

COUNCIL OF THE COUNTY OF MAUI
CLIMATE ACTION AND RESILIENCE
COMMITTEE

September 25, 2020

Committee
Report No. _____

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

Chair and Members:

Your Climate Action and Resilience Committee, having met on September 14, 2020, makes reference to County Communication 20-418, from Councilmember Kelly Takaya King, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY COMMITTEE MEMBERSHIP REQUIREMENTS.”

The purpose of the proposed bill is to add a requirement that at least one member of each planning commission and the Hana Advisory Committee to the Maui Planning Commission have a background in conservation and natural resources.

Your Committee notes the County Charter charges the Lanai Planning Commission, Maui Planning Commission, and Molokai Planning Commission with advising the Council and other County officials on land-use ordinances and serving as the County’s authority on the Coastal Zone Management Law. Considering this significant responsibility, the planning commissions and the Hana Advisory Committee may benefit from having at least one seat designated for a member with experience or expertise in environmental matters.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND ADVISORY COMMITTEE MEMBERSHIP REQUIREMENTS,” approved as to form and legality.

COUNCIL OF THE COUNTY OF MAUI
CLIMATE ACTION AND RESILIENCE
COMMITTEE

Page 2

Committee
Report No. _____

The revised proposed bill removes “Hana” from the title of the bill, anticipating the Council may create advisory committees for other areas in the future. The bill also adds “climate change” as an area of relevant background for the designated environmental seat.

At its meeting of September 14, 2020, your Committee acknowledged enactment of the bill would help diversify membership on the planning commissions and any advisory committee to a planning commission.

Your Committee notes the revised proposed bill may also help implement the following policy in the Countywide Police Plan: “Encourage a broad cross-section of residents to volunteer on boards and commissions.”

In its deliberations, your Committee referenced Ordinance 4431, effective April 7, 2017, which amended the Maui County Code to require each planning commission and advisory committee to have at least one member with demonstrated expertise in native Hawaiian traditional and customary practices.

Your Committee discussed its intent that a single person could not be counted as satisfying both the requirement for a member with expertise in native Hawaiian traditional and customary practices under Ordinance 4431 and the bill’s proposed requirement for a member with background in conservation, natural resources, or climate change. Your Committee decided to further revise the revised proposed bill to clarify this legislative intent.

Your Committee expressed concern that the revised proposed bill would unduly limit the pool of candidates for the Lanai Planning Commission, noting the County sometimes struggles to fill vacant seats because of the island’s relatively small population. Therefore, your Committee decided to further revise the revised proposed bill to exclude

COUNCIL OF THE COUNTY OF MAUI

CLIMATE ACTION AND RESILIENCE COMMITTEE

Page 3

**Committee
Report No. _____**

the Lanai Planning Commission from the requirement of having a member with background in conservation, natural resources, or climate change.

Your Committee noted the planning commissions and any advisory committees will face increasingly difficult decisions when reviewing Special Management Area permit applications and proposed land-use ordinances because of climate change, sea-level rise, and other environmental challenges and would benefit from having at least one designated member with background in conservation, natural resources, or climate change. Your Committee, therefore, expressed support for the revised proposed bill.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair King, Vice-Chair Sinenci, and members Hokama, Kama, Paltin, and Rawlins-Fernandez voted “aye.” Committee member Lee was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Climate Action and Resilience Committee RECOMMENDS the following:

1. That Bill _____ (2020), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND ADVISORY COMMITTEE MEMBERSHIP REQUIREMENTS,” be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-418 be FILED.

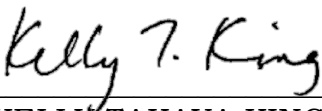
COUNCIL OF THE COUNTY OF MAUI

CLIMATE ACTION AND RESILIENCE COMMITTEE

Page 4

**Committee
Report No.** _____

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



KELLY TAKAYA KING, Chair

car:cr:20028aa:nas/kmat

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY
CODE, RELATING TO PLANNING COMMISSION AND ADVISORY COMMITTEE
MEMBERSHIP REQUIREMENTS

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

SECTION 1. Section 2.28.070, Maui County Code, is amended to read as
follows:

**“2.28.070 Planning commission and advisory committee
membership requirements. A.** At least one member of each
planning commission and [Hana] advisory committee [shall] must
have demonstrated expertise in native Hawaiian traditional and
customary practices, as evidenced by one or more of the following
credentials:

1. A college degree in a relevant field, such as
Hawaiian studies, native Hawaiian law, native Hawaiian
traditional and customary practices, including traditional
environmental practices, or related subject area.

2. Work history that demonstrates an appropriate
level of knowledge in native Hawaiian traditional and
customary practices, including traditional environmental
practices.

3. Substantial experience as a native Hawaiian
traditional and customary practitioner.

B. At least one member of each planning commission,
except the Lanaʻi planning commission, and each advisory
committee must have a background in conservation, natural
resources, or climate change, as evidenced by one or more of the
following credentials:

1. A college degree in a relevant field, including
forestry, wildlife conservation, geology, environmental
science, or marine biology.

2. Work history sufficient to demonstrate an
appropriate level of knowledge in land and natural resources,
including parks and recreation, public lands management,
natural area reserves, aquatic resources, boating and

recreation, forestry and wildlife, water resources management, or conservation and resources.

3. A dedicated leadership position in a nonprofit organization sufficient to demonstrate an appropriate level of knowledge in land and natural resources, including parks and recreation, public lands management, natural area reserves, aquatic resources, boating and recreation, forestry and wildlife, water resources management, or conservation and resources.

C. The member who satisfies subsection A's requirement must not be the member who satisfies subsection B's requirement."

SECTION 2. 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 3. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

car:misc:028abill02