

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

July 22, 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 June 29, 2011, makes reference to County Communication No. 09-15, from Michael J. Molina, Chair, Committee of the Whole, relating to the matter of nominations to boards, committees, and commissions.

By correspondence dated and received June 9, 2011, the Mayor transmitted a draft resolution entitled "APPOINTMENT OF MEMBER TO THE COUNCIL ON AGING", along with a completed application form for the nominee. The purpose of the draft resolution is to approve or disapprove the appointment of Lawrence Ankrum, Jr., to the Council on Aging, for a term expiring on March 31, 2013, to fill an existing vacancy due to the resignation of Marlene Young.

Your Committee notes that it previously recommended the adoption of a proposed resolution disapproving the appointment of Glenn Keliikoa to fill the vacancy created by Ms. Young's resignation (Committee Report No. 11-47). As noted in the Committee Report, your Committee recommended disapproval of the appointment solely because the Mayor had advised your Committee that Mr. Keliikoa's nomination to the Council on Aging had been submitted in error. Although the Mayor submitted correspondence dated May 9, 2011, requesting the withdrawal of Mr. Keliikoa's nomination, the Department of the Corporation Counsel advised that the Mayor lacked authority to unilaterally withdraw the nomination once it had been officially transmitted and received by the Council.

At its meeting of May 24, 2011, the Council adopted your Committee's recommendation to disapprove Mr. Keliikoa's nomination. By correspondence dated May 27, 2011 (transmitted May 31, 2011), Council Chair Danny A. Mateo notified the Mayor of the Council's action.

Your Committee further notes that the Mayor submitted correspondence dated May 10, 2011, transmitting a draft resolution relating to the appointment of Mr. Ankrum to fill the vacancy on the Council on Aging. However, since Mr. Keliikoa's nomination for the position was then still pending, the Department of the Corporation Counsel opined that the Mayor's nomination of Mr. Ankrum should be deemed invalid.

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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 that the following general appointment procedures apply to the board for which the Mayor submitted his nomination.

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. The Mayor shall then submit the name of a second nominee to the Council within 10 days and the Council shall act on the nomination within 60 days.

The Council must approve or disapprove the Mayor's June 9, 2011 nomination of Mr. Ankrum by August 8, 2011, or the nomination will be deemed approved.

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 nominee's application form and did not request an interview.

Your Committee recommended that Mr. Ankrum's appointment be approved. Your Committee voted to amend the draft resolution by adding the nominee's name (and accompanying term) to Exhibit "B" for approval. Your Committee was also advised that the nominee's name would be corrected to add the suffix, "Jr.", as reflected on his application form.

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

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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 MEMBER TO THE COUNCIL ON AGING", be ADOPTED.

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



G. RIKI HOKAMA, Chair

pol:cr:11002(32)ab:cmn

Resolution

No. _____

APPOINTMENT OF MEMBER TO THE COUNCIL ON AGING

WHEREAS, by letter dated June 9, 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,

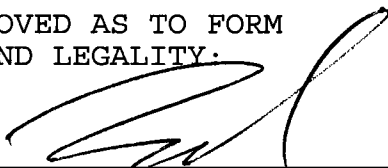
BE IT RESOLVED by the Council of the County of Maui:

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

Lawrence Ankrum, Jr. (replacing Marlene Young)

Exp. 3/31/13

EXHIBIT "A"

APPROVED COMMISSION MEMBER AND TERM

COUNCIL ON AGING

Lawrence Ankrum, Jr. (replacing Marlene Young)

Exp. 3/31/13

EXHIBIT "B"

DISAPPROVED COMMISSION MEMBER AND TERM

EXHIBIT " C "