

COMMITTEE OF THE WHOLE

Council of the County of Maui

Meeting Agenda

May 12, 2010

9:00 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: www.mauicounty.gov/committees/COW

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COUNCIL CLERK

VOTING MEMBERS

Michael J. Molina, Chair

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Bill Kauakea Medeiros

Wayne K. Nishiki

Joseph Pontanilla

Michael P. Victorino

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Kirstin Hamman or Camille Sakamoto) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

COW-2(12) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (BOARD OF VARIANCES AND APPEALS)

DESCRIPTION: The Committee is in receipt of correspondence dated April 6, 2010 (received April 7, 2010), from the Mayor, requesting consideration of the nomination of Bernice Vadla (replacing Sandra Duvauchelle) to the Board of Variances and Appeals for a term expiring on March 31, 2013.

STATUS: The Council must approve or disapprove the nomination by June 6, 2010, or the nomination will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nomination. The Committee may also consider other related action.

**COW-2(14) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(LIQUOR CONTROL ADJUDICATION BOARD; MAUI PLANNING COMMISSION)**

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated March 25, 2010 (received March 25, 2010), from the Mayor, requesting consideration of the following nominees to boards, committees, and commissions requiring Council approval or disapproval within 60 days, for terms expiring on March 31, 2015:
 - A. LIQUOR CONTROL ADJUDICATION BOARD
 1. Linda Fernandez.
 - B. MAUI PLANNING COMMISSION
 1. William Soares.
2. Correspondence dated May 4, 2010, from the Mayor, transmitting a copy of correspondence dated May 3, 2010, from Mr. Soares, requesting that his nomination to the Maui Planning Commission be withdrawn.

STATUS: The Council must approve or disapprove the nomination of Linda Fernandez to the Liquor Control Adjudication Board by May 24, 2010, or the nomination will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nomination of Ms. Fernandez to the Liquor Control Adjudication Board. The Committee may also consider other related action. The Committee will not consider the nomination of Mr. Soares to the Maui Planning Commission, based on his request to withdraw his nomination.

**COW-2(16) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(BOARD OF ETHICS; MOLOKAI PLANNING COMMISSION)**

DESCRIPTION: The Committee is in receipt of correspondence dated April 8, 2010 (received April 9, 2010), from the Mayor, requesting consideration of the following nominees to boards, committees, and commissions requiring Council approval or disapproval within 60 days (for terms expiring as indicated):

- A. BOARD OF ETHICS
 1. Donald Sheridan (replacing Bob J. Pure), for a term expiring on March 31, 2014.
- B. MOLOKAI PLANNING COMMISSION
 1. Debra Napua Kelly (replacing Taryn Waros), for a term expiring on March 31, 2012.

STATUS: The Council must approve or disapprove the nominations by June 8, 2010, or the nominations will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

**COW-2(17) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(SUBDIVISION ENGINEERING STANDARDS COMMITTEE)**

DESCRIPTION: The Committee is in receipt of correspondence dated April 13, 2010 (received April 14, 2010), from the Mayor, requesting consideration of the nomination of Raymond Phillips to the Subdivision Engineering Standards Committee for a term expiring on March 31, 2015.

STATUS: The Council must approve or disapprove the nominations by June 13, 2010, or the nomination will be deemed approved. The Committee may consider whether to recommend approval or disapproval of the nominations. The Committee may also consider other related action.

**COW-28 PROHIBITING THE USE OF MOBILE ELECTRONIC DEVICES
WHILE DRIVING**

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 09-290, from Councilmember Joseph Pontanilla, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, PERTAINING TO THE USE OF MOBILE ELECTRONIC DEVICES WHILE DRIVING". The purpose of the proposed bill is to prohibit the use of certain mobile electronic devices while operating a motor vehicle; and
2. Correspondence dated May 4, 2010, from the Chair of the Committee of the Whole, transmitting proposed amendments to the proposed bill. The proposed amendments would clarify that exempt drivers who use a two-way radio while in the performance and scope of their work-related duties must either be operating a fleet vehicle or possess a commercial vehicle license; clarify that portable audio or navigation equipment is included within the definition of a mobile electronic device; and add a new section to prohibit teenage drivers from using hands-free technology

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 09-290.