

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



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

February 12, 2021

Director of Council Services  
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2021 FEB 12 AM 9:27

OFFICE OF THE  
COUNTY CLERK

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

Dear Chair Lee:

**SUBJECT: ADVISORY COMMITTEES TO THE MAUI PLANNING  
COMMISSION (PAF 21-041)**

May I request the following be placed on the next Council meeting agenda:

- County Communication 19-402, transmitting a 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"
- A revised 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."

Sincerely,

*Kelly T. King*

KELLY TAKAYA KING  
Councilmember

paf:dmr:21-041a

Enclosures

COUNTY COMMUNICATION NO. 21-125

Council Chair  
Kelly T. King

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Riki Hokama  
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Michael J. Molina  
Tamara Paltin  
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September 27, 2019

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

RECEIVED

2019 SEP 27 PM 12:06

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,

A handwritten signature in cursive script that reads "Kelly T. King".

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

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

BILL NO. \_\_\_\_\_ (2021)

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. Chapter 2.28, Maui County Code, is amended by adding a new section to read as:

**“2.28.050 Advisory committees to the Maui planning commission.** a. The following are established:

1. The Hana advisory committee to the Maui planning commission.

2. The Kihei-Makena advisory committee to the Maui planning commission.

3. The Paia-Haiku advisory committee to the Maui planning commission.

b. To be eligible for appointment as a member of an advisory committee, a person must be a resident of the relevant community plan area for a period of at least twelve months immediately preceding the person's appointment.

c. Each advisory committee consists of seven members. Two members are appointed by the mayor, and five members are appointed by the council by resolution.

d. If an advisory committee member ceases to be a resident of the relevant community plan area, the committee member immediately forfeits the office, and the office becomes vacant.

e. A vacancy must be filled in the same manner as the original appointment. The process to fill a vacancy may be initiated once the mayor, the council, or advisory committee chair becomes aware of a vacancy, but the vacancy may not be filled until:

1. The member has moved out of the community plan area;

2. The member has provided the mayor, council, or advisory committee chair a resignation letter;

3. The member's term has expired; or

4. The member is deceased.

f. The following subsections of section 13-2 of the revised charter of the County of Maui (1983), as amended, apply to each advisory committee: subsections 2 and 4-15.

g. The terms of committee members are five years, except initial terms must be staggered, with four members receiving five-year terms and three members receiving three-year terms, as selected by lot. A member receiving an initial three-year term may seek reappointment to a five-year term.

h. Each advisory committee is authorized to:

1. Provide recommendations to the Maui planning commission, upon request, on matters within its community plan area.

2. Hold public hearings, on the Maui planning commission's behalf or on its own behalf, on matters that pertain to its community plan area.

3. Carry out such duties as provided by law or as may be delegated to it by the Maui planning commission.

4. Adopt administrative rules.

i. When requested to review a matter by the Maui planning commission, an advisory committee must provide recommendations to the planning commission within ninety days from the first meeting held to review the matter. If additional time is required because of extenuating circumstances, the advisory committee must notify the Maui planning commission, which may extend the due date. Each recommendation must be read aloud during the Maui planning commission's review of the matter. Each recommendation by the advisory committee must be adopted by the Maui planning commission unless an affirmative vote of two thirds majority of members on the planning commission overrides the recommendation.

j. Each advisory committee must meet as needed, with meetings scheduled in the evenings or weekends, unless extenuating circumstances require meeting at other times, within its respective community plan areas."

SECTION 2. Section 2.28.080, Maui County Code, is amended to read as follows:

**"2.28.080 Planning commission and advisory committee training requirements.** 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] twelve-month extension for extenuating circumstances. Remote participation in training, through video and audio connection, [shall] will satisfy this section's requirements."

SECTION 3. Chapter 2.40, Maui County Code, is amended by adding a new section to be appropriately inserted and to read as follows:

**"2.40.131 Kihei-Makena advisory committee. There is established a Kihei-Makena advisory committee as provided by law."**

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

**"2.40.132 Paia-Haiku advisory committee. There is established a Paia-Haiku advisory committee as provided by law."**

SECTION 5. Section 2.28.060, Maui County Code, is repealed:

**"[Section 2.28.060 Hana advisory committee. A. Establishment—members. There is established a 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. Member—residency requirement. To be eligible for appointment as a member of the Hana advisory committee, a person shall 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. For the purposes of this section, the Hana district shall be delimited by section 4-1 of the Hawaii Revised Statutes. If a committee member ceases to be a resident of the Hana district, the committee member shall immediately forfeit office and the office shall thereupon be deemed vacant.**

**C. Terms and operation. Section 13-2 of the revised charter of the County of Maui (1983), as amended, shall apply to the Hana advisory committee 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. The Hana advisory committee shall advise the Maui planning commission on matters**

within its jurisdiction and shall carry out such duties as may be delegated to it by the Maui planning commission.]”

SECTION 6. New material is underscored, and bracketed material is deleted. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This Ordinance takes effect upon its approval, except: (a) it does not apply to applications deemed complete or proposed ordinances that have been transmitted to the Maui Planning Commission prior to this Ordinance’s effective date; and (b) its provisions related to the Kihei-Makena Advisory Committee and the Paia-Haiku Advisory Committee are not effective for each body until a quorum of members has been appointed.

paf:dmr:21-041f