

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

July 6, 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 June 26, 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 these vacancies by Policy Committee Reports 12-30, 12-37, and 12-50. Those recommendations were adopted by the Council at its meetings of March 2, 2012, March 16, 2012, and April 26, 2012, respectively.

With regard to the Mayor’s nominees to the Molokai Planning Commission, your Committee notes that the Council disapproved both nominees on March 2, 2012. By correspondence dated March 6, 2012, and received March 7, 2012, Council Chair Danny A. Mateo notified the Mayor of the Council’s action.

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 board for which the Mayor submitted nominations.

When a vacancy occurs due to the expiration of a member’s term, the Mayor is required to submit a nominee not more than 70 days nor less than 60 days before the vacancy occurs, and the Council must approve or disapprove the nominee within 60 days thereafter. If the Council disapproves a nominee, it shall immediately notify the Mayor

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

July 6, 2012
Page 2

Committee
Report No. _____

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. 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.

The Mayor did not submit the names of nominees to the two vacancies on the Molokai Planning Commission by his deadline of March 17, 2012. Therefore, the Council had 60 days to nominate and approve the appointment of individuals to fill the vacancies. The Council did not nominate and approve individuals to fill the vacancies by the Council's deadline of May 16, 2012. Accordingly, it again became the Mayor's turn to nominate individuals to fill these vacancies.

By correspondence dated and received May 23, 2012, the Mayor transmitted a proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION", along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the appointments of Douglas Rogers and Michael Jennings to the Molokai Planning Commission, for terms expiring on March 31, 2017, to fill existing vacancies due to the term expirations of Debra Napua Kelly and Michelle Pescaia, respectively.

The Mayor's May 23, 2012, nominations were timely. The Council has until July 22, 2012, to approve or disapprove the Mayor's nominees, or the nominees shall be deemed appointed.

Your Committee was satisfied with the information provided on the nominees' application forms and did not request that they be interviewed.

Your Committee received testimony from the Deputy Planning Director in support of the nominees. She stated that over the past six months, the Molokai Planning Commission has canceled meetings due to a lack of quorum. She further stated that the nominees are qualified and willing to serve.

An Executive Assistant, Office of the Mayor, noted that both nominees have advised the Office of the Mayor that they are available to attend board meetings and, if appointed, will make every effort to attend. He further noted that both nominees are enthusiastic and eager to get involved in community issues.

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

July 6, 2012
Page 3

Committee
Report No. _____

The Council Chair informed your Committee that he had met with both of the nominees. He stated that Mr. Rogers has assured him that he views his involvement on the Molokai Planning Commission as a long-term commitment. As a self-employed contractor, Mr. Rogers has had difficulties with the permitting process and wants to see how it can be expedited. The Council Chair noted that Mr. Jennings had spoken to him about the need for balance in the Molokai community, and the need to protect what is special for the community to retain its identity. The Council Chair supported the nominations, emphasizing the quorum difficulties the Molokai Planning Commission is experiencing.

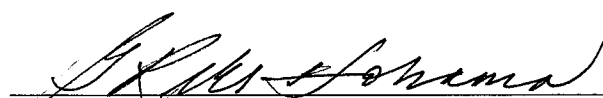
Your Committee recommended that the nominations of Douglas Rogers and Michael Jennings to the Molokai Planning Commission be approved. Your Committee recommended that the proposed resolutions be revised by placing the nominees' names and terms on Exhibit "B" for approval.

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

Your Policy Committee RECOMMENDS that Resolution _____, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION", 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 MOLOKAI PLANNING COMMISSION

WHEREAS, by letter dated May 23, 2012, Mayor Alan M. Arakawa notified the Council that he nominated the persons listed in Exhibit "A", attached hereto, as members to the Molokai Planning Commission, pursuant to Section 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

WHEREAS, Section 13-2, 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,

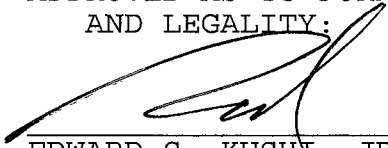
BE IT RESOLVED by the Council of the County of Maui:

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

2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members to the Molokai 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. KUSHY, JR.
First Deputy Corporation Counsel
County of Maui

NOMINATED COMMISSION MEMBERS AND TERMS

MOLOKAI PLANNING COMMISSION

Douglas Rogers (replacing Debra Napua Kelly)
Michael Jennings (replacing Michelle Pescaia)

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

APPROVED COMMISSION MEMBERS AND TERMS

MOLOKAI PLANNING COMMISSION

Douglas Rogers (replacing Debra Napua Kelly)
Michael Jennings (replacing Michelle Pescaia)

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

DISAPPROVED COMMISSION MEMBERS