KATHY L. KAOHU County Clerk



**OFFICE OF THE COUNTY CLERK** 

COUNTY OF MAUI 200 S. HIGH STREET WAILUKU, MAUI, HAWAII 96793 www.mauicounty.gov/county/clerk

March 25, 2020

RECEIVED

Honorable Michael J. Molina, Chair Governance, Ethics, and Transparency Committee Council of the County of Maui Wailuku, Hawaii 96793

Dear Chair Molina:

Attached for your information is a copy of Committee Report No. 20-34, which was adopted by the Council of the County of Maui on March 13, 2020.

Also attached is a copy of Resolution No. 20-52, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI" which was amended prior to adoption.

Respectfully,

Ketthy L. Kuohn

KATHY L. KAOHU County Clerk

/lks

Enclosure

March 13, 2020

Committee Report No. <u>20-34</u>

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 February 18, 2020, February 21, 2020, and February 25, 2020, makes reference to County Communication 19-24, from Council Chair Kelly Takaya King, relating to nominations to boards, committees, and commissions ("boards").

By correspondence dated and received on January 22, 2020, the Acting Mayor transmitted the following:

- 1. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of James "Ipo" Mossman (Reappointment) to the Affirmative Action Advisory Council for a term beginning on April 1, 2020, and expiring on March 31, 2025.
- 2. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Linda Kay Okamoto and Shanna Willing to the Board of Ethics for terms beginning on April 1, 2020, and expiring on March 31, 2025.

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- 3. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Colin Yamamoto to the Civil Service Commission for a term beginning on April 1, 2020, and expiring on March 31, 2025.
- 4. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Elizabeth Fujii to the Commission on Children and Youth for a term beginning on April 1, 2020, and expiring on March 31, 2025.
- 5. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Agnes Groff and Arleen Gerbig to the Council on Aging for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 6. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Max Kincaid, Jr. and Punahele Alcon to the Fire and Public Safety Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.

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- 7. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE HANA ADVISORY COMMITTEE FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Douglas Mardfin and Dean Wariner to the Hana Advisory Committee for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 8. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUL," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of James Jones (Reappointment) and Curtis Tom (Agricultural Lending or Banking Community) to the Kula Agricultural Park Committee for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 9. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Sally Kaye and John Ornellas to the Lanai Planning Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 10. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Colleen Cluney to the Liquor Control Adjudication Board for a term beginning on April 1, 2020, and expiring on March 31, 2025.

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- 11. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Pedro Venenciano (Reappointment) and Linda Fernandez to the Liquor Control Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 12. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Robert Carroll (Reappointment) and John Copeland to the Maui County Commission on Persons with Disabilities for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 13. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Dale Thompson (Reappointment) and Jennifer Salisbury to the Maui Planning Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 14. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of George Kaho'ohanohano to the Maui Redevelopment Agency for a term beginning on April 1, 2020, and expiring on March 31, 2025.

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- 15. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Frank De Rego, Jr. and Janet Kuwahara to the Police Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 16. A proposed resolution, entitled "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI," with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Georgina Kawamura to the Real Property Tax Review Board for a term beginning on April 1, 2020, and expiring on March 31, 2025.
- 17. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Paul Kailiponi (Reappointment) and Edwin Misaki to the Salary Commission for terms beginning on April 1, 2020, and expiring on March 31, 2025.
- 18. A proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI," with completed applications for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Marie Kimmey (Architect), Mandy Saito (Civil Engineer) (from alternate member to regular member), John Gerdel (Alternate) (Architect), and Paul Areus (Alternate) (Architect) to the Urban Design Review Board. Except for Mandy Saito, who will continue her current term expiring on March 31, 2024, the

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terms will begin on April 1, 2020 and expire on March 31, 2025.

Your Committee notes general appointment procedures for boards are outlined in Section 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"), and Chapter 2.41, Maui County Code.

The Mayor is required to submit names of nominees to the Council not less than 60 days and not more than 70 days before the prior members' terms expire. Except for the Kula Agricultural Park Committee, Maui Redevelopment Agency, and Urban Design Review Board, the Council must approve or disapprove the nominees within 60 days thereafter. If the Council fails to approve or disapprove any of the Mayor's nominees within the time period provided, the nominee will be deemed appointed to fill the vacancy. If the Council disapproves a nominee, the Mayor will be immediately notified.

Your Committee notes board nominations were transmitted on January 22, 2020, by the Acting Mayor on the Mayor's behalf to meet established deadlines because the Mayor was out of state. The Managing Director shall, in the temporary absence of the Mayor, act as Mayor, pursuant to Charter Section 7-6.

Accordingly, the Council has until March 22, 2020, to approve or disapprove the Mayor's nominees, or the nominees will be deemed appointed.

