

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

March 13, 2020

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 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 31, 2020, the Mayor transmitted the following:

1. A proposed resolution, entitled “APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS 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 Ivan Lay to the Board of Variances and Appeals for a term beginning on April 1, 2020, and expiring on March 31, 2025.
2. 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 Robbie Sanches to the Liquor Control Adjudication Board for a term beginning on April 1, 2020, and expiring on March 31, 2025.

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Your Committee notes general appointment procedures for boards are outlined in Section 13-2, Revised Charter of the County of Maui (1983), as amended, 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. 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 31, 2020, by the Mayor. Accordingly, the Council has until March 31, 2020, to approve or disapprove the Mayor's nominees, or the nominees will be deemed appointed.

Your Committee did not request to interview the nominees.

Your Committee noted that Mr. Lay is from Maui, meaning Molokai will go without representation until there is another vacancy on the Board. A representative of the Mayor said she diligently tried to find a representative from Molokai, but was unable to do so, even with the assistance of the Councilmember holding the seat for the Molokai residency area. This Councilmember stated that it was acceptable to move forward without a Molokai representative on the Board of Variances and Appeals until there is another vacancy.

Your Committee recommended two 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.

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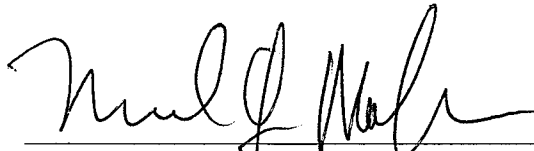
Your Committee voted 7-0 to recommend approval of the nominations of Ivan Lay to the Board of Variances and Appeals, and Robbie Sanches to the Liquor Control Adjudication Board. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Paltin, and Sugimura voted "aye." Committee members Lee and Sinenci were excused.

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 _____, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be ADOPTED; and
2. That Resolution _____, attached hereto, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION 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

Resolution

No. _____

APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI

WHEREAS, by correspondence dated January 31, 2020, Mayor Michael P. Victorino notified the Council he nominated the person listed in Exhibit "A", attached hereto, as a member to the Board of Variances and Appeals for the County of Maui, pursuant to Section 2.41.080, Maui County Code ("MCC"), and Sections 8-8.7 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 Board of Variances and Appeals 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 Board and Variances and Appeals 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

BOARD OF VARIANCES AND APPEALS

Ivan Lay

Term Expiration 3/31/25

APPROVED MEMBER AND TERM

BOARD OF VARIANCES AND APPEALS

Ivan Lay

Term Expiration 3/31/25

DISAPPROVED MEMBER

BOARD OF VARIANCES AND APPEALS

Resolution

No. _____

APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI

WHEREAS, by correspondence dated January 31, 2020, Mayor Michael P. Victorino notified the Council he nominated the person listed in Exhibit "A", attached hereto, as a member to the Liquor Control Adjudication Board for the County of Maui, pursuant to Section 2.41.080, Maui County Code ("MCC"), and Sections 8-13.3 and 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

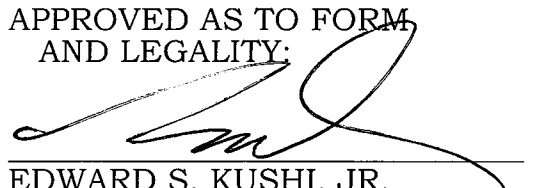
WHEREAS, Section 13-2 of the Charter requires the Mayor's nominee to be approved by the Council; and

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 Liquor Control Adjudication Board 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 Liquor Control Adjudication Board 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

LIQUOR CONTROL ADJUDICATION BOARD

Robbie Sanches

Term Expiration 3/31/25

APPROVED MEMBER AND TERM

LIQUOR CONTROL ADJUDICATION BOARD

Robbie Sanches

Term Expiration 3/31/25

DISAPPROVED MEMBER

LIQUOR CONTROL ADJUDICATION BOARD

Exhibit "C"