

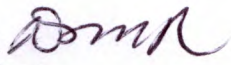
May 26, 2016

OFFICE OF THE
COUNTY COUNCIL

2016 MAY 26 PM 2:01

RECEIVED

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
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:16-064d

Attachment

Resolution

No. _____

RELATING TO
MEMBERSHIP

QUALIFICATIONS
OF THE

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, ~~TO DESIGNATE~~
PLANNING COMMISSION ~~SEATS FOR LEADERS~~
~~OF HAWAIIAN CULTURAL AND~~
~~ENVIRONMENTAL PROTECTION GROUPS.~~

WHEREAS, the Lānaʻi, Maui, and Molokaʻi 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

Resolution No. _____

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

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. ~~Each planning commission shall include at least one member who is an officer of a domestic nonprofit corporation, registered with the State of Hawai'i, that has the purpose of preserving, perpetuating, celebrating, researching or studying the Hawaiian culture or Hawaiian cultural resources or practices. In addition, each planning commission shall include at least one member who is an officer of a domestic nonprofit corporation, registered with the State of Hawai'i, that has the purpose of promoting the protection, conservation, preservation, or stewardship of environmental or natural resources.~~ 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:

a 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.

b 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.

c 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.

d 4. The appropriate planning commission shall:

5. Each planning commission member shall participate in a native Hawaiian law training course and report in writing their participation to the council within one year of the member's appointment.

Exhibit 1

Resolution No. _____

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

b 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.

c 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.

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

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

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

2. That new material is underscored; ~~and~~

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

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 designate planning commission ~~seats for leaders of Hawaiian cultural and environmental protection groups?~~; and

add qualifications and training for

members

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; and

6. That, pursuant to Section 14-2(3), upon approval by the majority of the voters voting on the proposed amendment and upon

Resolution No. _____

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 and the County Clerk.

APPROVED AS TO FORM AND LEGALITY

Deputy Corporation Counsel
County of Maui

Kew
pa:gg:16-064a
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Exhibit 1

2. Each planning commission shall have at least one member of the commission with a background in conservation and natural resources, as evidenced by:

a. A college degree in a relevant field, including forestry, wildlife conservation, geology, environmental science, or marine biology; or

b. Work history sufficient, in the discretion of the planning director, to demonstrate an appropriate level of knowledge in the subject of land and natural resources, including parks and recreation, public lands management, natural area reserves, aquatic resources, boating and recreation, forestry and wildlife, water resources management, or conservation and resources.

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 evidenced by:

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

b. Work history that, in the discretion of the planning director, demonstrates knowledge in native Hawaiian traditional and customary practices; or

c. Substantial experience as a native Hawaiian traditional and customary practitioner.