

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

May 24, 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 May 12, 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 April 21, 2011, the Mayor transmitted a draft resolution entitled "APPOINTMENT OF MEMBERS TO THE CIVIL SERVICE COMMISSION AND THE COST OF GOVERNMENT COMMISSION", along with the nominees' application forms. The purpose of the draft resolution is to approve or disapprove the appointment of the Mayor's nominees to the following commissions, for terms expiring as indicated:

- A. CIVIL SERVICE COMMISSION
 - 1. Blake Takayama (replacing David Hunkins), for a term expiring on March 31, 2015.

- B. COST OF GOVERNMENT COMMISSION
 - 1. Sunny Gutierrez (replacing Ivan Lay), for a term expiring on March 31, 2012.

The Council must approve or disapprove the two nominations by June 20, 2011, or the nominations will be deemed approved.

By correspondence dated and received May 5, 2011, the Mayor also 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 appointment of the Mayor's nominees to the following seven commissions, for terms expiring as indicated:

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- A. AFFIRMATIVE ACTION ADVISORY COUNCIL
 - 1. Abelardo Corella (replacing Sherry Duong), for a term expiring on March 31, 2012.

- B. BOARD OF CODE APPEALS
 - 1. Joseph Blackburn, for a term expiring on March 31, 2016.

- C. COMMISSION ON CULTURE AND THE ARTS
 - 1. Clifford Libed (replacing Teri Gorman), for a term expiring on March 31, 2015.
 - 2. Robin Kaye (replacing Veronica Yamanoha), for a term expiring on March 31, 2013.

- D. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES
 - 1. Alysia Carlisle (replacing Gary Ohashi), for a term expiring on March 31, 2013.

- E. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES
 - 1. Cesar Gaxiola (replacing Elsie Santos), for a term expiring on March 31, 2015.

- F. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. Uvette Sakamoto (replacing Lehua Kalua), for a term expiring on March 31, 2015.

- G. SALARY COMMISSION
 - 1. Johanna Amorin (replacing Maureen Ross), for a term expiring on March 31, 2015.

The Council must approve or disapprove these eight nominations by July 4, 2011, or the nominations will be deemed approved.

Your Committee 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”). Your Committee further notes that the following general appointment procedures apply to the various boards, committees, and commissions for which the Mayor submitted nominations.

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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.

Your Committee further notes that specific provisions for these boards, committees, and commissions are contained in the Charter, the MCC, and the Hawaii Revised Statutes ("HRS") as follows:

- A. Affirmative Action Advisory Council (Chapter 2.29 and Section 2.40.080, MCC);
- B. Board of Code Appeals (Sections 2.40.190 and 16.26.105, MCC);
- C. Civil Service Commission (Section 8-9.4, Charter; Sections 76-71 and 76-47, HRS);
- D. Commission on Culture and the Arts (Chapter 2.37 and Section 2.40.200, MCC);
- E. Commission on Naming Streets, Parks, and Facilities (Chapter 2.38 and Section 2.40.140, MCC);
- F. Cost of Government Commission (Sections 8-16.2 and 8-16.3, Charter);
- G. Maui County Commission on Persons with Disabilities (Chapter 2.32, MCC);
- H. Maui County Grants Review Committee (Sections 2.40.160 and 3.36.020, MCC); and

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- I. Salary Commission (Section 2.40.210 and Chapter 2.42, MCC; and Section 8-18.1, Charter).

Your Committee notes that Teri Gorman's term on the Commission on Culture and the Arts is due to expire on March 31, 2012. Therefore, the Mayor's nomination of an individual to fill the vacancy created by Ms. Gorman's resignation should be for a term expiring on March 31, 2012. Accordingly, the nomination of Clifford Libed to fill the vacancy on the Commission on Culture and the Arts should be for a term expiring in 2012, rather than 2015.

Your Committee was satisfied with the information provided on the nominees' application forms and did not request an interview with any of the nominees. Your Committee thanked the Mayor for submitting nominees who had clearly demonstrated their commitment to the community.

Your Committee recommended that the appointments of Blake Takayama to the Civil Service Commission and Sunny Gutierrez to the Cost of Government Commission be approved for the terms noted. Your Committee voted to amend the draft resolution by adding the nominees' names and accompanying terms, by commission, on Exhibit "B" for approval.

Your Committee voted 7-0 to recommend adoption of the draft resolution relating to appointments to the Civil Service Commission and Cost of Government Commission, incorporating your Committee's requested revisions. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Pontanilla, Victorino, and White voted "aye". Committee members Couch and Mateo were excused.

