

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: July 24, 2019
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

2019 JUL 25 AM 7:13

TRANSMITTAL

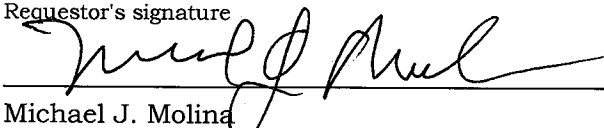
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Jr., Esq.

Subject: NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (MAUI PLANNING COMMISSION) (GET-2(14))

Background Data: Please consider the revision on the attached markup of the proposed resolution and, if appropriate, incorporate the revision and approve the resolution as to form and legality. A copy of the nominee's withdrawal letter is also attached for your reference. A hard copy of the resolution is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY

OTHER:

Requestor's signature  Michael J. Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: 7134)	2019 JUL 26 AM 10:44 OFFICE OF THE COUNTY COUNSEL	RECEIVED
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

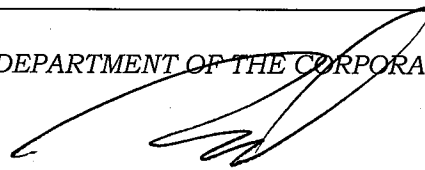
SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 31, 2019
REASON: For possible posting on the August 9, 2019, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2019-0065</u>	BY: <u>JEO</u>
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

Date 7/26/19 By 
DEPARTMENT OF THE CORPORATION COUNSEL

get:ltr:002(14)acc02:ske

(Rev. 7/03)

Attachments

RECEIVED

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,

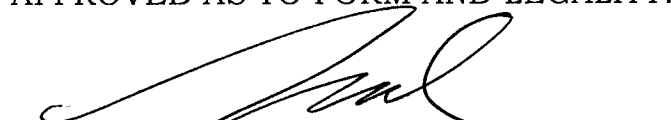
BE IT RESOLVED by the Council of the County of Maui:

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

GET-2(14) 2109-07-25 MPC Kalepa Disapprove Reso