

REQUEST FOR LEGAL SERVICES

Date: October 2, 2018
From: Yuki Lei Sugimura
Councilmember

RECEIVED
CORPORATION COUNSEL

2018 OCT -4 AM 8: 03

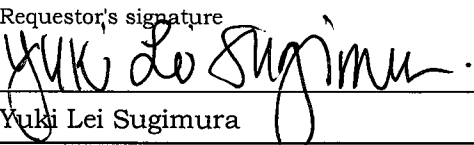
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Esq.

Subject: APPOINTMENT OF COMMUNITY PLAN ADVISORY MEMBERS (PEA-73)

Background Data: Please review the attached proposed bill and if appropriate, approve as to form and legality. Please also include the signed hard copy in your response.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Yuki Lei Sugimura	Contact Person Shelly Espeleta (Telephone Extension: 7134)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☒ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☐ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____


FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2017-0098</u>	BY: _____
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TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

Date 10/5/18

By  _____

DEPARTMENT OF THE CORPORATION COUNSEL

(Rev. 7/03)

pea:ltr:073acc01:ske

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B,
MAUI COUNTY CODE, RELATING TO
COMMUNITY PLAN ADVISORY COMMITTEES

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

SECTION 1. Section 2.80B.020, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Resident” means the same as defined in section 235-1, Hawaii Revised Statutes.”

SECTION 2. Section 2.80B.080, Maui County Code, is amended to read as follows:

“2.80B.080 Community plan advisory committees. A. Each of the County’s nine community plans shall, to the extent practicable, be updated within ten years (decennially) of the respective plan’s adoption. The decision as to the order of updating the nine community plans shall be decided by the council.

B. There shall be a community plan advisory committee for each community plan area set forth in [section] subsection 2.80B.070.B. Except for the community plan advisory committee for the Kahoolawe community plan, each community plan advisory committee shall consist of residents of the corresponding community plan area and shall hold all meetings in the corresponding community plan area.

C. Each community plan advisory committee shall be composed of thirteen members, nine appointed by the council and four by the mayor. In making such appointments, the council and the mayor shall strive for diversity and balance of [age, gender,] background, profession, [heritage,] experience, and ideology on each committee. The council and the mayor shall give priority to [people] residents who have a strong connection to all parts of the corresponding community plan area and have expressed a strong commitment to participate in and attend all committee meetings. Prior or current service as a member of a general plan advisory

committee shall not disqualify an individual from serving on a community plan advisory committee. Each community plan advisory committee is charged with reviewing and recommending revisions to the community plan for its community plan area. The mayor and council shall appoint the members of each community plan advisory committee in accordance with the timing established in subsection A and the following procedure:

1. The department of planning shall submit to the council a request to initiate the establishment of a community plan advisory committee, including the requested deadline for appointment of the members.

2. The council shall establish a community plan advisory committee information sheet, application, and nominee contact information form.

3. The council shall issue a press release seeking applications for a community plan advisory committee by a requested deadline.

4. The council may extend the deadline for applications in the event it does not receive a sufficient number of qualified applicants[.], provided the extension does not impact the deadline for the appointment of members as set forth in subsection 2.80B.080.C.1.

5. The council shall appoint nine community plan advisory committee members by resolution.

D. Each community plan advisory committee shall select a chair and vice-chair, and may recommend to the mayor, for the mayor's appointee, or the council, for the council's appointee, the removal of any committee member who has three unexcused absences from scheduled meetings. Chapter 2.41 of this code and section 13-2 of the revised charter of the County of Maui (1983), as amended, will establish guidelines for the replacement of a committee member, if necessary. The committee may adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes. The planning director shall be responsible for providing staff to support the work of the community plan advisory committees, which shall include department staff and, at the planning director's discretion, outside consultant services. Each community plan advisory committee shall hold at least seven public workshops at times and locations convenient to the general public to allow public participation in the process. The public workshops shall be facilitated by a qualified professional and shall include one or more table-top exercises where the public will be invited to provide input using maps and other devices.

E. Within one hundred eighty days after its first meeting, a community plan advisory committee shall forward its recommended revisions to the planning director. The council may,

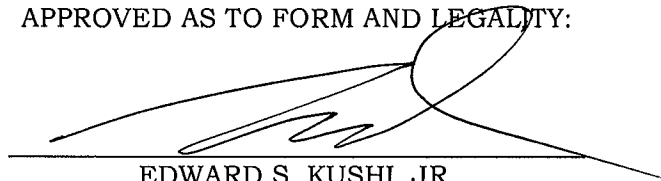
by resolution, extend the time within which the recommended revisions shall be forwarded.

F. Each community plan advisory committee shall remain in existence until enactment of an ordinance adopting the decennial revision to the relevant community plan.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Edward S. Kushi, Jr.', is written over a horizontal line.

EDWARD S. KUSHI, JR.
Department of the Corporation Counsel
County of Maui
2017-0098
PEA-73 2018-10-05 Ordinance