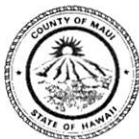


Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



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

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

February 11, 2021

RECEIVED  
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OFFICE OF THE  
COUNTY CLERK

The Honorable Alice L. Lee  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Lee:

**SUBJECT: AUTHORITY FOR COASTAL ZONE MANAGEMENT  
ACT, INCLUDING SMA PERMITS AND RULES  
(PAF 21-039)**

May I request the attached proposed resolution, entitled "REFERRING TO THE CHARTER COMMISSION A PROPOSED AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO GIVE THE COUNCIL AUTHORITY OVER THE COASTAL ZONE MANAGEMENT ACT, INCLUDING SPECIAL MANAGEMENT AREA RULES AND PERMITS," be placed on the next Council meeting agenda.

Sincerely,

Handwritten signature of Kelly Takaya King in cursive.

KELLY TAKAYA KING  
Councilmember

paf:dmr:21-039a

Enclosure

COUNTY COMMUNICATION NO. 21-120

# Resolution

No. \_\_\_\_\_

REFERRING TO THE CHARTER COMMISSION A  
PROPOSED AMENDMENT TO THE REVISED  
CHARTER OF THE COUNTY OF MAUI (1983),  
AS AMENDED, TO GIVE THE COUNCIL  
AUTHORITY OVER THE COASTAL ZONE  
MANAGEMENT ACT, INCLUDING SPECIAL  
MANAGEMENT AREA RULES AND PERMITS

WHEREAS, the Revised Charter of the County of Maui (1983), as amended (“Charter”), designates each Planning Commission as “the authority in all matters relating to the Coastal Zone Management law,” including Special Management Area rules and permits; and

WHEREAS, for the Island of Oahu, the City Council is the authority Special Management Area rules and permits and other aspects of the Coastal Zone Management Act; and

WHEREAS, considering the crises of sea-level rise and coastal development and pollution, the 2021-22 Charter Commission may wish to consider a Charter amendment that would transfer authority for the Coastal Zone Management law to the County’s elected policy-making body, the County Council; and

WHEREAS, the Charter amendment would delete the following bracketed language Charter Section 8-8.4, listing Planning Commission authority, add the following underscored language to Charter Section 3-6, listing County Council authority

**Section 8-8.4. Planning Commissions.** Each planning commission shall consist of nine members appointed by the mayor with the approval of the council. The members of each planning commission shall be residents of the island of the planning commission on which the member serves. The director of the department of public works and environmental management and the director of the department of water supply shall be non-voting ex-officio members of each commission. Each planning commission shall exercise its powers, duties, and functions as follows:

**Resolution No. \_\_\_\_\_**

1. The Maui planning commission shall be concerned with the area encompassing the islands of Maui and Kaho`olawe and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

2. The Moloka`i planning commission shall be concerned with the area encompassing the island of Moloka`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, except that portion of the island known as Kalaupapa, Kalawao, and Waikolu and commonly known and designated as the Kalaupapa Settlement.

3. The Lāna`i planning commission shall be concerned with the area encompassing the island of Lāna`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

The appropriate planning commission shall:

1. Advise the mayor, council, and the planning director in matters concerning planning programs.

2. Review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for consideration and action no later than one hundred eighty (180) days after the final public hearing.

3. Review other proposed land use ordinances and amendments thereto prepared by the director or the council and, after public hearings, transmit such ordinances with its findings and recommendations thereon to the council for consideration and action no later than one hundred twenty (120) days after the final public hearing.

[4. Act as the authority in all matters relating to the Coastal Zone Management law.]

[5.] 4. Adopt rules pursuant to land use ordinances or law.

[6.] 5. Have such other powers and duties as may be provided by law

**Resolution No. \_\_\_\_\_**

\* \* \*

**Section 3-6. Powers of Council.** The council shall be the legislative body of the county. Without limitation of the foregoing grant or of other powers given it by this charter, the council shall have the power:

1. To legislate taxes, rates, fees, assessments, and special assessments and to borrow money, subject to the limitations provided by law and this charter.

2. To legislate appropriations for county purposes subject to the limitations provided by this charter.

3. To conduct investigations of (a) the operation of any department or function of the county and (b) any subject upon which the council may legislate.

4. To fix the salaries of such employees and officers as may be necessary.

5. To require periodic and special reports from all county departments concerning their functions and operations. Such reports shall be requested and submitted by and through the mayor.

6. To retain, employ, or designate, by a vote of two-thirds of its entire membership, special counsel as legal representative for any special matter presenting a real necessity for such employment. Any such employment shall specify the compensation, if any, to be paid for said services.

7. To designate attorneys within the office of council services to serve as legal advisors.

8. To be the authority in all matters relating to the Coastal Zone Management law.;

WHEREAS, the Charter Commission takes office March 1, 2021, now, therefore,

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

1. That it refers to the Charter Commission a proposed amendment to the Revised Charter of the County of Maui (1983), as amended, to give the Council authority over the Coastal Zone Management Act, including Special Management Area rules and permits; and

**Resolution No. \_\_\_\_\_**

2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Planning Director, and the Charter Commission.

paf:dmr:21-039b