

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

January 20, 2006

Committee
Report No.

_____ 06-4

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

Chair and Members:

Your Committee of the Whole, having met on January 3, 2006, makes reference to County Communication No. 05-20, from the Council Chair, relating to the matter of nominations to boards, committees, and commissions.

By correspondence dated and received on November 22, 2005, the Mayor transmitted a listing of nominees to the various boards, committees, and commissions, along with their personal history forms. The nominees are as follows:

1. Nominees to boards, committees, and commissions that require Council approval or disapproval within 60 days:
 - A. COMMISSION ON CHILDREN AND YOUTH
 1. Rafael Boritzer (replacing Roxanne French), for a term expiring on March 31, 2006.
 - B. COMMISSION ON CULTURE AND THE ARTS
 1. Richard Obley (replacing John DeMello), for a term expiring on March 31, 2006.
 - C. COST OF GOVERNMENT COMMISSION
 1. Albert Newsham (replacing Todd Hondo), for a term expiring on March 31, 2006.
 - D. FIRE AND PUBLIC SAFETY COMMISSION
 1. Angel Allas (replacing A. Douglas Daguay), for a term expiring on March 31, 2010.

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E. MAUI COUNTY COMMISSION ON PERSONS WITH
DISABILITIES

1. Ramoda Anand (replacing Laura Gima), for a term expiring on March 31, 2007.

F. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Carl Shelton (replacing Rita Whitford), for a term expiring on March 31, 2010.

G. MOLOKAI PLANNING COMMISSION

1. Lynn DeCoite (replacing Michael Tancayo, Jr.), for a term expiring on March 31, 2009.

H. SALARY COMMISSION

1. Dale Webster (replacing Anthony Lemmo), for a term expiring on March 31, 2009.
2. Nominees to boards, committees, and commissions that require Council approval or disapproval with no time limitation:

A. URBAN DESIGN REVIEW BOARD

1. Victor Fink (replacing Paul Horner), for a term expiring on March 31, 2008.

Your Committee notes that specific appointment procedures are outlined in Section 13-2, Revised Charter of the County of Maui (1983), as amended, and Chapter 2.41, Maui County Code. Your Committee further notes the following general appointment procedures for the various boards, committees, and commissions.

1. For most of the boards, committees, and commissions, 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 or the nominee is deemed appointed. If the

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Council disapproves a nominee, it shall immediately notify the Mayor of its action. In the event that 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. This procedure applies to the following boards, committees, and commissions:

- A. Commission on Children and Youth (Maui County Code, Section 2.39.010; Maui County Charter, Section 13-2);
 - B. Commission on Culture and the Arts (Maui County Code, Chapter 2.37 and Section 2.40.200; Maui County Charter, Section 13-2);
 - C. Commission on Persons With Disabilities (Maui County Code, Sections 2.32.020 and 2.32.030; Maui County Charter, Section 13-2);
 - D. Cost of Government Commission (Maui County Charter, Sections 8-15.2, 3-15.3, and 13-2);
 - E. Fire and Public Safety Commission (Maui County Charter, Section 8-7.2 and 13-2);
 - F. Maui County Grants Review Committee (Maui County Code, Sections 2.40.160 and 3.36.020; Maui County Charter, Section 13-2);
 - G. Molokai Planning Commission (Maui County Code, Section 2.28.020; Maui County Charter, Sections 8-8.4 and 13-2);
 - H. Salary Commission (Maui County Code, Section 2.40.210 and Chapter 2.42; and Maui County Charter, Sections 8-16.1 and 13-2);
2. For the Urban Design Review Board, the Mayor is required to submit nominees for Council approval, but there is no time limitation for the Council's action (Maui County Code, Sections 2.26.030 and 2.40.100; Maui County Charter, Section 13-2.1).

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Your Committee further notes that the deadline for the Council to approve or disapprove the nominees who are subject to the 60-day Council approval process is January 21, 2006.

By correspondence dated December 29, 2005, Mayor Alan M. Arakawa transmitted a copy of correspondence dated December 29, 2005, from Victor Fink withdrawing his name from consideration for appointment to the Urban Design Review Board due to a pending change in his family's employment and possible relocation to Oahu.

At its meeting, your Committee met with the Senior Executive Assistant to the Mayor and the Corporation Counsel.

Your Committee received public testimony from one person in support of the nominee to the Molokai Planning Commission.

The Chair of your Committee noted receipt of Mr. Fink's withdrawal from consideration as a nominee to the Urban Design Review Board.

Your Committee discussed the nomination of Angel Allas to the Fire and Public Safety Commission. Your Committee noted that Mr. Allas has also been appointed to serve on the General Plan Advisory Committee as a representative from Lanai. Your Committee expressed concerns that Mr. Allas would not have enough time to serve on both the Fire and Public Safety Commission and the General Plan Advisory Committee. The Senior Executive Assistant to the Mayor indicated that Mr. Allas was nominated because he had volunteered for the position, and was viewed as the most appropriate nominee due to his employment as the Operations Chief for the Lanai Company, as well as the head of the Red Cross on Lanai.

Based on public testimony and the information received, your Committee voted to recommend approval of the nominations of Rafael Boritzer, Richard Obley, Albert Newsham, Ramoda Anand, Carl Shelton, Lynn DeCoite, and Dale Webster; and disapproval of the nomination of Angel Allas.

Your Committee of the Whole **RECOMMENDS** the following:

1. That the following nominees to County boards, committees, and commissions be **APPROVED**:

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- A. COMMISSION ON CHILDREN AND YOUTH
 - 1. Rafael Boritzer, for a term expiring on March 31, 2006.

 - B. COMMISSION ON CULTURE AND THE ARTS
 - 1. Richard Obley, for a term expiring on March 31, 2006.

 - C. COST OF GOVERNMENT COMMISSION
 - 1. Albert Newsham, for a term expiring on March 31, 2006.

 - D. MAUI COUNTY COMMISSION ON PERSONS WITH
 DISABILITIES
 - 1. Ramoda Anand, for a term expiring on March 31, 2007.

 - E. MAUI COUNTY GRANTS REVIEW COMMITTEE
 - 1. Carl Shelton, for a term expiring on March 31, 2010.

 - F. MOLOKAI PLANNING COMMISSION
 - 1. Lynn DeCoite, for a term expiring on March 31, 2009.

 - G. SALARY COMMISSION
 - 1. Dale Webster, for a term expiring on March 31, 2009.
- 2. That the nomination of Angel Allas to the Fire and Public Safety Commission be **DISAPPROVED**.
 - 3. That a copy of this committee report be **TRANSMITTED** to the Mayor of the County of Maui.

Adoption of this report is respectfully requested.

