

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

August 13, 2024

**Committee
Report No. _____**

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on July 9, 2024, makes reference to Resolution 24-109, entitled “APPOINTMENTS TO THE BOARD OF ETHICS, BOARD OF WATER SUPPLY, CONSERVATION PLANNING COMMITTEE COST OF GOVERNMENT COMMISSION, COUNCIL ON AGING, FIRE AND PUBLIC SAFETY COMMISSION, LIQUOR CONTROL COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, MAUI PLANNING COMMISSION, MAUI REDEVELOPMENT AGENCY, MOLOKAI PLANNING COMMISSION, PAIA-HAIKU ADVISORY COMMITTEE, SOUTH MAUI ADVISORY COMMITTEE, PUBLIC WORKS COMMISSION, AND URBAN DESIGN REVIEW BOARD.”

Resolution 24-109’s purpose is to consider the nominees listed in Exhibit “A,” to move to Exhibit “B” for approval or Exhibit “C” for disapproval; approve the nominees listed in Exhibit “B;” disapprove the nominees listed in Exhibit “C;” and recommend the Mayor consider the applicants listed in Exhibit “D,” as replacement nominees for any nominees disapproved to various boards, committees, and commissions.

Your Committee notes the following as it relates to the 2024 “mass nominations” process:

- Each year, seats on various boards and commissions expire on March 31st.
- Under Section 13-2 of the Revised Charter of the County of Maui (1983), as amended (“Charter”), the Mayor submits nominees for the Council’s approval to fill those vacancies.

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- During the 2022 General Election, the electorate voted to establish an Independent Nomination Board (“INB”), effective July 1, 2023, to recruit and evaluate candidates for boards and commissions and amend the procedures listed in Charter Section 13-2.
- Your Committee notes the INB was not functioning as of July 1, 2023, because the Mayor did not appoint, so the Council could not approve, any individuals to sit on the INB.
- As a result, your Committee sought guidance from the Department of the Corporation Counsel on how to conduct business in the absence of the INB in light of the Charter’s silence on the matter.
- The Department advised that the Charter amendment was not operational until the INB was formed so Charter procedures that existed prior to July 1, 2023, would remain in effect.
- Charter Section 13-2 prior to July 1, 2023, provides that not more than 70 days nor less than 60 days before the mass nominations vacancy is to occur, the Mayor must submit to the Council the name of the Mayor's nominee to fill the vacancy. Further, if the Mayor fails to submit the name of a nominee within the times provided for, the Council may within 60 days nominate and approve the appointment of an individual to fill the vacancy.
- As such, the Mayor’s deadline to submit his nominees, as agreed upon with the Department, was January 31, 2024.

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- The Mayor's correspondence containing his list of nominees was received by the County Clerk on February 1, 2024, after the deadline, so your Committee began to develop a process for the Council to recruit and evaluate applicants to fill various boards and commissions' seats.
- During your Committee's meeting of February 16, 2024, the Department reiterated its advice that the procedures relating to the INB were not yet in effect.
- On April 5, 2024, the Council's process of appointing Danny Ray Blackburn to the Maui Planning Commission was challenged in Second Circuit Court by Richard D. Mayer.
- On April 9, 2024, the Department rescinded its prior advice relating to the Mayor's deadline to submit his nominees and follow Section 13-2 of the Charter as it existed prior to July 1, 2023.
- To avoid incurring expense and the uncertainty of judicial determination of the parties' respective rights and liabilities, the Council, through its Special Counsel, attempted to reach a resolution of the case by way of a negotiated settlement of *Richard D. Mayer v. Danny Ray Blackburn, et al.*, SP No. 2CSP-24-0000020.
- The terms of the settlement agreement include requiring the Council to rescind its 2024 mass nomination appointments, except the 14 appointments put forward by both the Mayor in his mass nominations list and the Council in its appointment process; and that the remaining 2024 mass nomination board and commission vacancies be filled in accordance with Charter Section 13-2(19).

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Your Committee notes Resolution 24-109 was introduced as a result of the settlement and the Council's agreement to approve or disapprove the Mayor's nominees for boards and commissions listed in Exhibit "A," from the Mayor's correspondence dated January 31, 2024, and received on February 1, 2024.

Your Committee noted the importance of expeditiously filling board and commission seats, given the delay in this year's mass nominations process, with highly qualified applicants so that the County's business could continue to be conducted efficiently and effectively.