Your Committee met with 20 of the nominees for the boards and commissions and chose to separate five of the nominees for individual votes.

Your Committee met with Civil Service Commission nominee Colin Yamamoto. Mr. Yamamoto said what he has learned as a trained investigator with the Fire Department will help him as a member of the Civil Service Commission. Mr. Yamamoto also stated now that he has retired, attendance will not be a concern. Mr. Yamamoto said he would

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recuse himself from any area where there would be a possible conflict of interest. Your Committee asked that Mr. Yamamoto seek a Board of Ethics advisory opinion prior to the Council considering his nomination.

Your Committee met with Maui Planning Commission nominee Jennifer Salisbury. Dr. Salisbury said her knowledge about things like cesspool conversions and permitting would allow her to make important contributions to the Maui Planning Commission. In addition, she felt it was her duty to contribute to Maui through service, and that working on the Commission would allow her to do this. Your Committee noted Dr. Salisbury's experience and qualifications, but raised concerns about the current makeup of the Commission. Your Committee felt the addition of a developer to the Commission at this time would not be the right choice for the future of the Commission.

Your Committee met with Lanai Planning Commission nominee John Ornellas. Mr. Ornellas stated he has a record of serving as an advocate for Lanai as a past member of several different boards and commissions. Mr. Ornellas discussed his past participation with the Lanai Planning Commission and willingness to work with the rest of the members of the Commission to ensure timely decisions. Your Committee noted he was also an active participant in the community plan process on Lanai.

Your Committee met with Liquor Control Commission nominee Linda Fernandez. Ms. Fernandez stated that as a previous member of the Liquor Control Adjudication Board, she would be interested in being a member of the Liquor Control Commission as the next step in her service to the County. Your Committee appreciates Ms. Fernandez's pervious service, but raised concerns that she was not familiar with the audit of the Department and its recommendations.

Your Committee met with Liquor Control Commission nominee Pedro Venenciano. Mr. Venenciano is currently a member of the Commission, having been appointed to fill a seat vacated by Dawn (Bicoy) Stephenson. Mr. Venenciano stated he had used the time since his

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appointment to become more familiar with the operations of the Commission, and anticipated contributing more as time went forward. Your Committee raised concerns about Mr. Venenciano's attendance because he has missed a significant number of meetings in the few months he has been on the Commission.

Your Committee recommended 29 nominees be approved for the boards and terms for which they have been nominated. Your Committee was satisfied with the background of the nominees and expressed its gratitude to the nominees for volunteering to serve the community. Your Committee recommended Exhibit "B" to the proposed resolutions be revised accordingly.

Your Committee recommended disapproval of Jennifer Salisbury to the Maui Planning Commission and Linda Fernandez and Pedro Venenciano to the Liquor Control Commission after conducting deliberations on the nominations. Your Committee recommended Exhibit "C" to the proposed resolutions be revised accordingly.

Your Committee voted 8-0 to recommend approval of the nominations of James "Ipo" Mossman (Reappointment) to the Affirmative Action Advisory Committee, Linda Kay Okamoto and Shanna Willing to the Board of Ethics, Elizabeth Fujii to the Commission on Children and Youth, Agnes Groff and Arleen Gerbig to the Council on Aging, Max Kincaid, Jr. and Punahele Alcon to the Fire and Public Safety Commission, Douglas Mardfin and Dean Wariner to the Hana Advisory Committee, James Jones (Reappointment) and Curtis Tom (Agricultural Lending or Banking Community) to the Kula Agricultural Park Committee, Sally Kaye to the Lanai Planning Commission, Colleen Cluney to the Liquor Control Adjudication Board, Robert Carroll (Reappointment) and John Copeland to the Maui County Commission on Persons with Disabilities, Dale Thompson (Reappointment) to the Maui Planning Commission, George Kaho'ohanohano to the Maui Redevelopment Agency, Frank De Rego, Jr. to the Police Commission, Georgina Kawamura to the Real Property Tax Review Board, Paul Kailiponi (Reappointment) and Edwin Misaki to the Salary Commission, and Marie Kimmey (Architect), Mandy Saito (Civil

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Engineer) (alternate member to regular member), and John Gerdel (Alternate) (Architect), and Paul Areus (Alternate) (Architect) to the Urban Design and Review Board. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, and Sugimura voted "aye." Committee member Sinenci was excused.

Your Committee voted 5-3 to recommend approval of the nomination of Colin Yamamoto to the Civil Service Commission. Committee Chair Molina and members Kama, King, Lee, and Sugimura voted "aye." Vice-Chair Rawlins-Fernandez and members Hokama and Paltin voted "no." Committee member Sinenci was excused.

