

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

October 4, 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 September 17, 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 August 14, 2019 (received on August 15, 2019), the Mayor transmitted a proposed resolution, entitled "RELATING TO THE DESIGNATION OF KAWIKA FREITAS 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 Kawika Freitas 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.

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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. Freitas' nomination to the Maui Planning Commission by October 14, 2019, or the nomination will be deemed approved.

Your Committee met with Mr. Freitas.

Mr. Freitas has been employed at Old Lahaina Luau since 2008 and is currently the Director of Public and Cultural Relations. He said he has the support of his employer to attend commission meetings.

The representative of the Mayor said Mr. Freitas is a graduate of Kamehameha Schools, Kapalama Campus. He has taken Ola Hawai'i, a Hawaiian cultural curriculum teaching course, and several modules of Ho'okipa Me Aloha, a certified course in Hawaiian values. She said his work experience and training has provided him with a keen understanding of Hawaiian values and appreciation of Hawaiian culture.

She added, as the Director of Public and Cultural Relations, Mr. Freitas has the "work history that demonstrates an appropriate level of knowledge in native Hawaiian traditional and customary practices."

Mr. Freitas acknowledged he does not claim to know everything about Hawaiian culture, but is aware of the resources available to him. He said he has a willingness to learn and hear both sides of an issue with an open mind before making a decision.

As noted in his board application, Mr. Freitas understands that the planning of Maui Island's growth requires a balance of residential, commercial, farming, cultural preservation, and tourism. He stated a particular concern with cultural issues of development.

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Your Committee notes Mr. Freitas was the Mayor's third nomination to fill the vacancy. Your Committee notes 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). The second nominee, Archie Kalepa, withdrew because he was unable to attend commission meetings twice per month. At its meeting of August 9, 2019, the Council disapproved the appointment of Archie Kalepa to the Maui Planning Commission (Resolution 19-139).

Your Committee was satisfied with Mr. Freitas' application and recommended his nomination be approved.

Your Committee voted 9-0 to recommend approval of the nomination of Kawika Freitas to the Maui Planning Commission, for a term expiring on March 31, 2023. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

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

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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. _____

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

WHEREAS, by correspondence dated August 14, 2019, Mayor Michael P. Victorino notified the Council that he nominated Kawika Freitas 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 approves and designates the appointment of Kawika Freitas 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 Kawika Freitas 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

2019-0122

2109-08-01 MPC Freitas replace Hill