By correspondence received at the meeting, the Mayor's representative notified your Committee of various nominees who were withdrawing their names from consideration:

- Monroe Thomas Bryce to the Board of Water Supply;
- Christopher Jesse Imbach to the Board of Water Supply;
- Dale Brian Bonar to the Conservation Planning Committee;
- Jake Dylan Musson to the Cost of Government Commission;
- Bruce Hiwahiwa U'u to the Fire and Public Safety Commission;
- CarolLee Lani Puana Kamekona to the Maui County Cultural Resources Commission;
- Jared Sam Puyaoan Agtunong to the Maui Redevelopment Agency;
- Josiah Kaleo Ching to the Molokai Planning Commission;
- Jessica Wai Han Parker to the Molokai Planning Commission;
- Charla Ann Zewzetta Kahealani Konohia to the Pā'ia-Ha'ikū Advisory Committee to Maui Planning Commission;
- Kevin Kaonohi Ke'a to the Public Works Commission; and
- Fujio Cullen Tsuneoka to the Urban Design Review Board.

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Your Committee voted 7-0 to recommend these nominations be disapproved and Exhibit "C" to Resolution 24-109, be revised accordingly. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, Rawlins-Fernandez, and Sugimura voted "aye." Committee members Johnson and Sinenci were excused.

Your Committee discussed the nomination of Gary Lee Passon to the Maui Planning Commission and recognized his qualifications and the importance of filling the South Maui seat to help the Maui Planning Commission achieve quorum at its meetings, but also expressed concern with perceived conflicts of interest given his prior involvement in the South Maui Community Plan Advisory Committee and ownership of transient accommodations. Namely, your Committee was concerned that Mr. Passon, as the South Maui representative, would not be able to effectively participate and vote on matters before the Maui Planning Commission, particularly as it relates to the South Maui Community Plan and the Administration's anticipated proposed bill to phase out 7,000 transient vacation rentals in the Apartment Districts. Your Committee was unable to recommend that Mr. Passon's nomination be approved or disapproved.

Your Committee expressed support for the remaining 13 nominees and thanked all applicants for their willingness to serve. Your Committee recommended their nominations be approved and Exhibit "B" to Resolution 24-109, be revised accordingly.

Your Committee voted 6-0 to recommend the approval of Randol Leach to the Board of Ethics. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Lee, Rawlins-Fernandez, and Sugimura voted "aye." Committee members Johnson, Kama, and Sinenci were excused.

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Your Committee voted 6-1 to recommend the approval of Jeffrey Steven Borge to the Board of Water Supply. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, and Sugimura voted “aye.” Committee member Rawlins-Fernandez voted “no.” Committee members Johnson and Sinenci were excused.

Your Committee voted 5-2 to recommend the approval of Clint Leslie Hansen to the South Maui Advisory Committee to Maui Planning Commission. Committee Chair U‘u-Hodgins and members Cook, Kama, Lee, and Sugimura voted “aye.” Committee Vice-Chair Paltin and member Rawlins-Fernandez voted “no.” Committee members Johnson and Sinenci were excused.

Your Committee voted 7-0 to recommend the approval of Benjamin Ray Ostrander (Reappoint, Lāna‘i) to the Conservation Planning Committee; Joaquin Perreira Freitas, Jr. to the Cost of Government Commission; Chase Leigh Traphagen (Reappoint) to the Council on Aging; John “Keone” Edward Ball to the Fire and Public Safety Commission; Richard Bruce Woodford to the Liquor Control Commission; Ke‘eaumoku J. Kapu (Reappoint) to the Maui County Cultural Resources Commission; Rebecca Lopez (Reappoint) to the Pāi‘a-Ha‘ikū Advisory Committee to Maui Planning Commission; Shane Keala Awai (Alternate) and Steven James Notman (Alternate) to the Public Works Commission; Brian Thomas Ward to the South Maui Advisory Committee to Maui Planning Commission, and amend Resolution 24-109 accordingly. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, Rawlins-Fernandez, and Sugimura voted “aye.” Committee members Johnson and Sinenci were excused.

Your Committee voted 7-0 to recommend adoption of Resolution 24-109, CD1. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, Rawlins-Fernandez, and Sugimura voted “aye.” Committee members Johnson and Sinenci were excused.

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Your Committee is in receipt of Resolution 24-109, CD1, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 24-109, CD1, as revised herein and attached hereto, entitled "APPOINTMENTS TO THE BOARD OF ETHICS, BOARD OF WATER SUPPLY, CONSERVATION PLANNING COMMITTEE, COST OF GOVERNMENT COMMISSION, COUNCIL ON AGING, FIRE AND PUBLIC SAFETY COMMISSION, LIQUOR CONTROL COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, MAUI PLANNING COMMISSION, MAUI REDEVELOPMENT AGENCY, MOLOKAI PLANNING COMMISSION, PĀ'IA-HA'IKŪ ADVISORY COMMITTEE, SOUTH MAUI ADVISORY COMMITTEE, PUBLIC WORKS COMMISSION, AND URBAN DESIGN REVIEW BOARD," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

