

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

March 17, 2006

Committee
Report No.

_____ 06-36 _____

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 February 28, 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 January 30, 2006, 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. **AFFIRMATIVE ACTION ADVISORY COUNCIL**
 1. Larry Laird (reappoint), for a term expiring on March 31, 2011.
 - B. **ANIMAL CONTROL BOARD**
 1. Roger Kehler (Veterinarian), for a term expiring on March 31, 2009; and
 2. Malcolm Findley, for a term expiring on March 31, 2009.
 - C. **BOARD OF CODE APPEALS**
 1. Albert Rabold, for a term expiring on March 31, 2011; and
 2. Donald Sheridan, for a term expiring on March 31, 2011.
 - D. **BOARD OF ETHICS**
 1. Nane Aluli, for a term expiring on March 31, 2011; and
 2. Jocelyn Bouchard, for a term expiring on March 31, 2011.

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E. **BOARD OF VARIANCES AND APPEALS**

1. Jersula Manaba (Molokai) (replacing John ‘Keone’ Ball), for a term expiring on March 31, 2007;
2. William Kama, for a term expiring on March 31, 2011; and
3. Randall Endo, for a term expiring on March 31, 2011.

F. **BOARD OF WATER SUPPLY**

1. Lee Aldridge (replacing Sarah (Sally) Raisbeck), for a term expiring on March 31, 2009;
2. Michael Howden, for a term expiring on March 31, 2011; and
3. Kuilauokalani Lester (Molokai), for a term expiring on March 31, 2011.

G. **CIVIL SERVICE COMMISSION**

1. Abe Kaahui, for a term expiring on March 31, 2011.

H. **COMMISSION ON CHILDREN AND YOUTH**

1. Rafael Boritzer (reappoint), for a term expiring on March 31, 2011; and
2. Lydia Lee (Molokai), for a term expiring on March 31, 2011.

I. **COMMISSION ON CULTURE AND THE ARTS**

1. Richard Obley (reappoint), for a term expiring on March 31, 2011; and
2. Albert Molina, for a term expiring on March 31, 2011.

J. **COST OF GOVERNMENT COMMISSION**

1. Robert Mason, for a term expiring on March 31, 2008;
2. Steven Schultz, for a term expiring on March 31, 2008;

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3. Keith Moniz, for a term expiring on March 31, 2008;
4. Frederic Schwettmann, for a term expiring on March 31, 2008;
5. John Lundin, for a term expiring on March 31, 2008;
6. Terry Driskell, for a term expiring on March 31, 2008; and
7. Albert Newsham (reappoint), for a term expiring on March 31, 2008.

K. COUNCIL ON AGING

1. Karey Anne Oura, for a term expiring on March 31, 2011;
2. Nancy Leano, for a term expiring on March 31, 2011;
3. Joel Whitley, for a term expiring on March 31, 2011;
4. Doreen Forsberg, for a term expiring on March 31, 2011; and
5. Peter Durkson, for a term expiring on March 31, 2011.

L. FIRE AND PUBLIC SAFETY COMMISSION

1. Ella Alcon (Molokai) (replacing Leonida Leano Molina), for a term expiring on March 31, 2007;
2. Andrew Dela Cruz (Lanai) (replacing A. Douglas Daguay), for a term expiring on March 31, 2010;
3. May Fujiwara, for a term expiring on March 31, 2011; and
4. Stephanie Crivello (Molokai), for a term expiring on March 31, 2011.

M. HANA ADVISORY COMMITTEE

1. Shane Sinenci (reappoint), for a term expiring on March 31, 2011; and
2. Dawn Lono, for a term expiring on March 31, 2011.

N. LANAI PLANNING COMMISSION

1. Michael Gannon (replacing Bruno Amby), for a term expiring on March 31, 2007;

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2. Sally Kaye (replacing Stella Del Rosario), for a term expiring on March 31, 2010;
3. Beverly Zigmond, for a term expiring on March 31, 2011; and
4. Travis Scott Otto, for a term expiring on March 31, 2011.

O. LIQUOR CONTROL ADJUDICATION BOARD

1. Donald Fujii, for a term expiring on March 31, 2011; and
2. Glenn Kunitake, for a term expiring on March 31, 2011.

P. LIQUOR CONTROL COMMISSION

1. Ron McOmber (Lanai) (replacing Mary Cabuslay), for a term expiring on March 31, 2010;
2. Arsene "Blackie" Gadarian, for a term expiring on March 31, 2011; and
3. Edwin Yokouchi, for a term expiring on March 31, 2011.

