

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

July 24, 2020

**Committee**  
**Report No. \_\_\_\_\_**

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on June 23, 2020, and June 30, 2020 (reconvene), makes reference to County Communication 19-28, from Council Chair Kelly T. King, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated June 9, 2020, Council Vice-Chair Keani N.W. Rawlins-Fernandez transmitted a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW THE COUNCIL TO APPOINT SEVEN MEMBERS OF THE PLANNING COMMISSIONS."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Section 8-8 of the Charter should be amended, effective January 2, 2021, to establish that of the nine members of the Maui, Molokai, and Lanai planning commissions, seven members of each planning commission must be appointed by the Council and the remaining two members of each planning commission must be appointed by the Mayor.

Your Committee notes Article 14 of the Charter sets procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

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Your Committee discussed the intent of the proposal is to model the process used to select the 13 members for the community plan advisory committees under Section 2.80B.080, Maui County Code. In that process, nine of the members are selected by the Council, and the remaining four members are selected by the Mayor.

Your Committee further discussed that a new selection process is needed to change the current composition of the planning commissions to one fostering members with experience, expertise, and new ideas.

Your Committee said the change would help to address challenges the Administration has had with recruiting individuals for County boards, possibly resulting in a larger pool of qualified candidates.

Your Committee acknowledged the Administration has worked collaboratively with the Council to identify qualified individuals for various County boards. The new selection process would ensure that this collaboration continues.

Your Committee discussed the possibility of having an even number of board members on planning commissions, with the Council and the Mayor each appointing an equal number of members.

Because Maui County consists of three populated islands each with unique challenges, your Committee also discussed the possibility of having a different number of members per each island's planning commission.

Your Committee discussed the need for checks and balances that the current appointment process provides.

The Deputy Corporation Counsel said changes to the selection process may also affect Charter Section 13-2(5) relating to members removed for cause because members would be appointed by both the Mayor and the Council.

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Your Committee discussed amending the proposal to enable the Council to appoint five of the nine members, with the Mayor appointing the remaining four members to achieve a more equitable balance of members from the executive and legislative branches.

A motion to recommend passage of a revised proposed resolution on first reading failed with your Committee voting 4-5. Committee Vice-Chair Rawlins-Fernandez and members King, Paltin, and Sinenci voted "aye." Committee Chair Molina and members Hokama, Kama, Lee, and Sugimura voted "no."

Your Committee agreed the Charter proposal is worthy of consideration but requires further discussion and should be considered by the 2021-2022 Charter Commission.

Your Committee voted 5-4 to recommend referral of the proposed resolution to the Charter Commission. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members King, Paltin, and Sinenci voted "aye." Committee members Hokama, Kama, Lee, and Sugimura voted "no."

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** that the attached proposed resolution, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW THE COUNCIL TO APPOINT SEVEN MEMBERS OF THE PLANNING COMMISSIONS," be **REFERRED** to the Council Chair for the next Council term, for transmittal to the next Charter Commission.

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

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

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# Resolution

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

PROPOSING AN AMENDMENT TO THE  
REVISED CHARTER OF THE COUNTY OF MAUI  
(1983), AS AMENDED, TO ALLOW THE  
COUNCIL TO APPOINT SEVEN MEMBERS OF  
THE PLANNING COMMISSIONS

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

1. That in accordance with Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Section 8-8.4 of the Charter, pertaining to 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.] with seven appointed by the council and two appointed by the mayor. The members of each planning commission shall be residents of the island of the planning commission on which the member serves. 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:

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.

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.

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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.

The appropriate planning commission shall:

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

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.

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.

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

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

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

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

3. That, in accordance with Subsection 1 of Section 14-2 of the Charter, this Resolution be submitted to the voters of the County of Maui at the next General Election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election; and

5. That, in accordance with Section 14-1 of the Charter, it proposes that the following question be placed on the next General Election ballot:

**Resolution No. \_\_\_\_\_**

“Shall the Charter be amended to establish that instead of the Mayor appointing with council approval all nine members of the Lanai, Maui, and Molokai planning commissions, seven members of each planning commission must be appointed by the Council and the remaining two members of each planning commission must be appointed by the Mayor?”; and

6. That, in accordance with Subsection 2 of Section 14-2 of the Charter, the County Clerk publish the proposed amendment as set forth in this Resolution in its entirety in a newspaper of General circulation; and

7. That, if approved by the majority of the voters voting on the proposed amendment, the amendment proposed by this Resolution will take effect on January 2, 2021; and

8. That certified copies of this Resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

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Department of the Corporation Counsel  
County of Maui

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