



Lawrence Carnicelli
Government Affairs Director
2200 Main Street Suite 514
Wailuku, HI 96793
Office: 808-243-8585 Cell: 808-283-6090
E-mail: Lawrence@RAMaui.com

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TESTIMONY

My name is Lawrence Carnicelli speaking on behalf of the Realtors Association of Maui, in **opposition to item PC-06**. The planning commissions are where the rights of private property owners intersect with the public's responsibility to protect public resources. Property owners appearing before these commissions deserve a fair and impartial hearing. Should there be a permanent commissioner position given solely for his or her bias then every action taken would greatly reduce the chances of that fair, unbiased hearing from happening. What is the purpose of this proposal if not to overtly prejudice the commissions?

There has been no justification offered for this proposed action. Actually it looks like this proposal was simply cut and pasted from the state Board of Land Natural Resources without basis or means testing showing any need for it. The BLNR deals primarily with conservation lands and often deals with culturally sensitive issues. Our planning commissions deal mainly with SMA approvals on urban lands that are already zoned, vacation rentals that are already built, and give advisory opinions to the Council. There is nothing overtly cultural about these functions. It should also be pointed out that Maui County already has a full commission dedicated to cultural resources, and other bodies like the Burial Councils, each of which supplies cultural guidance when needed.

RAM does agree that it's proper to have persons with special knowledge of Hawaii's cultural heritage on these commissions. However, it would also be good to have persons with other special knowledge: like historians, architects, engineers, and economists. Do we start to look at gender? Race? Age? Where do we end the list and which special interest group wins a permanent seat? I have been told that a seat on the Maui Planning Commission is the most coveted of all County appointments. Why should one group be given a lock on such appointments? Nothing has happened to justify the need for such a permanent position.

Maui County has an open Board and Commission appointment process that allows anyone to apply for appointment to a Board or Commission. Even though the Mayor appoints, the Council confirms each and every appointment. So this body already is in control of who gets appointed. Should this chamber wish to accept or deny, or "stack the deck" it is up to you.

Last year when this exact very same bill was proposed RAM supported the very nice compromise that was reached and agreed to. The Council agreed that it would be more appropriate for ALL commissioners to have that knowledge and amended the bill to say that each member participate in the Native Hawaiian Law Training Course. Therefore the Commission already has NINE sitting members with such education.

Lastly, RAM opposes this proposal because we already have a housing shortage and a process that is strangled by obstructions and appeal processes. This will just codified another unnecessary roadblock and will negatively affect a property owner's right to a fair and unbiased hearing.