Q. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

1. Barbara Barnhart, for a term expiring on March 31, 2011; and
2. Patricia Stewart, for a term expiring on March 31, 2011.

R. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Veronica Marquez (Molokai), for a term expiring on March 31, 2011.

S. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Susan Bendon, for a term expiring on March 31, 2011; and
2. Albert Nyberg, for a term expiring on March 31, 2011.

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T. MAUI PLANNING COMMISSION

1. Jonathan Starr, for a term expiring on March 31, 2011; and
2. John Guard IV, for a term expiring on March 31, 2011.

U. MOLOKAI PLANNING COMMISSION

1. Joseph Kalipi, for a term expiring on March 31, 2011; and
2. Steven Chaikin, for a term expiring on March 31, 2011.

V. POLICE COMMISSION

1. John "Keone" Ball, for a term expiring on March 31, 2011;
and
2. Sean Connolly (Molokai), for a term expiring on March 31,
2011.

W. REAL PROPERTY TAX REVIEW BOARD

1. Michael Blaz, for a term expiring on March 31, 2011.

X. SALARY COMMISSION

1. Mario Arruiza, for a term expiring on March 31, 2011; and
2. Thurston Robinson, for a term expiring on March 31, 2011.

Y. STREET LIGHTING COMMITTEE

1. Maria Isotov-Chang, for a term expiring on March 31,
2011.

2. Nominees to boards, committees, and commissions that require Council approval or disapproval with no time limitation:

A. KULA AGRICULTURAL PARK COMMITTEE

1. Geoffrey Haines (reappoint) (co-op), for a term expiring on
March 31, 2011; and

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2. James Jones (nursery), for a term expiring on March 31, 2011.

B. MAUI REDEVELOPMENT AGENCY

1. Doug McLeod, for a term expiring on March 31, 2011.
3. Nominees to boards, committees, and commissions that are appointed by the Mayor with notice to, but without approval by, the Council:

A. COMMITTEE ON STATUS OF WOMEN

1. Emma Fay, for a term expiring on March 31, 2010;
2. Jeannie Park, for a term expiring on March 31, 2010; and
3. Shirley Hartley (reappoint), for a term expiring on March 31, 2010.

B. MAUI COUNTY ARBORIST COMMITTEE

1. Terry Nutt (reappoint), for a term expiring on March 31, 2011;
2. William Jacintho, for a term expiring on March 31, 2011; and
3. Jeannie Pezzoli, for a term expiring on March 31, 2011.

C. TRAFFIC SAFETY COUNCIL

1. David Olsten, for a term expiring on March 31, 2011.

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. Affirmative Action Advisory Council (Maui County Code, Sections 2.29.010, 2.29.020, and 2.40.080; Maui County Charter, Section 13-2);
- B. Animal Control Board (Maui County Code, Section 6.04.095; Maui County Charter, Section 13-2.17);
- C. Board of Code Appeals (Maui County Code, Sections 2.40.190 and 16.20A.190; Maui County Charter, Section 13-2);
- D. Board of Ethics (Maui County Charter, Sections 10-2, 13-2);
- E. Board of Variances and Appeals (Maui County Charter, Sections 8-8.7 and 13-2);
- F. Board of Water Supply (Maui County Charter, Sections 8-11.3 and 13-2);
- G. Civil Service Commission (Maui County Charter, Sections 8-9.4, 13-2; Hawaii Revised Statutes, Sections 76-71 and 76-47);
- H. Commission on Children and Youth (Maui County Code, Section 2.39.010; Maui County Charter, Section 13-2);
- I. Commission on Culture and the Arts (Maui County Code, Chapter 2.37 and Section 2.40.200; Maui County Charter, Section 13-2);
- J. Commission on Persons With Disabilities (Maui County Code, Sections 2.32.020 and 2.32.030; Maui County Charter, Section 13-2);

