

ORDINANCE NO. 5241

BILL NO. 71 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.28.050 AND 2.28.080,
MAUI COUNTY CODE, RELATING TO ALTERNATES FOR ADVISORY
COMMITTEES TO THE MAUI PLANNING COMMISSION

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

SECTION 1. Section 2.28.050, Maui County Code, as amended as follows:

“2.28.050 Advisory committees to the Maui planning commission. A. The following are established:

1. The Hana advisory committee to the Maui planning commission.
2. The South Maui advisory committee to the Maui planning commission.
3. The Paia-Haiku advisory committee to the Maui planning commission.

B. To be eligible for appointment as a member or alternate of an advisory committee, a person must be a resident of the relevant community plan area for a period of at least twelve consecutive months immediately preceding the person’s appointment.

C. The advisory committees must consist of seven members and up to two alternates; five members and up to two alternates of each advisory committee will be appointed by the council by resolution and two members appointed by the mayor.

D. If an advisory committee member or alternate ceases to be a resident of the relevant community plan area, the committee member or alternate immediately forfeits the office, and the office becomes vacant.

[E. Except for the Hana advisory committee, vacancies will be filled in the same manner as the original appointment.

F. Vacancies for the Hana advisory committee will be filled as follows:

1. Each vacancy will be filled with the council making an appointment, until there are five members who have been appointed by the council.
2. The next two vacancies will then be filled with appointment by the mayor.
3. Any subsequent vacancy will be filled in the same manner as the previous appointment.]

[G.] E. [The process to fill a vacancy may be initiated once the mayor, the council, or advisory committee chair becomes aware of a vacancy, but the vacancy may not be filled until] A mid-term vacancy exists when one of the following occurs:

1. The member or alternate has moved out of the community plan area[;].
2. The member or alternate has provided the mayor, council, or advisory committee chair a resignation letter[;].
- [3. The member's term has expired;]
- [4.] 3. The member or alternate is deceased[; or].
- [5.] 4. The member is removed for failure to attend 50 percent or more of meetings, or is absent from at least 25 percent of meetings within thirty days of the member's last excused or unexcused absence, in accordance with section 2.41.090.

F. Mid-term vacancies in council-appointed seats will be filled by the council, and mid-term vacancies in mayor-appointed seats will be filled by the mayor; except that if an advisory committee has an alternate, the alternate will fill the remainder of the departing member's term; and if an advisory committee has two alternates, the advisory committee's chair will designate an alternate to fill the remainder of the departing member's term.

[H.] G. The following subsections of section 13-2 of the revised charter of the County of Maui (1983), as amended, apply to each advisory committee: subsections 2, 4, and 6-15.

[I.] H. The terms of committee members are five years, except initial terms must be staggered, with four members receiving five-year terms and three members receiving three-year terms, as selected by lot. A member receiving an initial three-year term may seek reappointment to a five-year term. The terms of alternates are three years.

[J.] I. Each advisory committee is authorized to:

1. Provide recommendations to the Maui planning commission on matters within its community plan area.
2. Upon request by the Maui planning commission, hold public hearings, on behalf of the commission, on matters that pertain to its community plan area.
3. Carry out such duties as provided by law or as may be delegated to it by the Maui planning commission.
4. Adopt administrative rules.

[K.] J. When requested to review a matter by the Maui planning commission, an advisory committee must provide recommendations to the planning commission within ninety days from the first meeting held to review the matter. If additional time is required because of extenuating circumstances, the advisory committee must notify the Maui planning commission. Each recommendation must be read aloud during the Maui planning commission's review of the matter.

[L.] K. Each advisory committee must meet as needed, with meetings scheduled when appropriate to maximize community participation.

[M.] L. Each advisory committee must elect a chair and a vice-chair from its members. The vice-chair will act as the presiding officer in the event of the chair's absence or disability. Until the chair is elected, the planning director will preside at the meeting, except that the planning director will not have a vote.

[N.] M. The council must review the operations of [the] each advisory committee within thirty-six months of its first meeting, but no sooner than twelve months after that first meeting."

SECTION 2. Section 2.28.080, Maui County Code, as amended as follows:

"2.28.080 Planning commission and advisory committee training requirements. In addition to any other training offered to members and alternates, each planning commission member and advisory committee member and alternate must participate in the Native Hawaiian Law Training Course for Boards, Commissions, Councils and Lawmakers, given by the Ka Huli Ao Center for Excellence in Native Hawaiian Law, [provided] if funding for the training is available through the Office of Hawaiian Affairs. Participation must occur within one year of the member's or alternate's term of appointment, unless the planning director approves an appointee's request for a twelve-month extension for extenuating circumstances. Remote participation in training, through video and audio connection, will satisfy this section's requirements."

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 takes effect upon its approval, except its provisions related to the South Maui Advisory Committee and the Paia-Haiku Advisory Committee are not effective for each body until a quorum of members has been appointed.

paf:ljcm:21-232c

WE HEREBY CERTIFY that the foregoing BILL NO. 71 (2021)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 24th day of August, 2021, by the following vote:

Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Excused	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 24th day of August, 2021.

DATED AT WAILUKU, MAUI, HAWAII, this 24th day of August, 2021.

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OFFICE OF THE MAYOR

ALICE L. LEE, CHAIR
Council of the County of Maui

KATHY L. KAOHU, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 25th DAY OF August, 2021.

MICHAEL P. VICTORINO, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5241 of the County of Maui, State of Hawaii.

KATHY L. KAOHU, COUNTY CLERK
County of Maui

Passed First Reading on August 6, 2021
Effective date of Ordinance August 25, 2021

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OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5241, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui