

COUNCIL OF THE COUNTY OF MAUI

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

April 5, 2013

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

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on March 11, 2013, makes reference to County Communication 13-42, from Council Chair Gladys C. Baisa, relating to nominations to boards, committees, and commissions (“boards”).

By correspondence dated and received February 6, 2013, the Mayor transmitted a proposed resolution entitled “APPOINTMENT OF A MEMBER TO THE MOLOKAI PLANNING COMMISSION”, along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Diane Swenson to the Molokai Planning Commission, for a term expiring on March 31, 2014, to fill an existing vacancy due to the resignation of Nathaniel Bacon.

By correspondence dated and received February 12, 2013, the Mayor transmitted a proposed resolution entitled “APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY”, along with a completed application form for the nominee. The purpose of the proposed resolution is to approve or disapprove the nomination of Thomas Fairbanks III to the Maui Redevelopment Agency, for a term expiring on March 31, 2015, to fill an existing vacancy due to the resignation of Mark Walker.

Your Committee notes general appointment procedures for the boards are provided 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 specific provisions for the boards are contained in the Charter, MCC, and Hawaii Revised Statutes (“HRS”) as follows:

- A. Molokai Planning Commission: Section 8-8.4, Charter; and Section 2.28.020, MCC; and

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- B. Maui Redevelopment Agency: Section 2.40.050, MCC; and Section 53-2, HRS.

Your Committee notes the Council must approve or disapprove the nomination to the Molokai Planning Commission by April 7, 2013, or the nomination will be deemed approved. There is no time limitation for approval or disapproval of the nomination to the Maui Redevelopment Agency.

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

Your Committee expressed the belief Ms. Swenson would regularly attend and contribute to the efforts of the Molokai Planning Commission, which has had difficulties obtaining quorum.

Your Committee also noted Mr. Fairbanks has been involved in the hospitality industry, operates a bed and breakfast home in Wailuku, and is familiar with the challenges facing the neighborhood.

Your Committee recommended that both proposed resolutions be revised by placing the names and terms of the respective nominees on Exhibit "B" for approval.

Your Committee voted 8-0 to recommend adoption of the revised proposed resolutions. Committee Chair Hokama, Vice-Chair Couch, and members Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye". Committee member Baisa was excused.

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

Your Policy and Intergovernmental Affairs Committee **RECOMMENDS** the following:

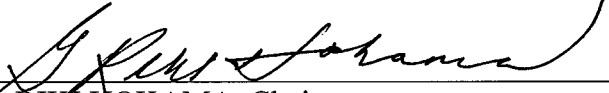
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1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE MOLOKAI PLANNING COMMISSION", be ADOPTED; and
  
2. That Resolution \_\_\_\_\_, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY", 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 A MEMBER TO THE MOLOKAI PLANNING COMMISSION

WHEREAS, by letter dated February 6, 2013, Mayor Alan M. Arakawa notified the Council that he nominated the person listed in Exhibit "A", attached hereto, as a member to the Molokai Planning Commission, pursuant to Sections 8-8(4) and 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

WHEREAS, Section 13-2, 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,

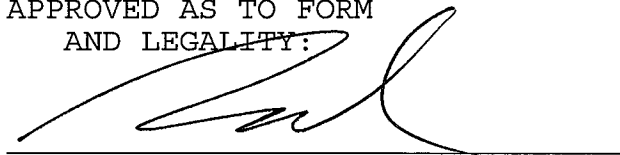
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of the person listed in Exhibit "B", attached hereto, as a member to the Molokai Planning Commission 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 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. KUSHI, JR.  
First Deputy Corporation Counsel  
County of Maui

**NOMINATED COMMISSION MEMBER AND TERM**

**MOLOKAI PLANNING COMMISSION**

Diane Swenson (replacing Nathaniel Bacon)

Term Expiration 3/31/14

EXHIBIT " A "

**APPROVED COMMISSION MEMBER AND TERM**

**MOLOKAI PLANNING COMMISSION**

Diane Swenson (replacing Nathaniel Bacon)

Term Expiration 3/31/14

EXHIBIT " B "

DISAPPROVED COMMISSION MEMBER

EXHIBIT " C "

# Resolution

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

## APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY

WHEREAS, by letter dated February 12, 2013, Mayor Alan M. Arakawa notified the Council that he nominated the person listed in Exhibit "A", attached hereto, as a member to the Maui Redevelopment Agency, pursuant to Section 2.40.050, Maui County Code, and Section 53-2, Hawaii Revised Statutes ("HRS"); and

WHEREAS, Section 53-2, HRS, 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 Maui Redevelopment Agency 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 Maui Redevelopment Agency 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**

**MAUI REDEVELOPMENT AGENCY**

Thomas Fairbanks III (replacing Mark Walker)

Term Expiration 3/31/15

**APPROVED BOARD MEMBER AND TERM**

**MAUI REDEVELOPMENT AGENCY**

Thomas Fairbanks III (replacing Mark Walker)

Term Expiration 3/31/15

**DISAPPROVED BOARD MEMBER**

EXHIBIT " C "