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- K. Cost of Government Commission (Maui County Charter, Sections 8-15.2, 3-15.3, and 13-2);
- L. Council on Aging (Maui County Code, Sections 2.34.020, 2.34.030, and 2.40.010; Maui County Charter, Section 13-2);
- M. Fire and Public Safety Commission (Maui County Charter, Section 8-7.2 and 13-2);
- N. Hana Advisory Committee (Maui County Code, Sections 2.28.060 and 2.40.130; Maui County Charter, Section 13-2);
- O. Lanai Planning Commission (Maui County Code, Section 2.28.025; Maui County Charter, Sections 8-8.4 and 13-2);
- P. Liquor Control Adjudication Board (Maui County Charter, Sections 8-13.3 and 13-2);
- Q. Liquor Control Commission (Maui County Charter, Sections 8-13.2 and 13-2);
- R. Maui County Cultural Resources Commission (Maui County Code, Sections 2.88.030 and 2.40.110; Maui County Charter, Section 13-2);
- S. Maui County Grants Review Committee (Maui County Code, Sections 2.40.160 and 3.36.020; Maui County Charter, Section 13-2);
- T. Maui Planning Commission (Maui County Code, Section 2.28.010; Maui County Charter, Sections 8-8.4 and 13-2);
- U. Molokai Planning Commission (Maui County Code, Section 2.28.020; Maui County Charter, Sections 8-8.4 and 13-2);
- V. Police Commission (Maui County Charter, Sections 8-12.2 and 13-2);

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- W. Real Property Tax Review Board (Maui County Code, Sections 2.40.170 and 3.48.620; Maui County Charter, Section 13-2);
 - X. Salary Commission (Maui County Code, Section 2.40.210 and Chapter 2.42; and Maui County Charter, Sections 8-16.1 and 13-2); and
 - Y. Street Lighting Committee (Maui County Code, Sections 2.40.030, 12.17.010, and 12.17.020; Maui County Charter, Section 13-2).
2. For the following boards, committees, and commissions, the Mayor is required to submit nominees for Council approval, but there is no time limitation for the Council's approval:
- A. Kula Agricultural Park Committee (Maui County Code, Sections 2.40.180 and 22.04.070), except for the representative from Council who shall be appointed by the Council for a two-year term; and
 - B. Maui Redevelopment Agency (Maui County Code, Section 2.40.050; Hawaii Revised Statutes, Section 53-2).
3. For the following boards, committees, and commissions, members are appointed by the Mayor with notice to, but without approval by, the Council:
- A. Committee on Status of Women (Maui County Code, Section 2.40.090; Hawaii Revised Statutes, Section 367-4);
 - B. Maui County Arborist Committee (Maui County Code, Section 12.24A.030; Maui County Charter, Section 13-2); and
 - C. Traffic Safety Council (Maui County Code, Section 2.36.010; Hawaii Revised Statutes, Section 286-6).

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 March 31, 2006.

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Your Committee received requests from members of the Council to interview the following nominees to boards, committees, and commissions, requiring Council approval or disapproval within 60 days:

A. MAUI PLANNING COMMISSION

1. John Guard IV.

B. POLICE COMMISSION

2. John ‘Keoné’ Ball.

By correspondence dated February 22, 2006, the Mayor provided information to correct and clarify his nominations for the Cost of Government Commission, and transmitted missing application forms for the Maui County Arborist Committee, Fire and Public Safety Commission, and Kula Agricultural Park Committee. The Mayor also informed your Committee that they have been unable to obtain the signature of Steven Schultz, a nominee for the Cost of Government Commission.

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

Your Committee received public testimony from one individual in support of Nane Aluli’s nomination to the Board of Ethics.

A member of your Committee supported the nomination of Jersula Manaba (Molokai) to the Board of Variances and Appeals.

A member of your Committee supported the nomination of Dawn Lono to the Hana Advisory Committee.

Your Committee proceeded to conduct interviews with John Guard IV and John ‘Keoné’ Ball.

Your Committee discussed the recent resignation of John ‘Keoné’ Ball from the Board of Variances and Appeals, and his nomination to the Police Commission. The Senior Executive Assistant explained that commission members generally do not resign

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from boards or commissions in order to apply to other boards or commissions that they may be more interested in. In this case, Mr. Ball had served a two-year term on the Police Commission prior to serving on the Board of Variance and Appeals. He further explained that Mr. Ball would like to continue the work he started while he served on the Police Commission.

Your Committee discussed the nominee to the Board of Variances and Appeals, William Kamai, who is a member of the Hawaii Carpenter's Union. Your Committee questioned whether there were possible conflicts of interest when a representative of the Hawaii Carpenter's Union must consider and decide on matters before the Board of Variances and Appeals.

Your Committee discussed the nominees from Molokai to the Fire and Public Safety Commission, Ella Alcon and Stephanie Crivello. The Senior Executive Assistant stated that in addition to both nominees being highly qualified individuals, two Molokai residents were selected due to the construction of a new fire station and the increase of fire-related issues on the island.

Your Committee discussed potential conflicts of interests if Council employees who serve on boards or commissions must make recommendations to the Council. Your Committee noted that the Board of Ethics does not appear to have rendered a decision pertaining to Council employees' service on boards or commissions. The Senior Executive Assistant noted that Article 13-2(7) of the Revised Charter of the County of Maui (1983), as amended, specifically allows employees and officers of the State and County to serve on boards and commissions, provided that there is no conflict of interest.

