

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

October 19, 2018

Committee
Report No. _____

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

Chair and Members:

Your Planning Committee, having met on September 6, 2018, and September 20, 2018, makes reference to County Communication 18-109, from Councilmember Kelly T. King, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.80B AND 2.90A, MAUI COUNTY CODE, RELATING TO THE KAHOO LAWE COMMUNITY PLAN."

The purpose of the proposed bill is to remove the requirement of a Kahoolawe Community Plan.

While the geographical limits of the County as set forth in the Revised Charter of the County of Maui (1983), as amended ("Charter"), include the island of Kahoolawe, the general administration of Kahoolawe rests with the Kahoolawe Island Reserve Commission ("KIRC"), including the duty and responsibility to establish criteria, policies, and controls for permissible uses within the island reserve pursuant to §6K-6, Hawaii Revised Statutes ("HRS").

The Department of the Corporation Counsel opined, in a memo dated July 19, 2017, that the County has limited authority with respect to Kahoolawe because the KIRC and State Department of Land and Natural Resources perform the land use functions the County would normally provide. Also, in the case of conflict between the Charter and HRS provisions relating to Kahoolawe land use issues, State law will govern.

Your Committee discussed the historical and cultural significance of Kahoolawe and its connection as part of the County of Maui. Your Committee expressed a sense of stewardship for Kahoolawe and the fact that County officials are part of KIRC. Notwithstanding the County's

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limited jurisdiction of Kahoolawe, your Committee supported the requirement of a Kahoolawe Community Plan in the Maui County Code.

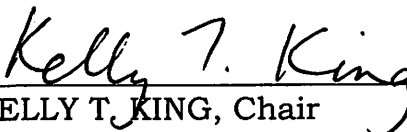
The Federal program, Payment In Lieu of Taxes ("PILT"), was mentioned during your Committee's deliberations. PILT are Federal payments to local governments that help offset losses in property taxes due to non-taxable Federal lands within their boundaries. The law recognizes the inability of local governments to collect property taxes on Federally-owned land can create a financial impact.

The Director of Finance said the County has and does receive PILT payments. However, the Department of Finance's records do not indicate which properties are associated with the PILT payments, so it is unclear whether any of the PILT payments received by the County are for Kahoolawe.

Your Committee voted 7-0 to recommend filing of County Communication 18-109. Committee Chair King, Vice-Chair Sugimura, and members Cochran, Crivello, Guzman, Hokama, and White voted "aye."

Your Planning Committee **RECOMMENDS** that County Communication 18-109 be **FILED**.

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



KELLY T. KING, Chair