



OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

September 27, 2022

Honorable Michael J. Molina, Chair
Government Relations, Ethics, and Transparency Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Molina:

Respectfully transmitted are copies of the following documents that were referred to your Committee by the Council of the County of Maui at its meeting of September 20, 2022:

RESOLUTION:

- No. 22-211 - "AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF HAWAII VS. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, DOCKET NO.: 2022-CW-EO-11"
- No. 22-212 - "AUTHORIZING SETTLEMENT OF CLAIM NO. 4067712 OF PAULINE TIU"

BILL:

- No. 138 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION "

Also transmitted for your convenience are copies of communications received pertaining to Resolution Nos. 22-211 and 22-212.

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. KaoHu".

KATHY L. KAOHU
County Clerk

/jym
Enclosures
cc: Director of Council Services

RECEIVED
2022 SEP 28 AM 10:18
OFFICE OF THE
COUNTY CLERK

ORDINANCE NO. _____

BILL NO. 138 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION

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

SECTION 1. Title 2, Maui County Code, is amended by adding a new chapter, to read as follows:

“Chapter 2.30

TOURISM MANAGEMENT COMMISSION

Sections

- 2.30.010 Definitions.
- 2.30.020 Establishment.
- 2.30.030 Purpose.
- 2.30.040 Terms and operation.
- 2.30.050 Powers, duties, and functions.
- 2.30.060 Meetings.
- 2.30.070 Rules.
- 2.30.080 Requirement for council review.
- 2.30.090 Chief of tourism management.

2.30.010 Definitions. Whenever used in this chapter, unless the context otherwise requires:

“Tourism” means the activity of travelers taking a trip to a main destination outside of their usual environment, for less than a year, for leisure, business, and other personal purpose other than employment or to establish a business in the place visited.

“Commission” means the tourism management commission.

“Member” means a member of the tourism management commission.

2.30.020 Establishment. A. There is established a tourism management commission consisting of eleven members and one ex-officio non-voting member representative from the tourism industry.

B. Nine voting members appointed by the council.

C. Two voting members appointed by the mayor.

D. The voting membership of the commission must include a fulltime resident from each of the following community plan areas: Molokai, Lānaʻi, Hana, West Maui, and South Maui.

E. The commission's voting members must not have a direct financial interest in the tourism industry.

F. The commission must include at least one member with demonstrated expertise in native Hawaiian traditional and customary practices, as defined in section 2.28.070.

G. The commission must include at least one member with a background in conservation, natural resources, or climate change, as defined in section 2.28.070.

H. The commission must annually appoint one ex-officio non-voting member from the tourism industry.

2.30.030 Purpose. The commission is established to protect and promote public health, safety, and welfare of residents and maintain the commitment of aloha 'āina by providing recommendations to the council and administration on funding needs and policy goals that mitigate and manage the negative impacts of tourism, while maximizing its community benefit.

2.30.040 Terms and operation. A. The commission's voting members will serve for staggered terms of three years beginning on April 1 and ending three years later on March 31. Of the eleven voting members initially appointed, the two members appointed by the mayor will serve a term of one year; two members appointed by the council will serve a term of one year; three members appointed by the council will serve a term of two years; and four members appointed by the council will serve a term of three years.

B. Any vacancy during a term must be filled for the unexpired term in the same manner the position was initially filled, by the mayor, council, or commission.

C. The members appointed by the mayor may be removed for cause by the mayor. The members appointed by the council may be removed for cause by the council by

resolution. The ex-officio non-voting member may be removed by majority vote of the commission.

D. Employees and officers of the State or County are eligible to be commission members if the membership does not create a conflict of interest under the code of ethics and section 2.30.020(E).

E. A majority of the entire voting membership of the commission constitutes a quorum to do business, and the affirmative vote of a majority of the entire voting membership of the commission is necessary to take any action.

F. The commission must select a chair and vice-chair from its membership annually.

G. Members must not receive compensation for performance of their duties, but are entitled to be paid for necessary expenses incurred by them and directly related to their service as a commission member. Necessary expenses may be paid in advance as per diem allowances established by ordinance.

H. Except for purposes of making an inquiry and as otherwise provided by law, the commission and its members must not interfere in any way with the administrative affairs of any agency.

I. The office of the mayor must provide all staffing, technical, and clerical services required by the commission.

2.30.050 Powers, duties, and functions. The commission has the following powers, duties, and functions:

A. Appoint and remove the chief of tourism management. The chief of tourism management may be removed by the commission with or without cause.

B. Provide policy recommendations on tourism management, particularly on ensuring a balanced ratio of tourists to residents.

C. Make recommendations in evaluating new and existing programs on tourism management.

D. Make recommendations to promote an economy that is not overly reliant on the tourism industry, and will preserve the community's environmental and historical, cultural, and traditional living initiatives.

E. Receive recommendations from community members on restructuring and improving County administrative systems to better manage areas overburdened by tourism and improve resident quality of life.

F. Provide policy recommendations on community priorities for holistic social, environmental, cultural, and

economic health as a result of the impacts of the tourism industry.

2.30.060 Meetings. A. The commission must meet at least once a month.

B. The council must appoint an interim chair to convene the commission's first meeting. At its first meeting, the commission must vote to appoint the commission chair and vice-chair.

2.30.070 Rules. The commission must adopt the necessary procedural rules that will enable it to conduct its business and carry out its duties and functions.

2.30.080 Requirement for council review. A. The council must review the operation of the commission within eighteen months of its first meeting but no sooner than twelve months after that first meeting.

B. The commission must provide an annual report to the council restricted to the commission's recommendations and the practicality of implementing them. A designated representative of the commission must be available to answer questions from the appropriate standing committee as determined by the council.

2.30.090 Chief of tourism management. A. The chief of tourism management is administratively attached to the office of the mayor and is exempt from civil service.

B. The chief of tourism is responsible for the following:

1. Being the chief officer for tourism management in the County.
2. With the commission, being responsible for the evaluation of new and existing programs on tourism management.
3. Make recommendations to promote an economy that is not overly reliant on the tourism industry, and will preserve the community's environmental and historical, cultural, and traditional living initiatives.
4. Recommending to the mayor and council policies to restructure and improve County administrative systems to better manage areas overburdened by tourism."

SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to be 'RDM', is written above a horizontal line.

Department of the Corporation Counsel
County of Maui

paf:lcm:22-195c
LF2022-1485

INTRODUCED BY:



KEANI N.W. RAWLINS-FERNANDEZ