

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS COMMITTEE

July 8, 2003

Committee
Report No.

03-49

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

Chair and Members:

Your Government Relations Committee, having met on June 18, 2003, makes reference to County Communication No. 03-25, from the Council Chair, relating to the matter of nominations to boards, committees and commissions.

By correspondence dated June 3, 2003, the Council Chair transmitted correspondence dated May 30, 2003, from the Mayor, transmitting a listing of nominees to the various boards, committees and commissions, along with their personal history forms. The nominees are as follows:

- A. BOARD OF CODE APPEALS
 - 1. Daniel Grantham (replacing Daniel Lovejoy), expiring on March 31, 2004.

- B. COMMISSION ON CULTURE AND THE ARTS
 - 1. Randy Echito (replacing Jeff Rogers), expiring on March 31, 2006.

- C. COMMITTEE ON STATUS OF WOMEN (Council approval not required)
 - 1. Joy Brann (replacing Cynthia Cary), expiring on March 31, 2005.
 - 2. Shay Chan Hodges (replacing Sandra Percy), expiring on March 31, 2004.

- D. COST OF GOVERNMENT COMMISSION
 - 1. Diane Morgan (replacing Carol Ball), expiring on March 31, 2004.

- E. KULA AGRICULTURAL PARK COMMITTEE (No deadline for Council approval)
 - 1. Gregory Knue (replacing Karen Frampton), expiring on March 31, 2005.

- F. REAL PROPERTY TAX REVIEW BOARD
 - 1. Bruce Erfer, expiring on March 31, 2008.

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Your Committee notes the following 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 Council disapproves of a nominee, it shall immediately notify the Mayor of its action. In the event that the Council fails to approve or disapprove of a 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);

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- 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 Naming Streets, Parks, and Facilities (Maui County Code, Sections 2.38.030 and 2.40.140; Maui County Charter, Section 13-2);
- K. Commission on Persons With Disabilities (Maui County Code, Sections 2.32.020 and 2.32.030; Maui County Charter, Section 13-2);
- L. Cost of Government Commission (Maui County Charter, Sections 8-15.2, 3-15.3, and 13.2);
- M. Council on Aging (Maui County Code, Sections 2.34.020, 2.34.030, and 2.40.010; Maui County Charter, Section 13-2);
- N. Fire and Public Safety Commission (Maui County Charter, Section 8-7.2 and 13-2);
- O. Hana Advisory Committee (Maui County Code, Sections 2.28.060 and 2.40.130; Maui County Charter, Section 13-2);
- P. Lanai Planning Commission (Maui County Code, Section 2.28.025; Maui County Charter, Sections 8-8.4 and 13-2);
- Q. Liquor Control Adjudication Board (Maui County Charter, Sections 8-13.3 and 13-2);
- R. Liquor Control Commission (Maui County Charter, Sections 8-13.2 and 13-2);
- S. Maui County Cultural Resources Commission (Maui County Code, Sections 2.88.030 and 2.40.110; Maui County Charter, Section 13-2);

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- T. Maui County Grants Review Committee (Maui County Code, Sections 2.40.160 and 3.36.020; Maui County Charter, Section 13-2);
 - U. Maui Planning Commission (Maui County Code, Section 2.28.010; Maui County Charter, Sections 8-8.4 and 13-2);
 - V. Molokai Planning Commission (Maui County Code, Section 2.28.020; Maui County Charter, Sections 8-8.4 and 13-2);
 - W. Police Commission (Maui County Charter, Sections 8-12.2 and 13-2);
 - X. Real Property Tax Review Board (Maui County Code, Sections 2.40.170 and 3.48.620; Maui County Charter, Section 13-2);
 - Y. Salary Commission (Maui County Code, Section 2.40.210 and Chapter 2.42; and Maui County Charter, Sections 8-16.1 and 13-2);
 - Z. Street Lighting Committee (Maui County Code, Sections 2.40.030, 12.17.010, and 12.17.020; Maui County Charter, Section 13-2);
 - AA. Subdivision Engineering Standards Committee (Maui County Code, Sections 2.40.020 and 18.40.010; Maui County Charter, Section 13-2); and
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. These boards, committees and commissions are:
- A. Kula Agricultural Park Committee (Maui County Code, Sections 2.40.180 and 22.04.070);
 - B. Maui Redevelopment Agency (Maui County Code, Section 2.40.050; Hawaii Revised Statutes, Section 53-2);

