

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING COMMITTEE**

December 15, 2017

**Committee**  
**Report No.** 17-196

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on November 30, 2017, makes reference to County Communication 17-75, from Kelly T. King, Chair, Planning Committee, relating to community plan advisory committees.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.080, MAUI COUNTY CODE, RELATING TO COMMUNITY PLAN ADVISORY COMMITTEES," approved as to form and legality.

The purpose of the proposed bill is to establish criteria and procedures for the selection, appointment, and removal of community plan advisory committee ("CPAC") members.

Your Committee notes the Revised Charter of the County of Maui (1983), as amended ("Charter") and the Maui County Code ("MCC") provide that the Council shall appoint nine members of the advisory committee, referred to in the Charter as a citizen advisory committee and in the MCC as a community plan advisory committee. However, except for a residency requirement in the MCC, there is no specific guidance on how members are selected to serve on CPACs.

Your Committee corrected a general misunderstanding about each Councilmember appointing one member of a CPAC, and clarified the body appoints all nine.

Your Committee received public testimony in favor of the ideals of striving for member diversity and balance of age, gender, background, profession, heritage, experience, and ideology in CPAC appointments.

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Your Committee deleted the word "vision" from the list of member characteristics in the proposed bill because the CPAC's vision should come from the General Plan and Countywide Policy Plan, not from individual members.

With respect to the proposal that language be added to Section 2.80B.080(C), MCC, to require the Council and the Mayor to give priority to people who have a strong connection to all parts of the corresponding community plan area, a Deputy Corporation Counsel advised your Committee that CPAC members must already be residents of the corresponding community plan area. Your Committee reconciled the language by reasoning that the existing residency requirement is a minimum, while those applicants who have a strong connection to all parts of the corresponding community plan area shall receive priority consideration.

The Department of Planning informed your Committee of the challenges that occur when CPAC members are absent from meetings. Your Committee debated whether to add alternate members to the process to allow the CPAC to continue business if members are absent.

The Deputy said both the Urban Design Review Board and Public Works Commission have alternate members because they have specific membership requirements. However, they are both creatures of the MCC, while the advisory committees are created by the Charter. The Deputy advised your Committee a Charter amendment would be required to incorporate alternate members on CPACs. Your Committee, therefore, declined to pursue the possibility of alternate members.

Instead, your Committee discussed the proposal to authorize CPACs to recommend removal of any committee member who has three absences. Your Committee expressed concern about members who may miss meetings for legitimate reasons. Your Committee added the word "unexcused" before absences to allow CPAC members to miss meetings for legitimate reasons. Your Committee also added language authorizing CPACs to adopt administrative rules pursuant to Chapter 91, Hawaii

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Revised Statutes, to give a CPAC the ability to set forth procedures for its own governance.

The Department of Planning also informed your Committee of possible challenges that may arise with disruptive members. Although there have not been any disruptive CPAC members in the past, the Department said there have been disruptive members on other boards and commissions. Your Committee discussed the possibility of adding "removal for cause" to the proposed bill, but decided against the revision.

Your Committee voted 4-0 to recommend passage of the revised proposed bill incorporating your Committee's revisions and filing of the communication. Committee Chair King, Vice-Chair Sugimura, and members Cochran and Guzman voted "aye." Committee members Crivello, Hokama, and White were excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Planning Committee RECOMMENDS the following:

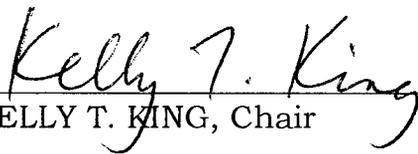
1. That Bill 114 (2017), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.080, MAUI COUNTY CODE, RELATING TO COMMUNITY PLAN ADVISORY COMMITTEES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-75 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
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KELLY T. KING, Chair

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

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.080,  
MAUI COUNTY CODE, RELATING TO  
COMMUNITY PLAN ADVISORY COMMITTEES

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

SECTION 1. Section 2.80B.080, Maui County Code, is amended by  
amending subsection C to read as follows:

“C. Each community plan advisory committee shall be composed of thirteen members, nine appointed by the council and four by the mayor. In making such appointments, the council and the mayor shall strive for diversity and balance of age, gender, background, profession, heritage, experience, and ideology on each committee. The council and the mayor shall give priority to people who have a strong connection to all parts of the corresponding community plan area and have expressed a strong commitment to participate in and attend all committee meetings. Prior or current service as a member of a general plan advisory committee shall not disqualify an individual from serving on a community plan advisory committee. Each community plan advisory committee is charged with reviewing and recommending revisions to the community plan for its community plan area. The mayor and council shall appoint the members of each community plan advisory committee in accordance with the timing established in subsection A[.] and the following procedure:

1. The department of planning shall submit to the council a request to initiate the establishment of a community plan advisory committee, including the requested deadline for appointment of the members.

2. The council shall establish a community plan advisory committee information sheet, application, and nominee contact information form.

3. The council shall issue a press release seeking applications for a community plan advisory committee by a requested deadline.

4. The council may extend the deadline for applications in the event it does not receive a sufficient number of qualified applicants.

5. The council shall appoint nine community plan advisory committee members by resolution.”

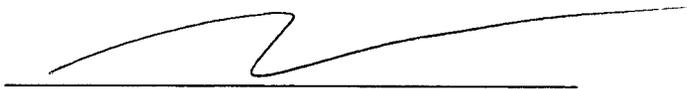
SECTION 2. Section 2.80B.080, Maui County Code, is amended by amending subsection D to read as follows:

“D. Each community plan advisory committee shall select a chair and vice-chair[.], and may recommend to the mayor, for the mayor’s appointee, or the council, for the council’s appointee, the removal of any committee member who has three unexcused absences from scheduled meetings. The committee may adopt administrative rules pursuant to Chapter 91, Hawaii Revised Statutes. The planning director shall be responsible for providing staff to support the work of the community plan advisory committees, which shall include department staff and, at the planning director's discretion, outside consultant services. Each community plan advisory committee shall hold at least seven public workshops at times and locations convenient to the general public to allow public participation in the process. The public workshops shall be facilitated by a qualified professional and shall include one or more table-top exercises where the public will be invited to provide input using maps and other devices.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:



MICHAEL J. HOPPER  
Department of the Corporation  
Counsel  
County of Maui

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