

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

March 13, 2020

Committee
Report No. 20-35

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on February 18, 2020, February 21, 2020, and February 25, 2020, makes reference to County Communication 19-24, from Council Chair Kelly Takaya King, relating to nominations to boards, committees, and commissions (“boards”).

By correspondence dated and received on January 30, 2020, the Mayor transmitted the following:

1. A proposed resolution, entitled “APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI,” with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nomination of Caron Green to the Board of Variances and Appeals for a term beginning on April 1, 2020, and expiring on March 31, 2025.
2. A proposed resolution, entitled “APPOINTMENT OF MEMBERS TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION,” with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor’s nominations of Emily Spenser, Brandis Sarich, and Marinel Yumol to the Maui County Cultural Resources Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.

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3. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Christopher Curtis (Land Architect) and Joshua Circle-Woodburn (Alternate) (Land Architect) to the Urban Design Review Board for terms beginning on April 1, 2020, and expiring on March 31, 2025.

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

The Mayor is required to submit names of nominees to the Council not less than 60 days and not more than 70 days before the prior members' terms expire. Except for the Urban Design Review Board, 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 will be deemed appointed to fill the vacancy. If the Council disapproves a nominee, the Mayor will be immediately notified.

Your Committee notes board nominations were transmitted on January 30, 2020, by the Mayor. Accordingly, the Council has until March 30, 2020, to approve or disapprove the Mayor's nominees, or the nominees will be deemed appointed.

Your Committee met with Maui County Cultural Resources Commission nominee Emily Spenser. Ms. Spenser said she has spent much of her life in appreciation for her culture, which is demonstrated not only by her 23 years of study with a halau, but also by her bachelor and master's degrees in Hawaiian studies. Ms. Spenser does not see any issues with her attendance at the meetings, and she feels her education and

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experience give her a unique combination of skills related to cultural knowledge and the issues facing Maui County.

Your Committee met with Urban Design Review Board nominee Christopher Curtis. Mr. Curtis noted that he has stepped back into a consulting role with his company, so he now has more time available to serve and attendance should not be an issue. He noted that he has significant experience in the field of landscape architecture and feels this will allow him to contribute to the decisions of the Board.

Your Committee met with Maui County Cultural Resources Commission nominee Marinel Yumol. Ms. Yumol noted her long history on the island of Lanai, completion of a community leadership program, and service on several boards. Your Committee raised concerns that she would have to recuse herself from almost all Lanai decisions that come before the Commission because of her employer, leaving Lanai unrepresented. Your Committee feels that Ms. Yumol is very qualified, but that this is not the correct board for her to serve on at this time.

Your Committee met with Urban Design Review Board nominee Joshua Circle-Woodburn. Mr. Circle-Woodburn said he is excited to be able to help the Board with their design and review process. He does not anticipate any issues with attendance as his employer is willing to accommodate his schedule. Mr. Circle-Woodburn stated he would recuse himself if any issues related to his company came before the Board.

Your Committee recommended five nominees be approved for the boards and terms for which they have been nominated. Your Committee was satisfied with the background of the nominees and expressed its gratitude to the nominees for volunteering to serve the community. Your Committee recommended Exhibit "B" to the proposed resolutions be revised accordingly.

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Your Committee recommended disapproval of Marinel Yumol to the Maui County Cultural Resources Commission after conducting deliberations on the nomination. Your Committee recommended Exhibit "C" to the proposed resolution be revised accordingly.

Your Committee voted 8-0 to recommend approval of the nominations of Caron Green to the Board of Variances and Appeals; Emily Spenser and Brandis Sarich to the Maui County Cultural Resources Commission; and Christopher Curtis (Land Architect) to the Urban Design Review Board. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, and Sugimura voted "aye." Committee member Sinenci was excused.

Your Committee voted 8-0 to recommend disapproval of the nomination of Marinel Yumol to the Maui County Cultural Resources Commission. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, and Sugimura voted "aye." Committee member Sinenci was excused.

Your Committee voted 8-0 to recommend approval of the nomination of Joshua Circle-Woodburn (Alternate) (Land Architect) to the Urban Design Review Board. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee member Hokama 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 and nonsubstantive revisions.

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Your Governance, Ethics, and Transparency Committee
RECOMMENDS the following:

1. That Resolution 20-46, attached hereto, entitled
"APPOINTMENT OF A MEMBER TO THE BOARD OF
VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be
ADOPTED;
2. That Resolution 20-47, attached hereto, entitled
"APPOINTMENT OF MEMBERS TO THE MAUI COUNTY
CULTURAL RESOURCES COMMISSION," be ADOPTED; and
3. That Resolution 20-48, attached hereto, entitled
"APPOINTMENT OF MEMBERS TO THE URBAN DESIGN
REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of
the Council.



