

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 two correspondences dated and received May 5, 2011, the Mayor transmitted two draft resolutions entitled "APPOINTMENT OF MEMBER TO THE COUNCIL ON AGING", along with a completed application form for the nominee noted in each resolution. The purpose of the first draft resolution is to approve or disapprove the appointment of Glenn Keliikoa, for a term expiring on March 31, 2013, to fill an existing vacancy on the Council on Aging due to the resignation of Marlene Young. The purpose of the second draft resolution is to approve or disapprove the appointment of Heather Greenwood, for a term expiring on March 31, 2016, to fill an existing vacancy on the Council on Aging due to the resignation of Masami Hironaka.

The Council must approve or disapprove the nominations of Mr. Keliikoa and Ms. Greenwood by July 4, 2011, or the nominations will be deemed approved.

Your Committee notes that general appointment procedures for the above-referenced board 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 board 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.

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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, according to the Department of the Corporation Counsel, if neither the Mayor nor the Council nominates an individual to fill a vacancy within the periods provided in the Charter, the Mayor again has an opportunity to nominate an individual for that vacancy.

Your Committee further notes that specific provisions for the Council on Aging are contained in Chapter 2.34 and Section 2.40.010, MCC.

Your Committee was satisfied with the information provided on the nominees' application forms and did not request an interview with either nominee.

Your Committee received correspondence dated May 9, 2011, from the Mayor, stating that Mr. Keliikoa's nomination to the Council on Aging had been submitted in error. Therefore, the Mayor requested that the nomination be withdrawn.

An Executive Assistant, Office of the Mayor, advised your Committee that the Mayor is considering Mr. Keliikoa for another board or commission, but that his name had been inadvertently transmitted for the Council on Aging vacancy. The Executive Assistant also noted that the Mayor's standard procedure is to keep applications for board and commission vacancies on file for at least two years.

The Chair of your Committee noted that, following consultation with the Department of the Corporation Counsel, it appeared that the Mayor is not authorized to voluntarily withdraw the nomination. Further, although Section 2.41.060, Maui County Code, permits the nominee to withdraw from consideration, your Committee did not receive any communication from Mr. Keliikoa requesting his withdrawal.

Your Committee recommended that Mr. Keliikoa's appointment be disapproved to afford the Mayor an opportunity to transmit the nomination he had intended to transmit for the Council on Aging. Your Committee noted that its recommendation has nothing to do with Mr. Keliikoa's character or qualifications, but is expressly intended to address the error in the Mayor's transmittal. Your Committee voted to amend the first draft resolution by adding Mr. Keliikoa's name to Exhibit "C" for disapproval.

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Your Committee voted 7-0 to recommend adoption of the draft resolution relating to Mr. Keliikoa's appointment, 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 recommended that the appointment of Heather Greenwood to the Council on Aging, for a term expiring on March 31, 2016, be approved. Your Committee voted to amend the second draft resolution to include Ms. Greenwood's name in the title of the resolution, and to add her name (and accompanying term) to Exhibit "B" for approval.

Your Committee voted 6-0 to recommend adoption of the draft resolution relating to Ms. Greenwood's appointment, 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.

Your Committee is in receipt of a proposed resolution relating to Mr. Keliikoa's appointment, approved as to form and legality by the Department of the Corporation Counsel, disapproving the appointment of Mr. Keliikoa. Your Committee is also in receipt of a proposed resolution entitled "APPOINTMENT OF HEATHER GREENWOOD AS A MEMBER TO THE COUNCIL ON AGING", approved as to form and legality by the Department of the Corporation Counsel, approving the appointment of Ms. Greenwood.

Your Policy Committee RECOMMENDS the following:

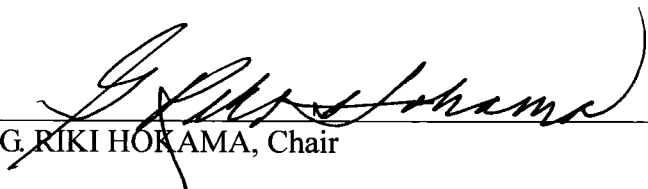
1. That Resolution No. _____, attached hereto, entitled "APPOINTMENT OF MEMBER TO THE COUNCIL ON AGING", be ADOPTED; and
2. That Resolution No. _____, attached hereto, entitled "APPOINTMENT OF HEATHER GREENWOOD AS A MEMBER TO THE COUNCIL ON AGING", be ADOPTED.

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



G. RIKI HOKAMA, Chair

pol:cr:11002(32and01)aa:cmn

Resolution

No. _____

APPOINTMENT OF MEMBER TO THE COUNCIL ON AGING

WHEREAS, by letter dated May 5, 2011, Mayor Alan M. Arakawa notified the Council that he nominated the person listed in Exhibit "A", attached hereto, as a member to the Council on Aging 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 nominee to be approved by the Council; and

WHEREAS, Section 13-2(17) of the Charter requires the Council to approve or disapprove the nominee within sixty (60) days after the Mayor submits the nominee 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 person listed in Exhibit "B", attached hereto, as a member to the Council of Aging for the term as specified therein; and

2. That it hereby disapproves the appointment of the person listed in Exhibit "C" as a member to the Council on Aging 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 COMMISSION MEMBER AND TERM

COUNCIL ON AGING

Glenn Keliikoa (replacing Marlene Young)

Exp. 3/31/13

EXHIBIT "A"

APPROVED COMMISSION MEMBER AND TERM

EXHIBIT "B"

DISAPPROVED COMMISSION MEMBER AND TERM

COUNCIL ON AGING

Glenn Keliikoa (replacing Marlene Young)

Exp. 3/31/13

EXHIBIT "C"

Resolution

No. _____

APPOINTMENT OF HEATHER GREENWOOD AS A MEMBER TO THE COUNCIL ON AGING

WHEREAS, by letter dated May 5, 2011, Mayor Alan M. Arakawa notified the Council that he nominated the person listed in Exhibit "A", attached hereto, as a member to the Council on Aging 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 nominee to be approved by the Council; and

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

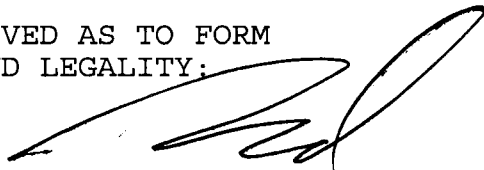
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of the person listed in Exhibit "B", attached hereto, as a member to the Council of Aging for the term as specified therein; and

2. That it hereby disapproves the appointment of the person listed in Exhibit "C" as a member to the Council on Aging 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 COMMISSION MEMBER AND TERM

COUNCIL ON AGING

Heather Greenwood (replacing Masami Hironaka)

Exp. 3/31/16

EXHIBIT "A"

APPROVED COMMISSION MEMBER AND TERM

COUNCIL ON AGING

Heather Greenwood (replacing Masami Hironaka)

Exp. 3/31/16

EXHIBIT " B "

DISAPPROVED COMMISSION MEMBER AND TERM

EXHIBIT " C "