

June 9, 2020

MEMO TO: GET-10 File

F R O M: Keani N.W. Rawlins-Fernandez
Council Vice-Chair

Keani Rawlins-Fernandez

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
PROPOSED CHARTER AMENDMENTS (GET-10)**

The attached legislative proposal pertains to Item 10 on your Committee's agenda.

paf:jbf:20-065c

Attachment

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OFFICE OF THE
COUNTY COUNCIL

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO ALLOW THE
COUNCIL TO APPOINT SEVEN MEMBERS OF
THE PLANNING COMMISSIONS

BE IT RESOLVED by the Council of the County of Maui:

1. That in accordance with Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Section 8-8.4 of the Charter, pertaining to Planning Commissions, be amended to read as follows:

"Section 8-8.4. Planning Commissions. Each planning commission shall consist of nine members [appointed by the mayor with the approval of the council.] with seven appointed by the council and two appointed by the mayor. The members of each planning commission shall be residents of the island of the planning commission on which the member serves. The director of the department of public works and environmental management and the director of the department of water supply shall be non-voting ex-officio members of each commission.

Each planning commission shall exercise its powers, duties, and functions as follows:

1. The Maui planning commission shall be concerned with the area encompassing the islands of Maui and Kaho`olawe and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

2. The Moloka`i planning commission shall be concerned with the area encompassing the island of Moloka`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, except that portion of the island known as Kalaupapa, Kalawao, and Waikolu and commonly known and designated as the Kalaupapa Settlement.

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3. The Lānaʻi planning commission shall be concerned with the area encompassing the island of Lānaʻi and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.

The appropriate planning commission shall:

1. Advise the mayor, council, and the planning director in matters concerning planning programs.

2. Review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for consideration and action no later than one hundred eighty (180) days after the final public hearing.

3. Review other proposed land use ordinances and amendments thereto prepared by the director or the council and, after public hearings, transmit such ordinances with its findings and recommendations thereon to the council for consideration and action no later than one hundred twenty (120) days after the final public hearing.

4. Act as the authority in all matters relating to the Coastal Zone Management law.

5. Adopt rules pursuant to land use ordinances or law.

6. Have such other powers and duties as may be provided by law.”; and

2. That material to be repealed is bracketed, and new material is underscored; and

3. That, in accordance with Subsection 1 of Section 14-2 of the Charter, this Resolution be submitted to the voters of the County of Maui at the next General Election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election; and

5. That, in accordance with Section 14-1 of the Charter, it proposes that the following question be placed on the next General Election ballot:

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“Shall the Charter be amended to establish that instead of the Mayor appointing with council approval all nine members of the Lanai, Maui, and Molokai planning commissions, seven members of each planning commission must be appointed by the Council and the remaining two members of each planning commission must be appointed by the Mayor?”; and

6. That, in accordance with Subsection 2 of Section 14-2 of the Charter, the County Clerk publish the proposed amendment as set forth in this Resolution in its entirety in a newspaper of General circulation; and

7. That, if approved by the majority of the voters voting on the proposed amendment, the amendment proposed by this Resolution will take effect on January 2, 2021; and

8. That certified copies of this Resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

paf:jbf:20-065a