

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

March 16, 2012

**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 February 29, 2012, makes reference to County Communication 11-31, from Council Chair Danny A. Mateo, relating to the matter of nominations to boards, committees, and commissions (“boards”).

By correspondence dated and received January 31, 2012, the Mayor transmitted a proposed 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 proposed resolution is to approve or disapprove the Mayor’s nominees to fill 50 vacancies on 27 various boards (for terms beginning on April 1, 2012, and expiring on March 31, 2017, unless otherwise indicated). The vacancies are due to the anticipated expiration of current board members’ terms on March 31, 2012.

Your Committee notes that it previously made recommendations on 42 of the 50 nominations by Policy Committee Report 12-30. Those recommendations were adopted by the Council at its meeting of March 2, 2012.

Your Committee further notes that it previously deferred recommendations on the remaining eight nominations. Your Committee received a revised proposed resolution relating to those eight nominations, as follows, for terms beginning on April 1, 2012, and expiring on March 31, 2017:

A. BOARD OF CODE APPEALS

1. Todd Sherman.

B. BOARD OF ETHICS

1. Randol Leach.

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

March 16, 2012  
Page 2

**Committee**  
**Report No.** \_\_\_\_\_

- C. CIVIL SERVICE COMMISSION
  - 1. Jon Santos (Reappointment).
- D. HANA ADVISORY COMMITTEE
  - 1. Clayton Carvalho, Jr.
- E. LANAI PLANNING COMMISSION
  - 1. Ralph Black; and
  - 2. James Clemens.
- F. LIQUOR CONTROL ADJUDICATION BOARD
  - 1. Patrick De Ponte.
- G. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE
  - 1. Todd Sherman.

Your Committee notes that general 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”).

The following general appointment procedures apply to the various boards 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. 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.

Accordingly, the Council has until March 31, 2012 to approve or disapprove the Mayor’s nominees, or the nominees shall be deemed appointed.

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

March 16, 2012  
Page 3

**Committee**  
**Report No.** \_\_\_\_\_

Your Committee interviewed nominees Todd Sherman, Randol Leach, and Jon Santos. Your Committee generally questioned the nominees about their availability to attend meetings, their interest in serving the boards for which they had been nominated, and life experiences that would contribute to their service as board members. Your Committee carefully considered the nominees' responses to questions posed by your Committee.

Your Committee recommended that the following four nominees be approved: Randol Leach to the Board of Ethics; Jon Santos (reappointment) to the Civil Service Commission; Clayton Carvalho, Jr., to the Hana Advisory Committee; and Todd Sherman to the Maui County Outdoor Lighting Standards Committee. Your Committee recommended that Exhibit "B" to the proposed resolution be revised accordingly.

Your Committee noted a reluctance to approve a nominee to two boards with concurrent five-year terms and, therefore, recommended approval of Mr. Sherman to the board he preferred, the Maui County Outdoor Lighting Standards Committee. Your Committee recommended that Mr. Sherman's nomination to the Board of Code Appeals be disapproved.

Your Committee also indicated a desire to have nominees with a greater historical understanding of the Lanai community appointed to the Lanai Planning Commission. Your Committee, therefore, recommended disapproval of Ralph Black and James Clemens to the Lanai Planning Commission.

Finally, your Committee expressed concerns regarding Patrick De Ponte's nomination to the Liquor Control Adjudication Board, in light of his current service on the Board of Variances and Appeals, another quasi-judicial board. The Chair of your Committee advised that, subsequent to your Committee's meeting of February 15, 2012, Mr. De Ponte had indicated that he preferred to remain on the Board of Variances and Appeals. Therefore, your Committee recommended that Mr. De Ponte's nomination to the Liquor Control Adjudication Board be disapproved.

Your Committee recommended that the proposed resolution be revised by placing the names of Todd Sherman (Board of Code Appeals), Ralph Black, James Clemens, and Patrick De Ponte, and their respective boards, on Exhibit "C" for disapproval.

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

March 16, 2012  
Page 4

**Committee**  
**Report No.** \_\_\_\_\_

Your Committee voted 8-0 to recommend adoption of the proposed resolution, incorporating your Committee's revisions. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Couch, Pontanilla, Victorino, and White voted "aye". Committee member Mateo was excused.

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

Your Policy Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", be ADOPTED.

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

  
\_\_\_\_\_  
G. RIKI HOKAMA, Chair

# Resolution

No. \_\_\_\_\_

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

WHEREAS, by letter dated January 31, 2012, 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(16) 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,

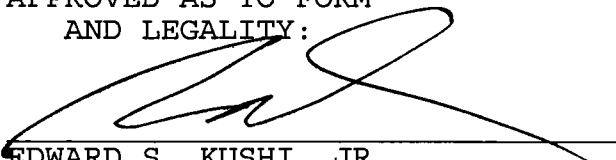
BE IT RESOLVED by the Council of the County of Maui:

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 BOARD/COMMITTEE MEMBERS AND TERMS**

**BOARD OF CODE APPEALS**

Todd Sherman

Term: 4/1/12 through 3/31/17

**BOARD OF ETHICS**

Randol Leach

Term: 4/1/12 through 3/31/17

**CIVIL SERVICE COMMISSION**

Jon Santos (reappointment)

Term: 4/1/12 through 3/31/17

**HANA ADVISORY COMMITTEE**

Clayton Carvalho, Jr.

Term: 4/1/12 through 3/31/17

**LANAI PLANNING COMMISSION**

Ralph Black

James Clemens

Term: 4/1/12 through 3/31/17

Term: 4/1/12 through 3/31/17

**LIQUOR CONTROL ADJUDICATION BOARD**

Patrick De Ponte

Term: 4/1/12 through 3/31/17

**MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE**

Todd Sherman

Term: 4/1/12 through 3/31/17

**APPROVED BOARD/COMMITTEE MEMBERS AND TERMS**

**BOARD OF ETHICS**

Randol Leach

Term: 4/1/12 through 3/31/17

**CIVIL SERVICE COMMISSION**

Jon Santos (reappointment)

Term: 4/1/12 through 3/31/17

**HANA ADVISORY COMMITTEE**

Clayton Carvalho, Jr.

Term: 4/1/12 through 3/31/17

**MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE**

Todd Sherman

Term: 4/1/12 through 3/31/17

**DISAPPROVED BOARD/COMMITTEE MEMBERS**

**BOARD OF CODE APPEALS**

Todd Sherman

**LANAI PLANNING COMMISSION**

Ralph Black

James Clemens

**LIQUOR CONTROL ADJUDICATION BOARD**

Patrick De Ponte