Your Committee voted 7-1 to recommend approval of the nomination of John Ornellas to the Lanai Planning Commission. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, and Sugimura voted "aye." Committee member Paltin voted "no." Committee member Sinenci was excused.

Your Committee voted 8-0 to recommend approval of the nominations of Janet Kuwahara to the Police Commission and Paul Aureus (Alternate) (Architect) to the Urban Design Review Board. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee member Hokama was excused.

Your Committee voted 6-2 to recommend disapproval of the nomination of Jennifer Salisbury to the Maui Planning Commission. Committee Vice-Chair Rawlins-Fernandez and members Hokama, Kama, King, Paltin, and Sugimura voted "aye." Committee Chair Molina and member Lee voted "no." Committee member Sinenci was excused.

Your Committee voted 8-0 to recommend disapproval of the nominations of Linda Fernandez and Pedro Venenciano to the Liquor Commission. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee member Hokama was excused.

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Your Committee is in receipt of revised proposed resolutions, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

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

- 1. That Resolution <u>20–29</u>, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI," be ADOPTED;
- 2. That Resolution <u>20-30</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI," be ADOPTED;
- 3. That Resolution <u>20–52</u>, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;
- 4. That Resolution <u>20-31</u>, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI," be ADOPTED;
- 5. That Resolution <u>20-32</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI," be ADOPTED;
- 6. That Resolution <u>20-33</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

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- 7. That Resolution <u>20-34</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE HANA ADVISORY COMMITTEE FOR THE COUNTY OF MAUL," be ADOPTED;
- 8. That Resolution <u>20-35</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI," be ADOPTED;
- 9. That Resolution <u>20-36</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;
- 10. That Resolution <u>20-37</u>, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI," be ADOPTED;
- 11. That Resolution <u>20-38</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;
- 12. That Resolution <u>20-39</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED;
- 13. That Resolution <u>20–40</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;
- 14. That Resolution <u>20–41</u>, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY," be ADOPTED;

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- 15. That Resolution <u>20–42</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;
- 16. That Resolution <u>20-43</u>, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED;
- 17. That Resolution <u>20-44</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED; and
- 18. That Resolution <u>20-45</u>, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED.

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

MICHAEL J. MOLINA, Chair

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COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

## **CERTIFICATION OF ADOPTION**

It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 20-34 were adopted by the Council of the County of Maui, State of Hawaii, on the 13th day of March, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	g. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Excused

THE RECOMMENDATIONS CONTAINED IN THIS COMMITTEE REPORT WERE APPROVED BY THE FOREGOING VOTE WITH THE EXCEPTION OF THE FOLLOWING RECOMMENDATION WHICH WAS VOTED ON SEPARATELY.

RESOLUTION NO. 20-52, ENTITLED "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI" BE ADOPTED:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	g. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	No	Ауе	Aye	Aye	Ауе	No	Aye	Excused	Excused

**RESOLUTION NO. 20-52 was amended prior to adoption.** 

Kathy Kaohn

COUNTY CLERK

# Resolution

### **No.** 20–52

### APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI

WHEREAS, by correspondence dated January 22, 2020, Acting Mayor Sananda K. Baz notified the Council he nominated the person listed in Exhibit "A", attached hereto, as a member to the Civil Service Commission for the County of Maui, pursuant to Hawaii Revised Statutes Sections 76-71 and 76-47 ("HRS"), and Sections 8-9.4 and 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

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

WHEREAS, Section 13-2(16) of the Charter requires the Council to approve or disapprove the nomination within sixty days after the Mayor submits the name of the nominee to the Council; now, therefore,

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

- 1. That it approves the appointment of the person listed in Exhibit "B", attached hereto, as a member to the Civil Service Commission for the term as specified therein; and
- 2. That it hereby disapproves the appointment of the person listed in Exhibit "C" as a member to the Civil Service Commission as nominated by the Mayor; and
- 3. That the Council expresses its gratitude and appreciation to the appointed member for his willingness to be considered for public service and actively participate in County government; and
- 4. 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. First Deputy Corporation Counsel County of Maui

### NOMINATED MEMBER AND TERM

## **CIVIL SERVICE COMMISSION**

Colin Yamamoto

Term Expiration 3/31/25

#### APPROVED MEMBER AND TERM

### **CIVIL SERVICE COMMISSION**

### **DISAPPROVED MEMBER**

## **CIVIL SERVICE COMMISSION**

Colin Yamamoto

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### COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

## **CERTIFICATION OF ADOPTION**

It is HEREBY CERTIFIED that RESOLUTION NO. 20-52 was adopted by the Council of the County of Maui, State of Hawaii, on the 13th day of March, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	No	Ауе	Aye	Aye	Ауе	No	Aye	Excused	Excused

Kathyd Knohn

COUNTY CLERK