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- C. Napili Bay Civic Improvement District Advisory Committee (Maui County Code, Section 19.34.030); and
 - D. Urban Design Review Board (Maui County Code, Sections 2.26.030 and 2.40.100; Maui County Charter, Section 13-2.1).
3. For the following boards, committees and commissions, members are appointed by the Mayor with notice to, but without approval by, the County Council. These boards, committees and commissions are:
- A. Committee on the Status of Women (Maui County Code, Section 2.40.090; Hawaii Revised Statutes, Section 367-4);
 - B. Maui County Arborist Review Board (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 266-6).

Your Committee further notes that the deadline for the Council to approve or disapprove of the nominees who are subject to the 60-day Council approval process is August 1, 2003.

By correspondence dated June 6, 2003, your Committee Chair inquired whether there were any requests among the members of the Council to interview the nominees to the various boards, committees and commissions.

Your Committee notes that there were no requests for interviews with any of the nominees at the meeting.

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

Your Committee notes that there were no public testifiers.

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The Senior Executive Assistant provided your Committee with a typewritten representation of Ms. Morgan's application, as the original hand-written application submitted to your Committee may have been difficult to read.

Your Committee Chair noted that there were no requests for interviews of the nominees. He also noted that one Council member had expressed concern about the nominee interview policy recently implemented by your Committee Chair.

Your Committee Chair explained that the new policy requires that at least three members of the Council must request an interview with the same nominee before arrangements are made to bring that nominee before your Committee. If less than three members request to interview a nominee, those members are asked to informally meet with the nominee prior to your Committee's meeting. This new policy was established to make the interview process more efficient, and reduce travel costs for numerous nominees from Lanai, Molokai and Hana.

Under the previous policy, your Committee Chair accommodated every interview request, which involved contacting each nominee and requesting their attendance at the meeting. The nominee would often need to make work schedule adjustments, arrange for childcare, and make travel arrangements. Occasionally, there would be no questions for the nominee, or the member requesting the nominee's attendance would not be at the meeting. Your Committee Chair felt that this process was inefficient. Therefore, your Committee Chair implemented a policy that would improve efficiency and would respect the time constraints of everyone involved.

A Council member noted the following concerns with the new policy: (1) any member of the Council who requests an interview should not be denied the opportunity to do so; (2) in order to comply with the three-member requirement, one member would need to lobby two other members to agree to an interview; (3) he personally felt that interviewing nominees, individually, prior to a Committee meeting would be inappropriate because the interview should take place on the Council floor within the parameters set by the Sunshine Law; and (4) if a member requesting an interview is unable to attend the meeting, or must leave the meeting early, there is usually a very good reason for it. He further asked that your Committee Chair reconsider the policy.

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Another member stated that he supported the position of your Committee Chair, for the reasons provided to your Committee. He also noted that he would be willing to support any request for an interview, if another member needed additional members to join in the request.

Your Committee Chair noted that he would consider the comments about the new nominee interview policy for future meetings.

With no discussion on any of the nominees, your Committee voted to recommend approval of all of the nominations transmitted by the Mayor.

Your Government Relations Committee RECOMMENDS the following:

1. That the following nominees to County boards, committees and commissions be APPROVED:
 - A. BOARD OF CODE APPEALS
 1. Daniel Grantham (replacing Daniel Lovejoy), expiring on March 31, 2004.
 - B. COMMISSION ON CULTURE AND THE ARTS
 1. Randy Echito (replacing Jeff Rogers), expiring on March 31, 2006.
 - C. COST OF GOVERNMENT COMMISSION
 1. Diane Morgan (replacing Carol Ball), expiring on March 31, 2004.
 - D. KULA AGRICULTURAL PARK COMMITTEE
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2. That a copy of this committee report be TRANSMITTED to the Mayor of the County of Maui.

Adoption of this report is respectfully requested.

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DAIN P. KANE Chair

MICHAEL J. MOLINA Member

G. RIKI HOKAMA Vice-Chair

CHARMAINE TAVARES Member

DANNY A. MATEO Member