Your Committee discussed the nomination of Travis Scott Otto to the Lanai Planning Commission. A member of your Committee expressed dissatisfaction that the majority of members on the Commission lack knowledge of the island's history. He stated that Mr. Otto may lack the experience and community involvement needed to serve on the Lanai Planning Commission. He further stated that Mr. Otto may be well-suited for other boards or commissions.

The Senior Executive Assistant stated that the General Plan Advisory Committees (GPAC) have severely limited the applicant pool of potential commission members for Lanai. He further stated that because the GPAC reports to the Lanai Planning Commission, members are unable to serve concurrently. Citing a lack of experience and

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knowledge of the island's history, your Committee decided to disapprove the nomination of Travis Scott Otto.

Your Committee discussed the absence of Steven Schultz's signature on his application to the Cost of Government Commission. The Senior Executive Assistant stated that he has tried to obtain Mr. Schultz's signature to no avail. Your Committee decided to disapprove the nomination of Mr. Schultz due to an incomplete application.

Your Committee discussed the nomination of Terry Driskell, replacing Sean Cunningham, to the Cost of Government Commission. The Senior Executive Assistant informed your Committee that Mr. Cunningham verbally resigned from the Commission, but only recently submitted a formal letter of resignation. Your Committee decided to disapprove the nomination of Mr. Driskell because Mr. Cunningham's resignation had not yet been recorded.

Your Committee briefly discussed the need to amend the termination dates for John Lundin and Terry Driskell to the Cost of Government Commission. The Senior Executive Assistant acknowledged that the termination dates for both nominees should be corrected to read March 31, 2007.

Based on public testimony and the information received, your Committee voted to recommend disapproval of the nominations of Steven Schultz, Terry Driskell, and Travis Scott Otto, and approval of all other nominees.

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

1. That the following nominees to County boards, committees, and commissions be **APPROVED**:
 - A. **AFFIRMATIVE ACTION ADVISORY COUNCIL**
 1. Larry Laird (reappoint), for a term expiring on March 31, 2011.
 - B. **ANIMAL CONTROL BOARD**
 1. Roger Kehler (Veterinarian), for a term expiring on March 31, 2009; and

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2. Malcolm Findley, for a term expiring on March 31, 2009.

C. BOARD OF CODE APPEALS

1. Albert Rabold, for a term expiring on March 31, 2011; and
2. Donald Sheridan, for a term expiring on March 31, 2011.

D. BOARD OF ETHICS

1. Nane Aluli, for a term expiring on March 31, 2011; and
2. Jocelyn Bouchard, for a term expiring on March 31, 2011.

E. BOARD OF VARIANCES AND APPEALS

1. Jersula Manaba (Molokai) (replacing John ‘Keoné’ Ball), for a term expiring on March 31, 2007;
2. William Kamai, for a term expiring on March 31, 2011; and
3. Randall Endo, for a term expiring on March 31, 2011.

F. BOARD OF WATER SUPPLY

1. Lee Aldridge (replacing Sarah (Sally) Raisbeck), for a term expiring on March 31, 2009;
2. Michael Howden, for a term expiring on March 31, 2011; and
3. Kuilauokalani Lester (Molokai), for a term expiring on March 31, 2011.

G. CIVIL SERVICE COMMISSION

1. Abe Kaahui, for a term expiring on March 31, 2011.

H. COMMISSION ON CHILDREN AND YOUTH

1. Rafael Boritzer (reappoint), for a term expiring on March 31, 2011; and
2. Lydia Lee (Molokai), for a term expiring on March 31, 2011.

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I. COMMISSION ON CULTURE AND THE ARTS

1. Richard Obley (reappoint), for a term expiring on March 31, 2011; and
2. Albert Molina, for a term expiring on March 31, 2011.

J. COST OF GOVERNMENT COMMISSION

1. Robert Mason, for a term expiring on March 31, 2008;
2. Keith Moniz, for a term expiring on March 31, 2008;
3. Frederic Schwettmann, for a term expiring on March 31, 2008;
4. John Lundin, for a term expiring on March 31, 2007; and
5. Albert Newsham (reappoint), for a term expiring on March 31, 2008.

K. COUNCIL ON AGING

1. Karey Anne Oura, for a term expiring on March 31, 2011;
2. Nancy Leano, for a term expiring on March 31, 2011;
3. Joel Whitley, for a term expiring on March 31, 2011;
4. Doreen Forsberg, for a term expiring on March 31, 2011;
and
5. Peter Durkson, for a term expiring on March 31, 2011.

