

PSLU Committee

From: Scott Shapiro <shapmaui@aol.com>
Sent: Tuesday, January 07, 2020 10:32 PM
To: PSLU Committee
Subject: Testimony PSLU 401 and PSLU 402
Attachments: January 8 2020 testimony.docx

Please see attached.

Mahalo

Scott Shapiro

January 8, 2020 PSLU 401 and PSLU 402

The following testimony compares PSLU-401 (Paia Haiku) with PSLU-402 (South Maui) draft bills for creating advisory committees respectively in Paia-Haiku and South Maui, and gives recommendations for approving an inclusive draft bill.

First, importantly by establishing these district advisory committees, you are creating a community venue for residents to speak up, in a more informal setting than planning commission meetings, and have their voices heard in their own community. In the case of South Maui, meetings are held in the evening, which are more easily attended, without having to take time off of work.

Current Maui County Codes for the Hana Advisory Committee (HAC) are the following:

2.28.60 Hana Advisory Committee (membership, terms , powers) , 2.28.070 Planning Commission and Advisory Committee Membership requirements, 2.28.080 Planning Commission and Advisory Committee Training Requirements, and 2.40.130 Establishes Hana Advisory Committee- (but has an incorrect reference to a non-existent section 2.28.100 that should be changed or deleted).

1. Both 401 and 402 draft bills amend 2.28.070, and 2.28.080, they are similar but not exactly the same.

401 adds "Paia- Haiku" after any place Hana is mentioned in both 2.28.070 and 2.28.080. 402 amends both 070 and 080 to create generic advisory committee language. 402 draft I believe is more inclusive, concise, and plans ahead, allowing for any future advisory committee to be created without amending these codes again. The 401 language would need to be amended anytime a future advisory committee is created.

2. Hana Advisory Committee is established in 2.40.130. 401 creates a new code, 2.40.240 to establish Paia-Haiku, and 402 creates 2.40.135 to establish South Maui. It would make more sense to have any new advisory committees sections right after 2.40.130, so 2.40.131 could be for Paia-Haiku, 2.40.132 for South Maui, 2.40.133 West Maui if needed, 2.40.134 Upcountry if needed, etc..

3. 401 creates a new section 2.28.090 for membership, terms, powers, etc., which essentially uses the same language as the current 2.28.060. If this draft language is used, you would need to create a new section every time a new advisory committee is created.(perhaps 2.28.091 for South Maui, 2.28.092 for West Maui etc...These are large wordy sections, making the code cumbersome. 402 is much more simple in that it uses the existing 2.28.060 and just amends the language, again, making it generic for any advisory committee, same as was done in draft 402 for sections 2.28.070 and 2.28.080.

A big difference in the two approaches is that 401 maintains the current model of the Mayor appointing who is on the committee, with council giving approvals. 402 changes this to have the district council representative appoint six of the seven members, and the mayor chooses one from his executive staff. I think the Mayor should be able to appoint 1 member from either his staff, or someone in the appropriate district. 402 also allows for Hana Adv Comm, moving forward as members terms expire, to have appointments made by Hana council rep, and one by Mayor .

Having the district council rep appoint 6 of the 7 members is a great improved idea, which gives the process more diversity and viewpoints that may differ from the administration appointees. I support this new way PSLU 402 appoints members.

Very important. Both 401 and 402 add language that make them better in my opinion than the existing Hana Advisory codes in that they create language giving the advisory committees certain authority to review items that come before the planning commission. Current code is that the planning commission may choose what it wants to send to the advisory committee. Current practice is that all items related to Hana are seen by the HAC, but that is only by choice of the planning commission. Making it law that certain items have to be seen by the district advisory committee, makes these advisory committees valuable to the community as a resource, and the community becomes a contributor more easily to the process. Without this authority, the advisory committees could be created but doing nothing if the planning commission decided to not send anything to them for review.

All in all 402 is a more inclusive and concise bill, and if approved, moving ahead can adapt to any new advisory committee that may be established by adding just one small sub-section to 2.40.

Thank you,

Scott Shapiro