Your Committee also recommended that all appointments to the seven boards referenced in the second draft resolution be approved. Your Committee voted to amend the second draft resolution by adding the nominees' names and accompanying terms, by commission, on Exhibit "B" for approval, correcting Mr. Libed's term to expire on March 31, 2012.

Your Committee voted 6-0 to recommend adoption of the draft resolution relating to appointments to the other seven boards and commissions, incorporating your Committee's requested revisions. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Victorino, and White voted "aye". Committee members Couch, Mateo, and Pontanilla were excused.

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

Your Policy Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE CIVIL SERVICE COMMISSION AND THE COST OF GOVERNMENT COMMISSION", be ADOPTED; and

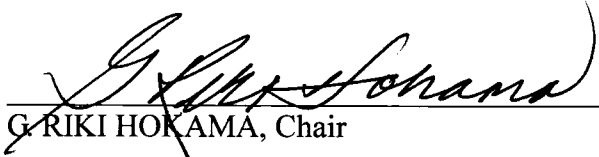
2. That Resolution No. _____, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", be ADOPTED.

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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 TO THE CIVIL SERVICE COMMISSION AND THE COST OF GOVERNMENT COMMISSION

WHEREAS, by letter dated April 21, 2011, Mayor Alan M. Arakawa notified the Council that he nominated the persons listed in Exhibit "A", attached hereto, 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, Section 13-2 of the Charter requires the Mayor's nominees to be approved by the Council; and

WHEREAS, Section 13-2(17) of the Charter requires the Council to approve or disapprove the nominees within sixty (60) days after the Mayor submits the nominees to the Council; now, therefore,

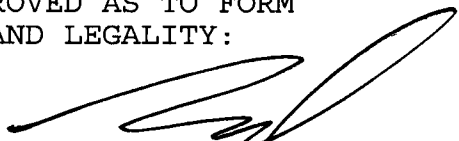
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of the persons listed in Exhibit "B", attached hereto, as members to the various boards and commissions for terms as specified therein; and

2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members to the various boards and commissions as nominated by the Mayor; 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 COMMISSIONS MEMBERS AND TERMS

CIVIL SERVICE COMMISSION

Blake Takayama (replacing David Hunkins)

Exp. 3/31/15

COST OF GOVERNMENT COMMISSION

Sunny Gutierrez (replacing Ivan Lay)

Exp. 3/31/12

APPROVED COMMISSIONS MEMBERS AND TERMS

CIVIL SERVICE COMMISSION

Blake Takayama (replacing David Hunkins)

Exp. 3/31/15

COST OF GOVERNMENT COMMISSION

Sunny Gutierrez (replacing Ivan Lay)

Exp. 3/31/12

DISAPPROVED COMMISSIONS MEMBERS AND TERMS

EXHIBIT "C"

Resolution

No. _____

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

WHEREAS, by letter dated May 5, 2011, Mayor Alan M. Arakawa notified the Council that he nominated the persons listed in Exhibit "A", attached hereto, 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, Section 13-2 of the Charter requires the Mayor's nominees to be approved by the Council; and

WHEREAS, Sections 13-2(16) and 13-2(17) of the Charter require the Council to approve or disapprove the nominees within sixty (60) days after the Mayor submits the nominees to 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 to the various boards and commissions for terms as specified therein; and

2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members to the various boards and commissions as nominated by the Mayor; 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 COMMISSIONS MEMBERS AND TERMS

AFFIRMATIVE ACTION ADVISORY COUNCIL

Abelardo Corella (replacing Sherry Duong)

Exp. 3/31/12

BOARD OF CODE APPEALS

Joseph Blackburn

Exp. 3/31/16

COMMISSION ON CULTURE AND THE ARTS

Clifford Libed (replacing Teri Gorman)

Exp. 3/31/15

Robin Kaye (replacing Veronica Yamanoha)

Exp. 3/31/13

COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

Alysia Carlisle (replacing Gary Ohashi)

Exp. 3/31/13

MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

Cesar Gaxiola (replacing Elsie Santos)

Exp. 3/31/15

MAUI COUNTY GRANTS REVIEW COMMITTEE

Uvette Sakamoto (replacing Lehua Kalua)

Exp. 3/31/15

SALARY COMMISSION

Johanna Amorin (replacing Maureen Ross)

Exp. 3/31/15

APPROVED COMMISSIONS MEMBERS AND TERMS

AFFIRMATIVE ACTION ADVISORY COUNCIL

Abelardo Corella (replacing Sherry Duong)

Exp. 3/31/12

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Exp. 3/31/15

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Exp. 3/31/15

DISAPPROVED COMMISSIONS MEMBERS AND TERMS

EXHIBIT " C "