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Resolution

No. 24-109, CD1

APPOINTMENTS TO THE BOARD OF ETHICS, BOARD OF WATER SUPPLY, CONSERVATION PLANNING COMMITTEE, COST OF GOVERNMENT COMMISSION, COUNCIL ON AGING, FIRE AND PUBLIC SAFETY COMMISSION, LIQUOR CONTROL COMMISSION, MAUI COUNTY CULTURAL RESOURCES COMMISSION, MAUI PLANNING COMMISSION, MAUI REDEVELOPMENT AGENCY, MOLOKAI PLANNING COMMISSION, PĀ‘IA-HA‘IKŪ ADVISORY COMMITTEE, SOUTH MAUI ADVISORY COMMITTEE, PUBLIC WORKS COMMISSION, AND URBAN DESIGN REVIEW BOARD

WHEREAS, the Council has agreed to approve or disapprove the Mayor’s nominees for boards and commissions listed in Exhibit “A,” from the Mayor’s correspondence dated January 31, 2024, under Section 13-2(19) of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, under Charter Section 13-2(19), the Council must immediately notify the Mayor of its approval or disapproval of nominees; and

WHEREAS, if the Council disapproves any nominee, Charter Section 13-2(19), states: “The mayor shall then submit the name of a second nominee to the council within ten days and the council shall act thereon within thirty days”; now, therefore,

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

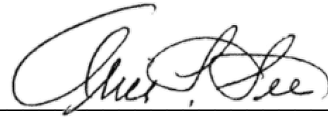
1. That it approves the nominees listed in Exhibit “B”;
2. That it disapproves the nominees listed in Exhibit “C”;
3. That it urges the Mayor to consider the applicants listed in Exhibit “D” as replacement nominees for any disapproved nominees;

Resolution No. 24-109, CD1

4. That it further urges the Mayor to submit replacement nominees for any disapproved nominees within 10 days of this Resolution's adoption;
5. That it expresses its gratitude and appreciation to all applicants for their willingness to be considered for public service and actively participate in County government;
6. That it directs the County Clerk to immediately notify the Mayor of this Resolution's adoption; and
7. That certified copies of this Resolution be transmitted to the Mayor, Managing Director, and the Corporation Counsel.

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee". The signature is written in black ink and is positioned above a horizontal line.

ALICE L. LEE

Exhibit “A”
Mayor’s Nominees

Nominee	Board	Term Expiration
1. Randol Leach	Board of Ethics	3/31/2029
2. Monroe Thomas Bryce	Board of Water Supply	3/31/2029
3. Jeffrey Steven Borge	Board of Water Supply	3/31/2029
4. Christopher Jesse Imbach	Board of Water Supply	3/31/2029
5. Dale Brian Bonar (Reappoint, Hawaii-based Land Trust)	Conservation Planning Committee	3/31/2027
6. Benjamin Ray Ostrander (Reappoint, Lāna‘i)	Conservation Planning Committee	3/31/2027
7. Joaquin Perreira Freitas, Jr.	Cost of Government	3/31/2029
8. Jake Dylan Musson	Cost of Government	3/31/2029
9. Chase Leigh Traphagen (Reappoint)	Council on Aging	3/31/2029
10. John “Keone” Edward Ball	Fire and Public Safety Commission	3/31/2029
11. Bruce Hiwahiwa U‘u	Fire and Public Safety Commission	3/31/2029
12. Richard Bruce Woodford	Liquor Control Commission	3/31/2029
13. Ke‘eaumoku J. Kapu (Reappoint)	Maui County Cultural Resources Commission	3/31/2029
14. Carol Lee Lani Puana Kamekona (Professional Organization- ‘Ahahui Ka‘ahumanu Ch IV, Wailuku)	Maui County Cultural Resources Commission	3/31/2029
15. Gary Lee Passon	Maui Planning Commission	3/31/2029
16. Jared Sam Puyaoan Agtunong	Maui Redevelopment Agency	3/31/2029
17. Josiah Kaleo Ching (Culture)	Molokai Planning Commission	3/31/2029
18. Jessica Wai Han Parker	Molokai Planning Commission	3/31/2029
19. Rebecca Lopez (Reappoint)	Pā‘ia-Ha‘ikū Advisory Committee	3/31/2029
20. Charla-Ann Zewzetta Kahealani Konohia	Pā‘ia-Ha‘ikū Advisory Committee	3/31/2029
21. Kevin Kaonohi Ke‘a	Public Works Commission	3/31/2029
22. Shane Keala Awahi (Alternate)	Public Works Commission	3/31/2029
23. Steven James Notman (Alternate)	Public Works Commission	3/31/2029

