

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

April 1, 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 2, 2011 and March 16, 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 January 26, 2011, the Mayor transmitted a proposed resolution entitled "APPROVING THE APPOINTMENT OF COMMISSION MEMBERS TO THE CHARTER COMMISSION", along with the nominees' application forms. The purpose of the proposed resolution is to approve the Mayor's nominees to the Charter Commission. The nominees are Linda Kay Okamoto, Stephanie Stacy Crivello, Artemio Baxa, David DeLeon, Wayne Hedani, Yuki Lei Sugimura, Flo Wiger, Clifford Hashimoto, Frank De Rego, Jr., Susan Moikeha, and Joshua Stone.

At the request of your Committee's Chair, the Department of the Corporation Counsel transmitted a draft resolution entitled "APPOINTMENT OF MEMBERS OF THE CHARTER COMMISSION". The draft resolution identifies the same nominees and provides the Council the opportunity to approve or disapprove the nominees submitted by the Mayor.

Your Committee notes that Section 14-3 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), requires that the Mayor, with the approval of the Council, appoint a Charter Commission composed of 11 members to study and review the operation of County government under the Charter. The Charter Commission may propose amendments to the Charter or draft a new charter for submission to the voters of the County. The draft resolution provides that the members of the Charter Commission will serve for terms expiring the day after the election at which any proposed charter amendment is submitted to the voters.

According to the Department of the Corporation Counsel, the general appointment process in Charter Section 13-2 does not apply to the initial appointment of the new Charter Commission, and there is no deadline for Council action on the Mayor's

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nominations. The Department cautioned, however, that the Charter Commission may not start its work until its entire membership is approved.

Your Committee further notes that Chapter 50, Hawaii Revised Statutes (“HRS”), constitutes the enabling statutory law on county charter commissions and governs, among other matters, the duties, functions, and powers of the Charter Commission. Accordingly, with respect to discrepancies between Charter Section 14-3 and the HRS, the Department of the Corporation Counsel has previously opined that the Charter Commission should comply with Sections 50-8 and 50-9, HRS, and submit, within one year of its appointment, a written report to the Council on its activities, findings, and recommendations.

Your Committee further notes that Section 50-4, HRS, requires that each Charter Commission member be a registered voter and resident of the County for at least three years prior to the member’s appointment. Your Committee’s Chair advised that the County Clerk had confirmed that all 11 nominees were registered to vote in the County for at least three years prior to their nominations.

The Mayor’s nominees include a representative from Lanai, Molokai, and Hana, respectively. Without exception, the nominees have demonstrated a commitment to the community through their prior involvement in boards, committees, or community organizations in Maui County. Collectively, their diverse employment experiences have included the fields of elementary through post-secondary education, utility services, the judiciary, private industry, public relations, sales, project management, government employment, and small business entrepreneurship.

Your Committee interviewed all 11 nominees. The nominees responded to questions concerning their reasons for wanting to serve as Charter Commission members; their willingness to commit the time that would be needed; their views on County government, the Charter, and the process of considering changes to the Charter; their views on district voting; their willingness to engage the community and consider financial implications of proposed changes; and their ability to keep an open mind during the process.

Your Committee carefully considered the responses by each nominee to questions posed by your Committee. Your Committee expressed some concern about the geographical representation of the nominees, and whether Central Maui was adequately

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represented by the group. Nevertheless, your Committee was satisfied by the nominees' responses, qualifications, and level of commitment.

Your Committee recommended that all 11 appointments to the Charter Commission be approved. Your Committee voted to amend the draft resolution by adding each of the 11 names to Exhibit "B".

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 voted 9-0 to recommend adoption of the draft resolution, incorporating your Committee's revisions. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Couch, Mateo, Pontanilla, Victorino, and White voted "aye".

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

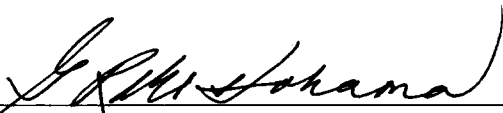
Your Policy Committee RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "APPOINTMENT OF MEMBERS OF THE CHARTER COMMISSION", be ADOPTED.

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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. \_\_\_\_\_

## APPOINTMENT OF MEMBERS OF THE CHARTER COMMISSION

WHEREAS, by letter dated January 26, 2011, Mayor Alan M. Arakawa notified the Council that he nominated the persons listed in Exhibit "A", attached hereto, as members of the Charter Commission, pursuant to Section 14-3, Revised Charter of the County of Maui (1983), as amended ("Charter"), and Section 50-3, Hawaii Revised Statutes; and

WHEREAS, Section 14-3 of the Charter requires the Mayor's appointees to be approved by the Council; now, therefore,

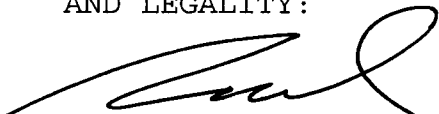
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of the persons listed in Exhibit "B", attached hereto, as members of the Charter Commission for terms expiring on the day after the election at which any proposed charter amendment is submitted to the qualified electors of the County of Maui for approval; and

2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members of the Charter Commission; and

3. 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

**NOMINATED CHARTER COMMISSION MEMBERS**

Linda Kay Okamoto

Stephanie Stacy Crivello

Artemio Baxa

David DeLeon

Wayne Hedani

Yuki Lei Sugimura

Flo Wiger

Clifford Hashimoto

Frank De Rego, Jr.

Susan Moikeha

Joshua Stone

**APPROVED CHARTER COMMISSION MEMBERS**

Linda Kay Okamoto

Stephanie Stacy Crivello

Artemio Baxa

David DeLeon

Wayne Hedani

Yuki Lei Sugimura

Flo Wiger

Clifford Hashimoto

Frank De Rego, Jr.

Susan Moikeha

Joshua Stone

**DISAPPROVED CHARTER COMMISSION MEMBERS**

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EXHIBIT "C"