

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

March 25, 2014

**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 February 7, 2014, February 11, 2014, and March 13, 2014, 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 January 29, 2014, the Mayor transmitted a proposed resolution entitled “APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI”, along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove nominees to fill 40 vacancies on 18 various boards (for terms beginning on April 1, 2014, and expiring on March 31, 2019, unless otherwise indicated). The vacancies are due to the anticipated expiration of current board members’ terms on March 31, 2014, and the establishment of the new Public Works Commission by Ordinance 4078 (2013).

Your Committee notes it previously made recommendations on 22 of the 40 nominations by Policy and Intergovernmental Affairs Committee Report 14-31. Recommendations on all nominations except one were adopted by the Council at its meeting of February 21, 2014 (Resolution 14-20, as amended).

With respect to the nomination of Edwin Yokouchi to the Liquor Control Adjudication Board, the Council voted to separate his name and postponed consideration of his nomination to its meeting of March 11, 2014. Following receipt of a written request from Mr. Yokouchi that his name be withdrawn from consideration for personal reasons, the Council adopted Resolution 14-35, disapproving the nomination.

Your Committee further notes it previously deferred recommendations on the remaining 18 nominations. Your Committee received a revised proposed resolution entitled “APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT

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COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, AND PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI". The revised proposed resolution relates to those 18 nominations, as follows, for terms beginning on April 1, 2014, and expiring on March 31, 2019, unless otherwise indicated:

A. COST OF GOVERNMENT COMMISSION

1. Calmentina Gomes (Reappointment);
2. Gabriel Hoeffken;
3. Kent Hiranaga;
4. John Watling; and
5. Stanford Lanias.

B. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Francis Skowronski (Reappointment); and
2. Arleen Ricalde-Garcia.

C. PUBLIC WORKS COMMISSION

1. Charlene Shibuya;
2. Derek Ono;
3. June Davis;
4. Darren Okimoto, for a term expiring on March 31, 2018;
5. Cynthia Catugal, for a term expiring on March 31, 2018;
6. Steven Arce, for a term expiring on March 31, 2017;
7. Patrice Matsumoto, for a term expiring on March 31, 2017;
8. Alan Fernandez, for a term expiring on March 31, 2016; and
9. Gregg Nelson, for a term expiring on March 31, 2016.

ALTERNATE:

1. Harry Hecht, for a term expiring on March 31, 2016; and
2. Paul Mikolay, for a term expiring on March 31, 2016.

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Your Committee notes the revised proposed resolution changes Patrice Matsumoto's term to a three-year term and Alan Fernandez's term to a two-year term, consistent with the Mayor's correspondence dated February 14, 2014.

Your Committee also notes 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.

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 nominees within 60 days thereafter. If the Council fails to approve or disapprove any of the Mayor's nominees 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 30, 2014, to approve or disapprove the Mayor's nominees, or the nominees shall be deemed appointed.

As noted in Policy and Intergovernmental Affairs Committee Report 14-31, with respect to the newly established Public Works Commission, Section 2.98.010(B), Maui County Code, provides that Section 13-2 of the Charter shall apply to the board in the same manner as the provisions apply to boards recognized by the Charter. Section 13-2 of the Charter provides for staggered terms beginning on April 1 and ending on March 31. It also provides a mechanism for initially staggering terms for new boards, with three members serving five-year terms, two serving four-year terms, two serving three-year terms, and two serving two-year terms.

The Director of Public Works noted the Public Works Commission will assume the functions of four existing boards. Upon appointment of all members and effective April 1, 2014, the Public Works Commission will be able to begin its work. He summarized the qualifications required by ordinance for membership on the board. He advised your Committee that one nominee is from Lanai and one is from Molokai.

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He also highlighted the nominees' related board and work experience and qualifications, and advised he is satisfied with the group.

At its February 11, 2014 meeting, your Committee noted Ms. Matsumoto was a member of the Real Property Tax Review Board and questioned her ability to sit on both boards concurrently. By correspondence dated and received March 6, 2014, the Mayor notified the Council of Patrice Matsumoto's resignation from the Real Property Tax Review Board.

Your Committee recommended all nominees to the Public Works Commission, including the revised terms of nominees Matsumoto and Fernandez, be approved, and that Exhibit "B" to the resolution be revised accordingly.

Your Committee interviewed all of the nominees to the Cost of Government Commission, as well as Arleen Ricalde-Garcia, nominee to the Maui County Cultural Resources Commission. Your Committee generally questioned the nominees about their availability to attend meetings, 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.

With respect to the Cost of Government Commission, your Committee was impressed with the qualifications of all five nominees. However, your Committee voiced concerns about the Cost of Government Commission's perception of its role in investigating the Office of the County Auditor. Your Committee questioned Calmentina Gomes, a nominee for reappointment to the Commission, about her position concerning the Commission's Charter-prescribed functions.

