


June 20, 2016

MEMO TO: Michael P. Victorino, Chair  
Policy and Intergovernmental Affairs Committee

F R O M: Elle Cochran   
Councilmember

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO PROPOSED CHARTER AMENDMENTS (DESIGNATING PLANNING COMMISSION SEATS FOR LEADERS OF HAWAIIAN CULTURAL AND ENVIRONMENTAL PROTECTION GROUPS)** (PIA-10(11))

The attached legislative proposal pertains to Item 10(11) on your Committee's agenda.

paf:kcw:16-064f

Attachment

OFFICE OF THE  
COUNTY CLERK

JUN 20 2016 PM 5:19

RECEIVED

# Resolution

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

PROPOSING AN AMENDMENT TO THE  
REVISED CHARTER OF THE COUNTY OF MAUI  
(1983), AS AMENDED, RELATING TO  
MEMBERSHIP QUALIFICATIONS OF THE  
PLANNING COMMISSIONS

WHEREAS, the Lāna`i, Maui, and Moloka`i Planning Commissions play significant roles in shaping the future of Maui County’s environmental, cultural, economic, and social structure by advising policymakers on some land use matters and serving as the County’s final decisionmaker on other land use matters; and

WHEREAS, Maui County’s primary core principle as stated in the General Plan is as follows: “Excellence in the stewardship of the natural environment and cultural resources[.]”; and

WHEREAS, the General Plan establishes the following objective: “Perpetuate the Hawaiian culture as a vital force in the lives of residents[.]”; and

WHEREAS, the General Plan also establishes the following policy: “Utilize land-conservation tools to ensure the permanence of valued open spaces[.]”; and

WHEREAS, it is therefore important for the Planning Commissions to include members with an exhibited interest in and commitment to Hawaiian cultural preservation and environmental protection; and

WHEREAS, officers of registered nonprofit organizations that promote Hawaiian cultural preservation and environmental protection are leaders who are well-suited to serve on the Planning Commissions; now, therefore,

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

1. That, pursuant to Section 14-1(1) of the Revised Charter of the County of Maui (1983), as amended, it hereby proposes that Section

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8-8.4 of the Charter, pertaining to the Planning Commissions, be amended to read as follows:

**“Section 8-8.4. Planning Commissions.** 1. 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.

2. Each planning commission shall have at least one member of the commission with a background in conservation and natural resources, as set forth in the Maui County Code.

3. Each planning commission shall have at least one member of the commission, other than the member described by paragraph 2 of this section, having demonstrated expertise in native Hawaiian traditional and customary practices, as set forth in the Maui County Code.

4. 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.

5. Each planning commission member shall participate in a Native Hawaiian law training course, as set forth in the Maui County Code, provided funding for the training is available through the Office of Hawaiian Affairs.

6. Each planning commission shall exercise its powers, duties, and functions as follows:

[1] a. 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] b. 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] c. The Lāna`i planning commission shall be concerned with the area encompassing the island of Lāna`i

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and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

7. The appropriate planning commission shall:

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

[2] b. 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] c. 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] d. Act as the authority in all matters relating to the Coastal Zone Management law.

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

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

2. That material to be repealed is bracketed and new material is underscored;

3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election;

4. That, pursuant to Section 14-2(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

Shall the Charter be amended to add qualifications for two members of each planning commission and training requirements for all new planning commission members, as defined in the Maui County Code?;

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5. That, pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendment in a newspaper of general circulation;

6. That, pursuant to Section 14-2(3), upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

7. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, and the County Clerk.

APPROVED AS TO FORM AND LEGALITY

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Deputy Corporation Counsel  
County of Maui

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