

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

December 18, 2020

Committee
Report No. _____

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 December 1, 2020, and reconvened on December 9, 2020, makes reference to County Communication 19-24, from Council Chair Kelly T. King, relating to nominations to boards, committees, and commissions.

By correspondence dated November 10, 2020, Councilmember Yuki Lei K. Sugimura transmitted a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF EMMETT RODRIGUES TO THE POLICE COMMISSION." The purpose of the proposed resolution is to approve or disapprove the Council's nomination of Emmett Rodrigues to the Police Commission, for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Roger Dixon.

By correspondence dated November 16, 2020, the Department of the Corporation Counsel transmitted a revised proposed resolution, approved as to form and legality, relating to the nomination and appointment of Emmett Rodrigues to the Police Commission.

By correspondence dated November 19, 2020, Councilmember Tamara Paltin transmitted a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF LEIL KOCH TO THE POLICE COMMISSION." The purpose of the proposed resolution is to approve or disapprove the Council's nomination of Leil Koch to the Police Commission, for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Roger Dixon.

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By correspondence dated November 20, 2020, the Department of the Corporation Counsel transmitted a revised proposed resolution, approved as to form and legality, relating to the nomination and appointment of Leil Koch to the Police Commission.

By separate correspondence dated November 25, 2020, Councilmember Yuki Lei K. Sugimura transmitted a completed application for nominee Emmett Rodrigues.

By separate correspondence dated November 25, 2020, Councilmember Tamara Paltin transmitted a completed application for nominee Leil Koch.

Your Committee notes general appointment procedures for boards, committees, 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 ("MCC").

Your Committee further notes specific provisions for the Police Commission are located in Section 2.41.080, MCC, and Charter Section 8-12.2.

Your Committee further notes, in accordance with Charter Section 13-2(17), the Mayor has 30 days to submit the name of a replacement to the Council. Should the Mayor fail to meet this deadline, the Council has 60 days to nominate and appoint an individual to fill the vacancy.

The Council's 60-day deadline to approve or disapprove either nomination is December 27, 2020.

Your Committee discussed the Council's nominations to the Police Commission.

Your Committee interviewed Mr. Rodrigues.

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Mr. Rodrigues retired from the State Department of Public Safety, Sheriff Division, where he was employed for 34 years. He said his law enforcement experience will make him an asset to the Police Commission. He would like to give back to the community in a fair and impartial manner and is available to attend monthly board meetings.

According to his board application, Mr. Rodrigues has been involved with various community and sports organizations. He was past president of Wailuku Rainbows Pop Warner Football, and has held volunteer coaching positions with Queen Emma Athletic Club, St. Anthony High School, and Kamehameha Schools Maui.

He expressed a long-time desire to serve on the Police Commission.

Your Committee interviewed Mr. Koch.

Mr. Koch said his years of experience in leadership training, finance and budget, strategic planning, and management will be an asset to the Police Commission. He is available to attend monthly board meetings.

According to his board application, Mr. Koch was Chair of the Police Commission from 2011 to 2012. He owns a real estate company on Maui and holds president, managing partner, and co-managing partner roles in several other businesses.

Mr. Koch is also involved in the community and has previously held leadership roles with Maui Ki-Aikido Shunshinkan Dojo, Certified Commercial Investment Member (CCMI) Institute, and Realtors Association of Maui.

Your Committee was satisfied with the qualifications of both nominees. However, it was necessary for your Committee to select either Mr. Rodrigues or Mr. Koch to fill one vacancy.

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After careful consideration and debate, your Committee decided to recommend Mr. Rodrigues for the position.

Your Committee voted 7-1 to recommend adoption of the revised proposed resolution approving the nomination of Emmett Rodrigues and filing of the resolution approving the nomination of Leil Koch. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, Lee, Sinenci, and Sugimura voted “aye.” Committee member King voted “no.” Committee member Paltin was excused.

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

1. That Resolution _____, attached hereto, entitled “NOMINATING AND APPROVING THE APPOINTMENT OF EMMETT RODRIGUES TO THE POLICE COMMISSION,” be ADOPTED; and

2. That the proposed resolution, attached hereto, entitled “NOMINATING AND APPROVING THE APPOINTMENT OF LEIL KOCH TO THE POLICE COMMISSION,” be FILED.

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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. _____

NOMINATING AND APPROVING THE APPOINTMENT OF EMMETT RODRIGUES TO THE POLICE COMMISSION

WHEREAS, a vacancy on the Police Commission for a term expiring on March 31, 2023, was created when Roger Dixon resigned effective September 28, 2020; and

WHEREAS, in accordance with Section 13-2(17), Revised Charter of the County of Maui (1983), as amended, the Mayor's thirty-day period to nominate an individual to fill that vacancy expired on October 28, 2020; and

WHEREAS, the Council is currently within its sixty-day period, which will expire on December 27, 2020, to nominate and approve the appointment of an individual to fill the vacancy; and

WHEREAS, Emmett Rodrigues has indicated a desire to serve on the Police Commission and has submitted a completed application form with the information required by Section 2.41.020, Maui County Code; now, therefore,

Resolution No. _____

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

1. That it nominates and approves the appointment of Emmett Rodrigues to the Police Commission, for a term expiring on March 31, 2023; and
2. That certified copies of this Resolution be transmitted to the Mayor, the Managing Director, the Corporation Counsel, and Emmett Rodrigues.

APPROVED AS TO FORM AND LEGALITY

/s/ Mimi Desjardins

Department of the Corporation Counsel
County of Maui

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Resolution

No. _____

NOMINATING AND APPROVING THE
APPOINTMENT OF LEIL KOCH
TO THE POLICE COMMISSION

WHEREAS, a vacancy on the Police Commission for a term expiring on March 31, 2023, was created when Roger Dixon resigned effective September 28, 2020; and

WHEREAS, in accordance with Section 13-2(17), Revised Charter of the County of Maui (1983), as amended, the Mayor's thirty-day period to nominate an individual to fill that vacancy expired on October 28, 2020; and

WHEREAS, the Council is currently within its sixty-day period, which will expire on December 27, 2020, to nominate and approve the appointment of an individual to fill the vacancy; and

WHEREAS, Leil Koch has indicated a desire to serve on the Police Commission and has submitted a completed application form with the information required by Section 2.41.020, Maui County Code; now, therefore,

Resolution No. _____

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

1. That it nominates and approves the appointment of Leil Koch to the Police Commission, for a term expiring on March 31, 2023; and
2. That certified copies of this Resolution be transmitted to the Mayor, the Managing Director, the Corporation Counsel, and Leil Koch.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

Department of the Corporation Counsel
County of Maui

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