Your Committee recommended approval of four of the nominees to the Cost of Government Commission, and that Exhibit "B" to the resolution be revised accordingly. Your Committee was unable to reach a decision on Ms. Gomes' nomination and, therefore, forwards her nomination to the Council without a recommendation. Your Committee notes Ms. Gomes' name is on a new Exhibit "D" to the revised proposed resolution, for nominations without a recommendation for approval or disapproval. Your Committee further notes if the Council does not approve or disapprove Ms. Gomes' nomination by March 30, 2014, her nomination will be deemed approved pursuant to Section 13-2(16) of the Charter.

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Your Committee also recommended approval of both nominees to the Maui County Cultural Resources Commission, and that Exhibit "B" to the resolution be revised accordingly.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution entitled "APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, AND PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI", incorporating your Committee's recommended revisions. Committee Chair Hokama, Vice-Chair Couch, and members Crivello, Guzman, Victorino, and White voted "aye". Committee members Baisa, Carroll, and Cochran were excused.

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

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, AND PUBLIC WORKS COMMISSION 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 COST OF GOVERNMENT
COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION,
AND PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI

WHEREAS, by letters dated January 29, 2014 and February 14, 2014, Mayor Alan M. Arakawa notified the Council that he nominated the persons listed in Exhibit "A", attached hereto, as members to the Cost of Government Commission, Maui County Cultural Resources Commission, and Public Works Commission 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; and

WHEREAS, Section 13-2(16) of the Charter further states that in the event the Council fails to approve or disapprove a nominee within the sixty (60) day time period, the nominee shall be deemed appointed; 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 Cost of Government Commission, Maui County Cultural Resources Commission, and Public Works Commission for terms as specified therein; and

2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members to the Cost of Government Commission, Maui County Cultural Resources Commission, and Public Works Commission as nominated by the Mayor; and

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3. That it hereby neither approves nor disapproves the appointment of the persons listed in Exhibit "D" as members to the board or commission listed therein; and

4. 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

COST OF GOVERNMENT COMMISSION

Calmentina Gomes (re-appoint)	Term 4/1/14 through 3/31/19
Gabriel Hoeffken	Term 4/1/14 through 3/31/19
Kent Hiranaga	Term 4/1/14 through 3/31/19
John Watling	Term 4/1/14 through 3/31/19
Stanford Lantias	Term 4/1/14 through 3/31/19

MAUI COUNTY CULTURAL RESOURCES COMMISSION

Francis Skowronski (re-appoint)	Term 4/1/14 through 3/31/19
Arleen Ricalde-Garcia	Term 4/1/14 through 3/31/19

PUBLIC WORKS COMMISSION

Charlene Shibuya	Term 4/1/14 through 3/31/19
Derek Ono	Term 4/1/14 through 3/31/19
June Davis	Term 4/1/14 through 3/31/18
Darren Okimoto	Term 4/1/14 through 3/31/18
Cynthia Catugal	Term 4/1/14 through 3/31/18
Steven Arce (Molokai)	Term 4/1/14 through 3/31/17
Patrice Matsumoto	Term 4/1/14 through 3/31/17
Alan Fernandez (Lanai)	Term 4/1/14 through 3/31/16
Gregg Nelson	Term 4/1/14 through 3/31/16

PUBLIC WORKS COMMISSION ALTERNATE

Harry Hecht	Term 4/1/14 through 3/31/16
Paul Mikolay	Term 4/1/14 through 3/31/16

APPROVED BOARD/COMMITTEE MEMBERS AND TERMS

COST OF GOVERNMENT COMMISSION

Gabriel Hoeffken	Term 4/1/14 through 3/31/19
Kent Hiranaga	Term 4/1/14 through 3/31/19
John Watling	Term 4/1/14 through 3/31/19
Stanford Lanias	Term 4/1/14 through 3/31/19

MAUI COUNTY CULTURAL RESOURCES COMMISSION

Francis Skowronski (re-appoint)	Term 4/1/14 through 3/31/19
Arleen Ricalde-Garcia	Term 4/1/14 through 3/31/19

PUBLIC WORKS COMMISSION

Charlene Shibuya	Term 4/1/14 through 3/31/19
Derek Ono	Term 4/1/14 through 3/31/19
June Davis	Term 4/1/14 through 3/31/18
Darren Okimoto	Term 4/1/14 through 3/31/18
Cynthia Catugal	Term 4/1/14 through 3/31/18
Steven Arce (Molokai)	Term 4/1/14 through 3/31/17
Patrice Matsumoto	Term 4/1/14 through 3/31/17
Alan Fernandez (Lanai)	Term 4/1/14 through 3/31/16
Gregg Nelson	Term 4/1/14 through 3/31/16

PUBLIC WORKS COMMISSION ALTERNATE

Harry Hecht	Term 4/1/14 through 3/31/16
Paul Mikolay	Term 4/1/14 through 3/31/16

DISAPPROVED BOARD/COMMITTEE MEMBERS

NEITHER APPROVED NOR DISAPPROVED BOARD/COMMITTEE MEMBERS

COST OF GOVERNMENT COMMISSION

Calmentina Gomes (re-appoint)

Term 4/1/14 through 3/31/19