

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

August 9, 2019

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 July 23, 2019, makes reference to County Communication 19-24, from Council Chair Kelly T. King, relating to nominations to boards, committees, and commissions.

By correspondence dated and received on June 21, 2019, the Mayor transmitted a proposed resolution, entitled "RELATING TO THE DESIGNATION OF ARCHIE KALEPA AS THE NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES EXPERT TO THE MAUI PLANNING COMMISSION," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Archie Kalepa as the Native Hawaiian Traditional and Customary Practices Expert to the Maui Planning Commission, for a term expiring on March 31, 2023, to fill a vacancy due to the resignation of Alalani Hill.

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 ("MCC").

Your Committee further notes specific provisions for the Maui Planning Commission are located in Sections 2.28.010 and 2.28.070, MCC, and Charter Section 8-8.4.

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

Page 2

Committee
Report No. _____

Your Committee further notes at least one member of the Maui Planning Commission shall have demonstrated expertise in native Hawaiian traditional and customary practices, pursuant to Ordinance 4431 (2017).

The Council must approve or disapprove Mr. Kalepa's nomination to the Maui Planning Commission by August 20, 2019, or the nomination will be deemed approved.

By correspondence dated July 23, 2019, Mr. Kalepa withdrew his name from further consideration of the nomination due to his inability to attend Commission meetings twice per month.

Your Committee notes Mr. Kalepa was the Mayor's second nomination to fill the vacancy. The prior nominee, Lorraine Sablas, withdrew her name from further consideration because of personal circumstances. At its meeting of June 18, 2019, the Council disapproved the appointment of Lorraine Sablas to the Maui Planning Commission (Resolution 19-115).

Your Committee notes the Mayor shall submit the name of another nominee within ten days after being notified of the Council's action, pursuant to Charter Section 13-2(17).

Your Committee recognized Mr. Kalepa's background and experience and recommended he be considered for future board vacancies.

Your Committee voted 7-0 to recommend disapproval of the nomination of Archie Kalepa to the Maui Planning Commission, for a term expiring on March 31, 2023, and that the proposed resolution be revised consistent with the Committee's intent. Committee Chair Molina and members Hokama, Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez and member King were excused.

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

Page 3

Committee
Report No. _____

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.

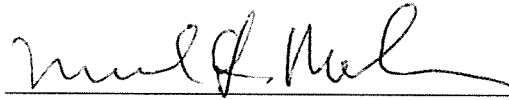
Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "RELATING TO THE DESIGNATION OF ARCHIE KALEPA AS THE NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES EXPERT TO THE MAUI PLANNING COMMISSION," be ADOPTED.

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

Page 4

**Committee
Report No.** _____

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. _____

RELATING TO THE DESIGNATION OF ARCHIE KALEPA AS THE NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES EXPERT TO THE MAUI PLANNING COMMISSION

WHEREAS, by correspondence dated June 21, 2019, Mayor Michael P. Victorino notified the Council that he nominated Archie Kalepa to the Maui Planning Commission for a term expiring on March 31, 2023, to fill a vacancy replacing Alalani Hill, pursuant to Sections 2.28.010 and 2.28.070, Maui County Code (“MCC”), and Sections 8-8.4 and 13-2, Revised Charter of the County of Maui (1983), as amended, (“Charter”); and

WHEREAS, Section 2.28.070, MCC, requires each planning commission and the Hana advisory committee to have at least one member to have demonstrated expertise in native Hawaiian traditional and customary practices, as evidenced by one or more of the following credentials:

1. A college degree in a relevant field, such as Hawaiian studies, native Hawaiian law, native Hawaiian traditional and customary practices, including traditional environmental practices, or related subject area.
2. Work history that demonstrates an appropriate level of knowledge in native Hawaiian traditional and customary practices, including traditional environmental practices.
3. Substantial experience as a native Hawaiian traditional and customary practitioner; and

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

WHEREAS, Section 13-2(17), Charter, requires the Council to approve or disapprove the nominee within sixty days after the Mayor submits the nominee to the Council; now, therefore,

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

1. That it disapproves the appointment of Archie Kalepa to serve on the Maui Planning Commission as the member who possesses the

required expertise in native Hawaiian traditional and customary practices, for a term expiring on March 31, 2023; and

2. That the Council expresses its gratitude and appreciation to Archie Kalepa 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

2019-0065/2019-0122

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