24. Clint Leslie Hansen	South Maui Advisory Committee	3/31/2027
25. Brian Thomas Ward	South Maui Advisory Committee	3/31/2027
26. Fujio Cullen Tsuneoka (Architect)	Urban Design Review Board	3/31/2029

Exhibit “B”
Approved Nominees

Nominee	Board	Term Expiration
1. Randol Leach	Board of Ethics	3/31/2029
2. Jeffrey Steven Borge	Board of Water Supply	3/31/2029
3. Benjamin Ray Ostrander (Reappoint, Lāna‘i)	Conservation Planning Committee	3/31/2027
4. Joaquin Perreira Freitas, Jr.	Cost of Government	3/31/2029
5. Chase Leigh Traphagen (Reappoint)	Council on Aging	3/31/2029
6. John “Keone” Edward Ball	Fire and Public Safety Commission	3/31/2029
7. Richard Bruce Woodford	Liquor Control Commission	3/31/2029
8. Ke‘eaumoku J. Kapu (Reappoint)	Maui County Cultural Resources Commission	3/31/2029
9. Rebecca Lopez (Reappoint)	Pā‘ia-Ha‘ikū Advisory Committee	3/31/2029
10. Shane Keala Awai (Alternate)	Public Works Commission	3/31/2029
11. Steven James Notman (Alternate)	Public Works Commission	3/31/2029
12. Clint Leslie Hansen	South Maui Advisory Committee	3/31/2027
13. Brian Thomas Ward	South Maui Advisory Committee	3/31/2027

Exhibit “C”
Disapproved Nominees

Nominee	Board	Term Expiration
1. Monroe Thomas Bryce	Board of Water Supply	3/31/2029
2. Christopher Jesse Imbach	Board of Water Supply	3/31/2029
3. Dale Brian Bonar (Reappoint, Hawaii-based Land Trust)	Conservation Planning Committee	3/31/2027
4. Jake Dylan Musson	Cost of Government	3/31/2029
5. Bruce Hiwahiwa U‘u	Fire and Public Safety Commission	3/31/2029
6. CarolLee Lani Puana Kamekona (Professional Organization- ‘Ahahui Ka‘ahumanu Ch IV, Wailuku)	Maui County Cultural Resources Commission	3/31/2029
7. Jared Sam Puyaoan Agtunong	Maui Redevelopment Agency	3/31/2029
8. Josiah Kaleo Ching (Culture)	Molokai Planning Commission	3/31/2029
9. Jessica Wai Han Parker	Molokai Planning Commission	3/31/2029
10.Charla-Ann Zewzetta Kahealani Konohia	Pā‘ia-Ha‘ikū Advisory Committee	3/31/2029
11.Kevin Kaonohi Ke‘a	Public Works Commission	3/31/2029
12.Fujio Cullen Tsuneoka (Architect)	Urban Design Review Board	3/31/2029

Exhibit “D”

Recommended Replacement Nominees for Any Disapproved Nominees

Nominee	Board
Noel “Chivo” McCary Ching-Johnson	Board of Ethics
Jake Dylan Musson	Board of Water Supply
Robin Knox	Board of Water Supply
Kevin Kaonohi Ke’a	Board of Water Supply
Charla-Ann Zewzetta Konohia (Representative of Hawai‘i-Based Conservation Group or Land Trust)	Conservation Planning Committee
Samuel Akoi IV (East Maui Community Plan Area Resident)	Conservation Planning Committee
Chad K. Hirata (Island of Molokai Resident)	Conservation Planning Committee
Lee Allen Chamberlain	Cost of Government Commission
Kevin Blair Spellman	Cost of Government Commission
Michelle Louise Cerizo	Council on Aging
Roderic Wade Antone	Fire and Public Safety Commission
Desmond Robert Cabiles	Fire and Public Safety Commission
Carter Kimbell Barto	Liquor Control Commission
La‘akea K. Poepoe	Maui County Cultural Resources Commission
Hinano Rodrigues (Hawaiian Culture/Ethnic History)	Maui County Cultural Resources Commission
Danny Ray Blackburn (South Maui)	Maui Planning Commission
Kevin Blair Spellman	Maui Redevelopment Agency
Zelia E. Wills (Conservation)	Molokai Planning Commission
Keolamaupono Sagario (Cultural Expert)	Molokai Planning Commission
Francine M.K. Aarona	Pā‘ia-Ha‘ikū Advisory Committee to the Maui Planning Commission
Francille Leina‘ala Vedder	Pā‘ia-Ha‘ikū Advisory Committee to the Maui Planning Commission
Lee Allen Chamberlain (Alternate)	Public Works Commission
Brendan Hammerman Kennedy (Civil Engineer)	Urban Design Review Board