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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

September 27, 2019

Director of Council Services  
Traci N. T. Fujita, Esq.

RECEIVED

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OFFICE OF THE  
COUNTY CLERK

Mr. Josiah K. Nishita, County Clerk  
Office of the County Clerk  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Nishita:

**SUBJECT: ADVISORY COMMITTEES (PAF 19-291)**

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION," be placed on the next Council meeting agenda.

Sincerely,

Handwritten signature of Kelly T. King in cursive script.

KELLY T. KING  
Council Chair

paf:wac:19-291d

Attachment

COUNTY COMMUNICATION NO. 19-402

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2019)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 2.28.060, Maui County Code, is amended to read as follows:

**“2.28.060 [Hana advisory committee.] Advisory committees.**

A. Establishment—members.

1. There [is] are established the following: [a]

a. The Hana advisory committee to the Maui planning commission, [which shall consist of seven members appointed by the mayor with the approval of the council. Each member shall be a resident of the Hana district.]

b. The South Maui advisory committee to the Maui planning commission.

2. Each advisory committee consists of seven members.

3. Except for the Hana advisory committee, six members of each advisory committee will be appointed by the councilmember residing in the district, and approved by the council. One member will be an employee of the executive branch, appointed by the mayor, and approved by the council.

4. Except for the Hana advisory committee, a vacancy will be filled in the same manner as the original appointment.

5. For the Hana advisory committee, each vacancy will be filled with the councilmember residing in East Maui making an appointment, subject to council approval, until there are six members who have been appointed by the councilmember. The next vacancy will then be filled by the mayor through appointment of an employee of the executive branch subject to council approval. Any subsequent vacancy will be filled in the same manner as the previous appointment.

B. Member—residency requirement.

1. To be eligible for appointment as a member of [the Hana] an advisory committee, a person [shall] must be a resident of the [Hana] district for a period of at least ninety consecutive days immediately preceding the person's appointment. [by the mayor.]

2. For the purposes of this section, the “district” [shall be delimited by section 4-1 of the Hawaii Revised Statutes.] refers to the relevant residency areas described in section 3-1 of the revised charter of the County of Maui (1983), as amended.

3. If [a] an advisory committee member ceases to be a resident of the [Hana] district, the committee member [shall] immediately [forfeit] forfeits the office and the office [shall thereupon be deemed] becomes vacant.

4. An advisory committee member appointed by the mayor immediately forfeits the office when no longer employed by the executive branch and the office becomes vacant.

C. Terms and operation.

The following subsections of section 13-2 of the revised charter of the County of Maui (1983), as amended, [shall apply] apply to [the Hana] each advisory committee: (subsections 2, and 4-15). [in the same manner as said provisions apply to boards and commissions recognized by the revised charter of the County of Maui (1983), as amended.]

D. Powers, duties, and functions.

1. [The Hana] Each advisory committee [shall advise] advises the Maui planning commission on matters within its jurisdiction. Each advisory committee will review and provide a recommendation on all , changes in zoning and any amendment to Title 19 of this Code, conditional permits, general plan amendments, County special use permits, bed and breakfast permits, short term rental housing permits, and all such items within title 19 of this Code over which the planning commission has authority, and [shall carry] carries out [such] duties [as may be] delegated to it by the Maui planning commission.

2. The advisory committees must return their recommendations to the planning commission within ninety days from the first meeting held to review an application or proposed ordinance. Failure to comply will result in no recommendation to the Maui planning commission.

3. Each advisory committee may adopt administrative rules pursuant to Hawaii Revised Statutes Chapter 91.”

SECTION 2. Section 2.28.070, Maui County Code, is amended to read as

follows:

**“2.28.070 Planning commission and advisory committee membership requirements.** At least one member of each planning commission and [Hana] advisory committee [shall] must have demonstrated expertise in native Hawaiian traditional and customary practices, as evidenced by one or more of the following credentials:

1. A college degree in a relevant field, such as Hawaiian studies, native Hawaiian law, native Hawaiian traditional and customary practices, including traditional environmental practices, or related subject area.

2. Work history that demonstrates an appropriate level of knowledge in native Hawaiian traditional and customary practices, including traditional environmental practices.

3. Substantial experience as a native Hawaiian traditional and customary practitioner.”

SECTION 3. Section 2.28.080, Maui County Code, is amended to read as follows:

**“2.28.080 Planning commission and advisory committee training requirements.** In addition to any other training offered to members, each planning commission member, and [Hana] advisory committee member [shall] must participate in the Native Hawaiian Law Training Course for Boards, Commissions, Councils and Lawmakers, given by the Ka Huli Ao Center for Excellence in Native Hawaiian Law, provided funding for the training is available through the Office of Hawaiian Affairs. Participation [shall] must occur within one year of the member’s term of appointment, unless the planning director approves an appointee’s request for a six-month extension for extenuating circumstances. Remote participation in training, through video and audio connection, [shall] will satisfy this section’s requirements.”

SECTION 4. Chapter 2.40, Maui County Code, is amended by adding a new section to be appropriately inserted and to read as follows:

**“2.40.135 South Maui advisory committee.** There is established a South Maui advisory committee as provided by law.”

SECTION 5. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This ordinance takes effect upon its approval, provided that this ordinance shall not apply to applications deemed complete or proposed ordinances that have been transmitted to the Maui Planning Commission prior to the effective date of this ordinance, and provided further that the provisions related to the South Maui advisory committee shall not become effective until a quorum of the members of the South Maui advisory are appointed.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:wac:19-291a