

COUNCIL OF THE COUNTY OF MAUI
POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE

March 9, 2018

Committee
Report No. _____

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

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on February 12, 2018, makes reference to County Communication 17-7, from Council Chair Mike White, relating to nominations to boards, committees, and commissions.

By correspondence dated and received on January 30, 2018, the Mayor transmitted a proposed resolution, entitled "RELATING TO THE APPOINTMENT OF JONATHAN TODD TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," along with a completed application for the nominee. The purpose of the proposed resolution is to approve or disapprove the Mayor's nomination of Jonathan Todd to the Liquor Control Commission, for a term expiring on March 31, 2018, to fill a vacancy due to the resignation of Dana Souza.

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 also notes specific provisions for the Liquor Control Commission ("Commission") are located in Section 2.41.080, MCC, and Charter Section 8-13.2.

Your Committee further notes the Council has until March 31, 2018, to approve or disapprove the Mayor's nominee, or the nominee will be deemed approved.

Your Committee requested to interview the nominee.

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Mr. Todd said his interest in serving on the Commission is to improve the current process of obtaining liquor permits for businesses and nonprofits. He would like to explore opportunities to generate revenue for the County in the liquor license process and allow tasting events in establishments that sell liquor. He would consider addressing familial relationships within the Department of Liquor Control that may be an impediment. Above all, he said the Commission should conduct itself in a fair and transparent way as a means to establish consistency in its processes and develop faith with the public.

A representative of the Mayor said Mr. Todd has extensive experience with businesses who deal with liquor and is someone with the knowledge and expertise to make improvements to the liquor license process. As the Senior Vice-President and co-owner of Hawaii Fudge Company on Maui, the Vice-President of a corporate software company, and the owner/director of 808 Marketing, LLC, Mr. Todd has the flexibility to attend Commission meetings.

Your Committee expressed concern with geographical balance, noting Section 13-2(3) of the Charter provides that the Mayor shall “give due consideration to balanced geographic representation” in making board appointments, and no board members on the Commission represent South Maui or West Maui. Your Committee noted these are areas of the County where a majority of liquor establishments, including hotels, are located. The Mayor’s representative said emphasis is placed on the availability of nominees to attend meetings. Mr. Todd resides in Paia, but does business in West Maui, so both areas would be represented if he is approved.

The First Deputy Corporation Counsel discussed Section 281-11, Hawaii Revised Statutes, which states, “no person shall be a member of any commission or board who is or becomes engaged, or is directly or indirectly interested in any business for the manufacture or sale of liquor.” When asked whether he is interested in or will become indirectly interested in any licensed business selling liquor, Mr. Todd said he is not currently,

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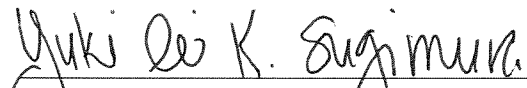
and has no plans to become affiliated with, any liquor-producing, liquor-trading, or licensed establishment involved with liquor in a way he could personally benefit from. The First Deputy said Mr. Todd would be asked to recuse himself should any of his current or former clients come before the Commission so as not to create a conflict of interest.

Your Committee was satisfied with Mr. Todd's application and felt he would be a welcome addition to the Commission.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Sugimura, Vice-Chair Crivello, and members Atay, Carroll, Cochran, Hokama, and White voted "aye." Committee members Guzman and King were excused.

Your Policy, Economic Development, and Agriculture Committee RECOMMENDS that Resolution _____, attached hereto, entitled "RELATING TO THE APPOINTMENT OF JONATHAN TODD TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

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



YUKI LEI K. SUGIMURA, Chair

Resolution

No. _____

RELATING TO THE APPOINTMENT OF JONATHAN TODD TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI

WHEREAS, by correspondence dated January 30, 2018, Mayor Alan M. Arakawa notified the Council that he nominated Jonathan Todd to the Liquor Control Commission for the County of Maui for a term expiring March 31, 2018, to fill a vacancy replacing Dana Souza, pursuant to Section 2.41.080, Maui County Code ("MCC"), and Sections 8-13.2 and 13-2, Revised Charter of the County of Maui (1983), as amended, ("Charter"); and

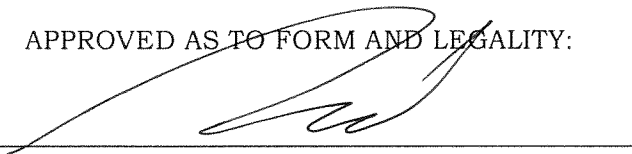
WHEREAS, Section 13-2, Charter, requires the Mayor's nominee to be approved by the Council; and

WHEREAS, Charter Section 13-2(17), requires the Council to approve or disapprove the nomination within sixty days after the Mayor submits the name of the nominee to the Council because of the death, resignation, or removal of a member; now, therefore,

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

1. That it approves the appointment of Jonathan Todd to serve on the Liquor Control Commission for the County of Maui for a term expiring March 31, 2018; and
2. That the Council expresses its gratitude and appreciation to Jonathan Todd 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
2017-0072
2018-01-30 LCC Todd replacing Souza