

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY, ECONOMIC DEVELOPMENT,**  
**AND AGRICULTURE COMMITTEE**

June 1, 2018

**Committee**  
**Report No. \_\_\_\_\_**

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

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on May 14, 2018, makes reference to County Communication 17-7, from Council Chair Mike White, relating to nominations to boards, committees, and commissions.

By correspondence dated April 20, 2018 (received on April 23, 2018), the Mayor transmitted a proposed resolution, entitled "RELATING TO THE APPOINTMENT OF DWIGHT BURNS TO THE POLICE COMMISSION," along with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Dwight Burns to the Police Commission, for a term expiring on March 31, 2022, to fill a vacancy due to the resignation of Maxwell "Max" Tsai.

Your Committee notes it previously reported on this matter through Committee Report 18-64, which recommended the proposed resolution, entitled "RELATING TO THE APPOINTMENT OF CHRISTOPHER WILLIAMS TO THE POLICE COMMISSION," be adopted. At its meeting of April 6, 2018, the Council amended the proposed resolution to disapprove the nomination of Christopher Williams in Committee Report 18-64 (Resolution 18-68).

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

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Your Committee further notes specific provisions for the Police Commission are located in Charter Section 8-12.2.

The Council must approve or disapprove Mr. Burns' nomination to the Police Commission by June 22, 2018, or the nomination will be deemed approved.

Your Committee did not request to interview the nominee.

The Mayor's representative said Mr. Burns sent an email dated May 10, 2018, to the Mayor, stating his intent to withdraw his name from consideration for personal reasons.

According to the email, Mr. Burns felt there would be a perceived conflict of interest because his son is a current candidate for a position with the Department of Police. He said he would instead be interested in serving on a different board. Your Committee recommended his nomination be disapproved.

Your Committee voted 8-0 to recommend adoption of the proposed resolution disapproving the nomination. Committee Chair Sugimura, Vice-Chair Crivello, and members Carroll, Cochran, Guzman, Hokama, King, and White voted "aye." Committee member Atay was excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revision and nonsubstantive revisions.

Your Policy, Economic Development, and Agriculture Committee **RECOMMENDS** that Resolution \_\_\_\_\_, attached hereto, entitled "RELATING TO THE APPOINTMENT OF DWIGHT BURNS TO THE POLICE COMMISSION," be **ADOPTED**.

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

  
\_\_\_\_\_  
YUKI LEI K. SUGIMURA Chair

pea:cr:18002(33)ab:ske

# Resolution

No. \_\_\_\_\_

## RELATING TO THE APPOINTMENT OF DWIGHT BURNS TO THE POLICE COMMISSION

WHEREAS, by correspondence dated April 20, 2018, Mayor Alan M. Arakawa notified the Council he nominated Dwight Burns to the Police Commission for a term expiring March 31, 2022, to fill a vacancy replacing Maxwell "Max" Tsai, pursuant to Section 2.41.080, Maui County Code ("MCC"), and Sections 8-12.2 and 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

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

WHEREAS, Charter Section 13-2(17), requires the Council to approve or disapprove the nomination within sixty days after the Mayor submits the name of the nominee to the Council because of the death, resignation, or removal of a member; now, therefore,

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

1. That it disapproves the appointment of Dwight Burns to serve on the Police Commission for a term expiring March 31, 2022;
2. That the Council, however, expresses its gratitude and appreciation to Dwight Burns for his willingness to be considered for public service and actively participate in County government; and
3. 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.

Department of the Corporation Counsel

County of Maui

2017-0098

PEA-2(33) 2018-05-18 PC Burns

Replacement