MICHAEL J. MOLINA, Chair

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Resolution

No. 20-46

APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI

WHEREAS, by correspondence dated January 30, 2020, Mayor Michael P. Victorino notified the Council he nominated the person listed in Exhibit "A", attached hereto, as a member to the Board of Variances and Appeals for the County of Maui, pursuant to Section 2.41.080, Maui County Code ("MCC"), and Sections 8-8.7 and 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 nominee to be approved by the Council; and

WHEREAS, Section 13-2(16) of the Charter requires the Council to approve or disapprove the nomination within sixty days after the Mayor submits the name of the nominee to the Council; now, therefore,

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

1. That it approves the appointment of the person listed in Exhibit "B", attached hereto, as a member to the Board of Variances and Appeals 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 Board and Variances and Appeals as nominated by the Mayor; and
3. That the Council expresses its gratitude and appreciation to the appointed member for her willingness to be considered for public service and actively participate in County government; 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 MEMBER AND TERM

BOARD OF VARIANCES AND APPEALS

Caron Green

Term Expiration 3/31/25

APPROVED MEMBER AND TERM

BOARD OF VARIANCES AND APPEALS

Caron Green

Term Expiration 3/31/25

DISAPPROVED MEMBER

BOARD OF VARIANCES AND APPEALS

Exhibit "C"

Resolution

No. 20-47

APPOINTMENT OF MEMBERS TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION

WHEREAS, by correspondence dated January 30, 2020, Mayor Michael P. Victorino notified the Council he nominated the persons listed in Exhibit "A", attached hereto, as members to the Maui County Cultural Resources Commission, pursuant to Sections 2.40.110 and 2.88.030, Maui County Code ("MCC"), and Section 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

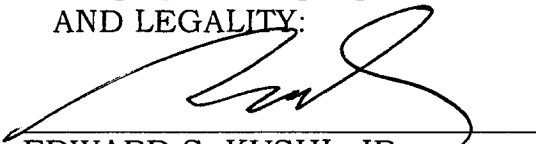
WHEREAS, Section 13-2 of the Charter requires the Mayor's nominees to be approved by the Council; and

WHEREAS, Section 13-2(16) of the Charter requires the Council to approve or disapprove the nominations within sixty days after the Mayor submits the name of the nominees to the Council; now, therefore,

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

1. That it approves the appointment of the persons listed in Exhibit "B", attached hereto, as members to the Maui County Cultural Resources Commission for the term as specified therein; and
2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members to the Maui County Cultural Resources Commission as nominated by the Mayor; and
3. That the Council expresses its gratitude and appreciation to the appointed members for their willingness to be considered for public service and actively participate in County government; 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 MEMBERS AND TERMS

MAUI COUNTY CULTURAL RESOURCES COMMISSION

Emily Spenser
Brandis Sarich
Marinel Yumol

Term Expiration 3/31/25
Term Expiration 3/31/25
Term Expiration 3/31/25

APPROVED MEMBERS AND TERMS

MAUI COUNTY CULTURAL RESOURCES COMMISSION

Emily Spenser
Brandis Sarich

Term Expiration 3/31/25

Term Expiration 3/31/25

DISAPPROVED MEMBERS

MAUI COUNTY CULTURAL RESOURCES COMMISSION

Marinel Yumol

Exhibit "C"

Resolution

No. 20-48

APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI

WHEREAS, by correspondence dated January 30, 2020, Mayor Michael P. Victorino notified the Council he nominated the persons listed in Exhibit "A", attached hereto, as members to the Urban Design Review Board for the County of Maui, pursuant to Sections 2.26.030 and 2.40.100, Maui County Code ("MCC"), and Section 13-2(1), Revised Charter of the County of Maui (1983), as amended ("Charter"); and

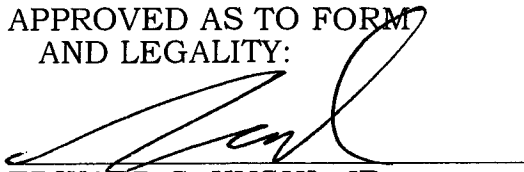
WHEREAS, Section 13-2 of the Charter requires the Mayor's nominees to be approved by the Council; and

WHEREAS, Section 13-2(16) of the Charter requires the Council to approve or disapprove the nominations within sixty days after the Mayor submits the name of the nominees to the Council; now, therefore,

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

1. That it approves the appointment of the persons listed in Exhibit "B", attached hereto, as members to the Urban Design Review Board for the term as specified therein; and
2. That it hereby disapproves the appointment of the persons listed in Exhibit "C" as members to the Urban Design Review Board as nominated by the Mayor; and
3. That the Council expresses its gratitude and appreciation to the appointed members for their willingness to be considered for public service and actively participate in County government; 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 MEMBERS AND TERMS

URBAN DESIGN REVIEW BOARD

Christopher Curtis (Land Architect)

Term Expiration 3/31/25

Joshua Circle-Woodburn (Alternate) (Land Architect)

Term Expiration 3/31/25

APPROVED MEMBERS AND TERMS

URBAN DESIGN REVIEW BOARD

Christopher Curtis (Land Architect)

Term Expiration 3/31/25

Joshua Circle-Woodburn (Alternate) (Land Architect)

Term Expiration 3/31/25

DISAPPROVED MEMBERS

URBAN DESIGN REVIEW BOARD