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

RECEIVED

2019 JUL 30 PM 12:13

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

OFFICE OF THE
COUNTY CLERK

July 30, 2019

The Honorable Kelly T. King
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair King:

SUBJECT: PAIA-HAIKU ADVISORY COMMITTEE

May I request the attached proposed resolution, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL AMENDING CHAPTER 2.28, MAUI COUNTY CODE, BY AMENDING SECTIONS 2.28.070 AND 2.28.080, RELATING TO PLANNING COMMISSIONS AND ADVISORY COMMITTEES, AND CREATING NEW SECTIONS 2.28.090 AND 2.40.240 ESTABLISHING THE PAIA-HAIKU ADVISORY COMMITTEE," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Molina".

MICHAEL J. MOLINA
Councilmember

CM:MHP:leg_drafting_paia_haiku_adv_com_trans_doc_council:grs

Enclosure

cc: Lucienne de Naie, President, Haiku Community Association
Dick Mayer
Francine Aarona

COUNTY COMMUNICATION NO. 19-401

Resolution

No. _____

REFERRING TO THE MAUI PLANNING COMMISSION A
PROPOSED BILL AMENDING CHAPTER 2.28, MAUI COUNTY CODE,
BY AMENDING SECTIONS 2.28.070 AND 2.28.080, RELATING TO
PLANNING COMMISSIONS AND ADVISORY COMMITTEES, AND
CREATING NEW SECTIONS 2.28.090 AND 2.40.240
ESTABLISHING THE PAIA-HAIKU ADVISORY COMMITTEE

WHEREAS, the Council is considering a proposed bill to create a Paia-Haiku Advisory Committee to provide recommendations to the Maui Planning Commission on matters within the Paia-Haiku Community Plan area; and

WHEREAS, both the Paia and Haiku communities have reviewed the proposed bill creating the Paia-Haiku Advisory Committee and have offered recommendations and provided support for the creation of the advisory committee; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and amendments; however, even though this proposed bill does not propose land use revisions, it is the desire of the Council to have the Maui Planning Commission fully vet this matter and provide its findings and recommendations to the Council; now, therefore,


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

1. That it hereby refers the proposed bill, entitled " A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, BY AMENDING SECTIONS 2.28.070 AND 2.28.080, RELATING TO PLANNING COMMISSIONS AND ADVISORY COMMITTEES AND CREATING NEW SECTIONS 2.28.090 AND 2.40.240 ESTABLISHING THE PAIA-HAIKU ADVISORY COMMITTEE," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission for appropriate action; and

Resolution No. _____

2. That it respectfully requests the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Maui Planning Commission, the Paia Town Association and the Haiku Community Association.

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui
2019-1121
2019-06-26 Reso Paia-Haiku Advisory Committee

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, BY AMENDING SECTIONS 2.28.070 AND 2.28.080, RELATING TO PLANNING COMMISSIONS AND ADVISORY COMMITTEES AND CREATING NEW SECTIONS 2.28.090 AND 2.40.240 ESTABLISHING THE PAIA-HAIKU ADVISORY COMMITTEE

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

SECTION 1. 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, Paia-Haiku and Hana advisory committee shall 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 2. 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, Paia-Haiku and Hana advisory committee member shall 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 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 satisfy this section's requirements

SECTION 3. Chapter 2.28, Maui County Code, is amended by adding a new section to be appropriately inserted and to read as follows:

2.28.090 Paia-Haiku Advisory Committee. A. Establishment—members. There is established a Paia-Haiku 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 Paia-Haiku district.

B. Member—residency requirement.

1. To be eligible for appointment as a member of the Paia-Haiku advisory committee, a person shall be a resident of the Paia-Haiku district area 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 Paia-Haiku district shall be consistent with the boundaries defined in the Paia-Haiku Community Plan.
3. If a committee member ceases to be a resident of the Paia-Haiku district, the committee member shall immediately forfeit office and the office shall thereupon be deemed vacant.
4. Should a vacancy occur the mayor shall recommend an appointment to the Council for confirmation.
5. Membership composition shall be consistent with provision in section 2.28.070 of this code.

C. Terms and operation.

1. Section 13-2 of the revised charter of the County of Maui (1983), as amended, shall apply to the Paia-Haiku 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.
2. The terms of committee members shall be five years, however, initially terms shall be staggered with four members receiving five-year terms and three members receiving three-year terms.

D. Powers, duties, and functions.

1. The Paia-Haiku advisory committee shall advise the Maui planning commission on matters including: special management area major permits, change in zoning, conditional permits, community plan amendments, State Land Use Commission Special Permit, County Special Use Permits, agricultural subdivisions, bed and breakfast permits and short term rental housing permits and shall carry out such duties as may be delegated to it by the Maui planning commission within the Paia-Haiku Community Plan area.
2. The committee shall return their recommendation to the planning commission within 90 days of receipt of the application. Failure to

comply will result in no recommendation to the planning commission.

3. Testimony will be accepted at meetings; summary minutes will be completed with motions, votes and recommendations duly recorded.

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

Section 2.40.240 Paia-Haiku Advisory Committee.

There is established a Paia-Haiku 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 shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:

Department of the Corporation
Counsel
County of Maui