responses to questions posed by your Committee. Your Committee was satisfied that he had the time and experience to serve the Board of Ethics well.

Your Committee notes that the Department of the Corporation Counsel advised that it remained the Mayor's turn to nominate an individual to fill the vacancy on the Commission on Culture and the Arts due to the expiration of a member's term in 2010. Your Committee further notes that it received correspondence dated March 18, 2011, from Gaylord Kubota, one of three nominees for the Commission on Culture and the Arts, requesting that his name be withdrawn from consideration.

Your Committee recommended that Mr. Kubota's name be deleted from the proposed resolution. Your Committee also recommended that Brandon Starr's name be deleted from the proposed resolution. Your Committee noted that Section 16.26.105, MCC, provides that members of the Board of Code Appeals have specific qualifications.

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Your Committee was unable to determine, by reviewing his completed application form, that Mr. Starr met those qualifications.

Your Committee recommended that the remaining 41 individuals be nominated and their appointments be approved.

Your Committee recognized the work of the Office of the Mayor in presenting nominees who had demonstrated a commitment to their communities and the County. Your Committee noted that on April 1, 2011, the Mayor would again have the opportunity to nominate individuals to fill vacancies due to the expiration of members' terms on March 31, 2011. Your Committee thanked all community members who had offered their services on the various boards, committees, and commissions of the County.

Your Committee voted 7-0 to recommend adoption of the proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", incorporating your Committee's revisions. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Couch, Victorino, and White voted "aye". Committee members Mateo and Pontanilla were excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Policy Committee RECOMMENDS that Resolution No. _____, attached hereto, entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", be ADOPTED.

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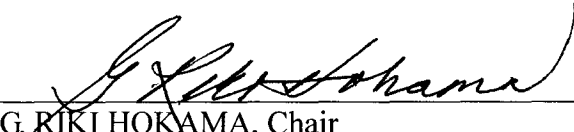
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This report is submitted in accordance with Rule 8 of the Rules of the Council.



G. RIKI HOKAMA, Chair

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Resolution

No. _____

NOMINATING AND APPROVING THE APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI

WHEREAS, by correspondence dated March 2, 2011, Mayor Alan M. Arakawa notified the Council that he nominated certain persons as members to the various boards and commissions of the County of Maui, pursuant to Section 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

WHEREAS, the names of the nominees were not submitted within the times provided in Sections 13-2(16) and 13-2(17) of the Charter; and

WHEREAS, the Council is currently within its 60-day period to nominate and approve the appointment of an individual to fill each of the vacancies noted in the attached Exhibit "A"; and

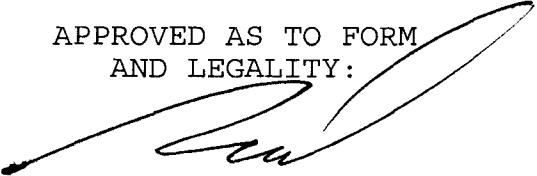
WHEREAS, pursuant to Section 2.41.050, Maui County Code, if the Mayor submits the name of a nominee within the Council's 60-day period to nominate and approve an individual to fill a vacancy, the Mayor's submittal shall be deemed invalid; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby nominates and approves the appointment of the persons listed in Exhibit "A", attached hereto, as members to the various boards and commissions for terms expiring on March 31, 2016, unless otherwise specified therein; and

2. That certified copies of this Resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
County of Maui

EXHIBIT "A"

AFFIRMATIVE ACTION ADVISORY COUNCIL

1. Lilah Inaba.

BOARD OF CODE APPEALS

1. Thomas Behnke.

BOARD OF ETHICS

1. Sydney Kikuchi.

BOARD OF VARIANCES AND APPEALS

1. Jacqueline Haraguchi; and
2. Patrick De Ponte.

BOARD OF WATER SUPPLY

1. William Kamai.

CIVIL SERVICE COMMISSION

1. Arnold Wunder (Reappointment).

COMMISSION ON CHILDREN AND YOUTH

1. Lei Fagan; and
2. Kalimaya Herrera.

COMMISSION ON CULTURE AND THE ARTS

1. Caroline Belsom; and
2. Henry Allen.

COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. June Davis; and
2. Chad Beitler.

COST OF GOVERNMENT COMMISSION

1. Joseph Kanahuna, for a term expiring on March 31, 2013;
2. Fred Rohlfing, for a term expiring on March 31, 2013;
3. Walter Baloaloa, for a term expiring on March 31, 2013; and
4. Gregory Evans, for a term expiring on March 31, 2013.

COUNCIL ON AGING

1. Candice Carter (Reappointment);
2. James Jackson;
3. Iris Peelua; and
4. Robert Santry.

FIRE AND PUBLIC SAFETY COMMISSION

1. Allen Souza; and
2. William Soares.

HANA ADVISORY COMMITTEE

1. John Blumer-Buell; and
2. Anjoleen Hoopai-Waikoloa.

LANAI PLANNING COMMISSION

1. Roberto Hera.

LIQUOR CONTROL ADJUDICATION BOARD

1. Edward Zwick.

LIQUOR CONTROL COMMISSION

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MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Irene Kaahanui.

MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Yarrow Flower; and
2. Kathryn Ghean.

MAUI PLANNING COMMISSION

1. Ivan Lay; and
2. John "Keone" Ball.

MOLOKAI PLANNING COMMISSION

1. Zhantell Dudoit.

POLICE COMMISSION

1. Pancho Alcon; and
2. Kelly Ruidas.

REAL PROPERTY TAX REVIEW BOARD

1. Bernice Lu.

SALARY COMMISSION

1. Maxwell Tsai (replacing Jeremiah Savage), for a term expiring on
March 31, 2013;
2. May Fujiwara; and
3. Ralph Masuda.