

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 3, 2006

**Committee  
Report No.**

\_\_\_\_\_ 06-13

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on January 17, 2006, makes reference to County Communication No. 05-20, from the Council Chair, relating to the matter of nominations to boards, committees, and commissions.

By correspondence dated December 8, 2005 (received on December 9, 2005), the Mayor transmitted the nomination of Vincent Linares to replace Sandra Silva on the Board of Ethics for a term expiring on March 31, 2008.

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

For most of the boards, committees, and commissions, the Mayor is required to submit nominees 60 to 70 days before the prior members' terms expire, and the Council must approve or disapprove the nominee within 60 days thereafter or the nominee is deemed appointed. If the Council disapproves a nominee, it shall immediately notify the Mayor of its action. In the event that the Council fails to approve or disapprove the Mayor's nominee within the time period provided, the nominee shall be deemed appointed to fill the vacancy upon its occurrence. This procedure applies to the Board of Ethics (Maui County Charter, Sections 10-2, 13-2).

By correspondence dated December 23, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel render an opinion as to how Mr. Linares's nomination should be handled in light of his nomination being submitted prior to the removal of Ms. Silva from the Board of Ethics.

Your Committee further notes that the deadline for the Council to approve or disapprove the nomination of Mr. Linares to the Board of Ethics is subject to the 60-day Council approval process. The 60-day period would commence upon the Council's approval of the removal of Sandra Silva from the Board of Ethics.

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At its meeting, your Committee met with the Senior Executive Assistant to the Mayor and a Deputy Corporation Counsel.

There was no public testimony.

The Senior Executive Assistant indicated that Mr. Linares is a teacher at Maui Community College, and he is aware that his appointment is a partial term appointment.

Based on the information received, your Committee voted to recommend approval of Mr. Linares to the Board of Ethics.

Your Committee of the Whole **RECOMMENDS** the following:

1. That the nomination of Vincent Linares to the Board of Ethics be **APPROVED** for a term expiring on March 31, 2008; and
2. That a copy of this committee report be **TRANSMITTED** to the Mayor of the County of Maui.

Adoption of this report is respectfully requested.

