

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

April 26, 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 April 9, 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 expiration of board members’ terms on March 31, 2012.

Your Committee notes that it previously made recommendations on the 50 nominations by Policy Committee Reports 12-30 and 12-37. Those recommendations were adopted by the Council at its meetings of March 2, 2012, and March 16, 2012, respectively.

Your Committee further notes that the Council disapproved the nominations of both nominees to the Lanai Planning Commission and the nominee to the Liquor Control Adjudication Board. By correspondence dated and transmitted March 20, 2012, Council Chair Danny A. Mateo notified the Mayor of the Council’s action.

By correspondence dated March 29, 2012, the Mayor transmitted the following:

1. A proposed resolution entitled “APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI”, along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the nominations of Michael Lopez and Garrett Hera to the Lanai Planning Commission, for terms expiring on March 31, 2017.

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2. A proposed resolution entitled “APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI”, along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Bernard Despins to the Liquor Control Adjudication Board, for a term expiring on March 31, 2017.

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

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 thereon within 60 days. The process shall continue until the vacancy is filled. In the event the Council fails to approve or disapprove a nominee within the time periods provided for herein, the nominee shall be deemed appointed to fill the vacancy upon its occurrence.

Accordingly, the Mayor’s March 29, 2012, nominations were timely. The Council has until May 28, 2012, to approve or disapprove the Mayor’s nominees, or the nominees shall be deemed appointed.

Your Committee interviewed nominee Garrett Hera. Your Committee noted Mr. Hera’s significant volunteer work in the Lanai community. Mr. Hera stated his desire to continue serving the community and to do what is best for the people of Lanai. He indicated that he would be open to making tough, unpopular decisions as needed, and that he would conduct himself with the appropriate decorum on all board-related matters.

Your Committee also interviewed nominee Bernard Despins. Your Committee noted that Mr. Despins’ resume is impressive. Mr. Despins stated his interest in serving on the Liquor Control Adjudication Board and noted his prior volunteer service.

Your Committee carefully considered both nominees’ responses to questions posed by your Committee. Your Committee was satisfied with the responses and the information provided on the nominees’ application forms. Your Committee was also

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satisfied with the information provided on the application form for Lanai Planning Commission nominee Michael Lopez, and did not request an interview with him.

Your Committee recommended that the nominations of Michael Lopez and Garrett Hera to the Lanai Planning Commission, and the nomination of Bernard Despins to the Liquor Control Adjudication Board, be approved. Your Committee recommended that the proposed resolutions be revised by placing the nominees' names and terms on Exhibit "B" for approval.

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

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

Your Policy Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI", be ADOPTED; and
2. That Resolution _____, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD 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 LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI

WHEREAS, by letter dated March 29, 2012, Mayor Alan M. Arakawa notified the Council that he nominated the persons listed in Exhibit "A", attached hereto, as members to the Lanai Planning Commission of the County of Maui, pursuant to Section 2.28.025, Maui County Code, and Section 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

WHEREAS, Section 13-2(16) of the Charter requires the Mayor's nominees to be approved by the Council; now, therefore,

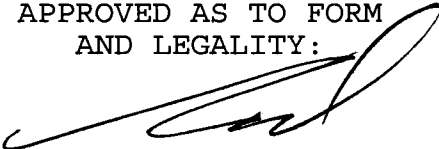
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of the persons listed in Exhibit "B", attached hereto, as members to the Lanai Planning Commission as specified therein; and

2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members to the Lanai Planning Commission 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 MEMBERS AND TERMS

LANAI PLANNING COMMISSION

Michael Lopez
Garrett Hera

Term Expiration 3/31/17
Term Expiration 3/31/17

APPROVED COMMISSION MEMBERS AND TERMS

LANAI PLANNING COMMISSION

Michael Lopez
Garrett Hera

Term Expiration 3/31/17
Term Expiration 3/31/17

DISAPPROVED COMMISSION MEMBERS

EXHIBIT " C "

Resolution

No. _____

APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI

WHEREAS, by letter dated March 29, 2012, Mayor Alan M. Arakawa notified the Council that he nominated the person listed in Exhibit "A", attached hereto, as a member to the Liquor Control Adjudication Board of the County of Maui, pursuant to Sections 8-13.3 and 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

WHEREAS, Section 13-2(16) of the Charter requires the Mayor's nominee to be approved by the Council; now, therefore,

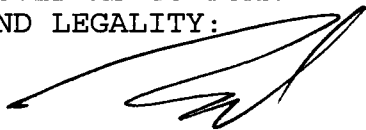
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of the person listed in Exhibit "B", attached hereto, as a member to the Liquor Control Adjudication Board as specified therein; and

2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as a member to the Liquor Control Adjudication Board 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 MEMBER AND TERM

LIQUOR CONTROL ADJUDICATION BOARD

Bernard Despins

Term Expiration 3/31/17

EXHIBIT " A "

APPROVED BOARD MEMBER AND TERM

LIQUOR CONTROL ADJUDICATION BOARD

Bernard Despins

Term Expiration 3/31/17

DISAPPROVED BOARD MEMBER

EXHIBIT "C"