L. FIRE AND PUBLIC SAFETY COMMISSION

1. Ella Alcon (Molokai) (replacing Leonida Leano Molina), for a term expiring on March 31, 2007;
2. Andrew Dela Cruz (Lanai) (replacing A. Douglas Daguay), for a term expiring on March 31, 2010;
3. May Fujiwara, for a term expiring on March 31, 2011; and
4. Stephanie Crivello (Molokai), for a term expiring on March 31, 2011.

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M. HANA ADVISORY COMMITTEE

1. Shane Sinenci (reappoint), for a term expiring on March 31, 2011; and
2. Dawn Lono, for a term expiring on March 31, 2011.

N. LANAI PLANNING COMMISSION

1. Michael Gannon (replacing Bruno Amby), for a term expiring on March 31, 2007;
2. Sally Kaye (replacing Stella Del Rosario), for a term expiring on March 31, 2010; and
3. Beverly Zigmond, for a term expiring on March 31, 2011.

O. LIQUOR CONTROL ADJUDICATION BOARD

1. Donald Fujii, for a term expiring on March 31, 2011; and
2. Glenn Kunitake, for a term expiring on March 31, 2011.

P. LIQUOR CONTROL COMMISSION

1. Ron McOmber (Lanai) (replacing Mary Cabuslay), for a term expiring on March 31, 2010;
2. Arsene "Blackie" Gadarian, for a term expiring on March 31, 2011; and
3. Edwin Yokouchi, for a term expiring on March 31, 2011.

Q. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

1. Barbara Barnhart, for a term expiring on March 31, 2011; and
2. Patricia Stewart, for a term expiring on March 31, 2011.

R. MAUI COUNTY CULTURAL RESOURCES COMMISSION

1. Veronica Marquez (Molokai), for a term expiring on March 31, 2011.

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S. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Susan Bendon, for a term expiring on March 31, 2011; and
2. Albert Nyberg, for a term expiring on March 31, 2011.

T. MAUI PLANNING COMMISSION

1. Jonathan Starr, for a term expiring on March 31, 2011; and
2. John Guard IV, for a term expiring on March 31, 2011.

U. MOLOKAI PLANNING COMMISSION

1. Joseph Kalipi, for a term expiring on March 31, 2011; and
2. Steven Chaikin, for a term expiring on March 31, 2011.

V. POLICE COMMISSION

1. John "Keone" Ball, for a term expiring on March 31, 2011;
and
2. Sean Connolly (Molokai), for a term expiring on March 31,
2011.

W. REAL PROPERTY TAX REVIEW BOARD

1. Michael Blaz, for a term expiring on March 31, 2011.

X. SALARY COMMISSION

1. Mario Arruiza, for a term expiring on March 31, 2011; and
2. Thurston Robinson, for a term expiring on March 31, 2011.

Y. STREET LIGHTING COMMITTEE

1. Maria Isotov-Chang, for a term expiring on March 31,
2011.

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Z. KULA AGRICULTURAL PARK COMMITTEE

1. Geoffrey Haines (re-appoint) (co-op), for a term expiring on March 31, 2011; and
2. James Jones (nursery), for a term expiring on March 31, 2011.

AA. MAUI REDEVELOPMENT AGENCY

1. Doug McLeod, for a term expiring on March 31, 2011.

AB. COMMITTEE ON STATUS OF WOMEN

1. Emma Fay, for a term expiring on March 31, 2010;
2. Jeannie Park, for a term expiring on March 31, 2010; and
3. Shirley Hartley (reappoint), for a term expiring on March 31, 2010.

AC. MAUI COUNTY ARBORIST COMMITTEE

1. Terry Nutt (reappoint), for a term expiring on March 31, 2011;
2. William Jacintho, for a term expiring on March 31, 2011; and
3. Jeannie Pezzoli, for a term expiring on March 31, 2011.

AD. TRAFFIC SAFETY COUNCIL

1. David Olsten, for a term expiring on March 31, 2011.

2. That the following nominees to County boards, committees, and commissions be DISAPPROVED:

A. COST OF GOVERNMENT COMMISSION

1. Steven Schultz, for a term expiring on March 31, 2008; and
2. Terry Driskell, for a term expiring on March 31, 2007.

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B. LANAI PLANNING COMMISSION

1. Travis Scott Otto, for a term expiring on March 31, 2011.

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.

cow:cr:0602(17)aa:ske

