

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

COMMITTEE
REPORT NO. 88-191

July 1, 1988

Honorable Chairman and Members
of the County Council
County of Maui
Wailuku, Hawaii 96793

Chairman and Members:

Your Committee of the Whole, having met on June 15, 1988,
makes reference to the following:

1. County Communication No. 87-179, from Councilmember Patrick S. Kawano, regarding proposed amendments to the Revised Charter of the County of Maui (1983) pertaining to a Molokai Planning Commission and Lanai Planning Commission;
2. Resolution No. 88-57, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO COASTAL ZONE MANAGEMENT";
3. County Communication No. 87-471, from Mayor Hannibal Tavares, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE TERMS OF MEMBERS OF BOARDS AND COMMISSIONS";
4. Miscellaneous Communication, from Councilmember Wayne K. Nishiki, regarding proposed amendments to the Revised Charter of the County of Maui (1983) pertaining to term of office for the County Council and Office of the Mayor;
5. Miscellaneous Communication, from Councilmember Linda Crockett Lingle, regarding a proposed amendment to the Revised Charter of the County of Maui (1983) pertaining to setting liquor license fees.

COUNCIL OF THE COUNTY OF MAUI

COMMITTEE OF THE WHOLE

COMMITTEE
REPORT NO. 88-191

July 1, 1988
Page 2

In Committee Report No. 88-163, your Committee reported on its deliberations regarding thirteen proposals. Your Committee recommended that the Council approve seven of those proposed Charter amendments, and disapprove three others. On June 3, 1988, the Council recommitted one of the Committee-approved proposals to your Committee. Therefore, five proposals remain to be considered by your Committee.

The first remaining proposal has been incorporated into a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO ESTABLISHING PLANNING COMMISSIONS FOR LANAI, MOLOKAI, AND MAUI". The purpose of the proposed resolution is to provide for separate planning commissions for the islands of Lanai, Molokai and Maui.

The second remaining proposal has been incorporated into Resolution No. 88-57, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO COASTAL ZONE MANAGEMENT". The purpose of the proposed resolution is to delete the provision requiring the planning commission to act as the authority in all matters relating to the Coastal Zone Management law. Your Committee notes that the Council recommitted this resolution on June 3, 1988.

The third remaining proposal has been incorporated into a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO TERMS OF OFFICE OF COUNCIL MEMBERS". The purpose of the proposed resolution is to equalize the terms of the mayor and the council members, by changing the term of office for council members from two (2) years to four (4) years, concurrent with the term of office of the Mayor.

An alternative way to equalize the terms of the mayor and the council members has been incorporated into a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO TERM OF OFFICE OF THE MAYOR". The purpose of the proposed resolution is to equalize the terms of the mayor and the council members, by changing the term of office for the mayor from four (4) years to two (2) years, concurrent with the term of office of council members.

COUNCIL OF THE COUNTY OF MAUI

COMMITTEE OF THE WHOLE

COMMITTEE
REPORT NO. 88-191

July 1, 1988
Page 3

The fourth remaining proposal has been incorporated into a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE TERMS OF APPOINTED BOARDS AND COMMISSIONS". The purpose of the proposed resolution is to provide that the terms of members of boards and commissions shall commence on April 1st and end on March 31st. Those members holding office upon the effective date of the amendment, shall continue in office for the balance of their terms and for ninety (90) days to the following March 31st.

The proposed resolution also provides that new boards and commissions established by the Charter shall have nine (9) members. Of the nine members initially appointed, three (3) shall serve for a term of five (5) years, two (2) shall serve for a term of four (4) years, two (2) shall serve for a term of three (3) years, and two (2) shall serve for a term of two (2) years.

The fifth remaining proposal would eliminate the Charter provisions authorizing the Liquor Control Commission to fix liquor license fees. Unlike the other remaining proposals, this proposal was not incorporated into a resolution, and no public hearing was held on the proposal.

Your Committee is in receipt of a June 13, 1988, memorandum from the Department of the Corporation Counsel advising that the Charter may be amended to provide for separate planning commissions for the islands of Molokai and Lanai.

At its June 15, 1988, meeting, your Committee received testimony from the general public. One person testified in support of placing all questions on the ballot as a means of allowing the voters to have a choice. Another, representing the Maui Chamber of Commerce, noted that a survey of its membership indicated opposition to the proposed Charter amendments relating to the planning commission, and the terms of elected County officials.

COMMITTEE OF THE WHOLE

COMMITTEE REPORT NO. 88-191

July 1, 1988
Page 4

On the proposed Charter amendment providing for separate planning commissions for the islands of Lanai and Molokai, your Committee noted that the additional cost should not be prohibitive, since personnel from the Department of Planning currently staff the Molokai Advisory Committee to the Planning Commission. Furthermore, legal consistency would be assured through the Department of the Corporation Counsel. Your Committee voted to recommend that the Council adopt the proposal.

On the proposed Charter amendment eliminating the specific delegation of Coastal Zone Management Act authority to the Planning Commission, a motion to recommend that the proposal be placed before the voters was not adopted by your Committee.

On the proposed Charter amendment relating to the terms of boards and commission, your Committee voted to recommend that the Council adopt the proposal.

The proposed amendments relating to the terms of elected County officials, and the authority to set liquor fees, were deferred for further consideration.

Your Committee notes that pursuant to Section 14-1.1 of the Revised Charter of the County of Maui, the Council may initiate amendments to the Charter by resolution adopted after two readings on separate days and passed by a vote of six or more members of the Council.

Your Committee of the Whole concurs with the intent and purpose of the following and RECOMMENDS that each PASS FIRST READING:

1. Resolution No. 88-67, attached hereto, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO ESTABLISHING PLANNING COMMISSIONS FOR LANAI, MOLOKAI, AND MAUI"; and
2. Resolution No. 88-68, attached hereto, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE TERMS OF APPOINTED BOARDS AND COMMISSIONS".

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

COMMITTEE
REPORT NO. 88-191

July 1, 1988
Page 5

Your Committee of the Whole further RECOMMENDS that County Communication Nos. 87-179 and 87-471 and Resolution No. 88-57, be FILED.

Adoption of this report is respectfully requested.

11:CR:js

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

COMMITTEE REPORT NO. 88-191

July 1, 1988
 Page 6

(I do not concur)
Goro Hokama
 GORO HOKAMA Chairperson

Howard S. Kihune w/r
 HOWARD S. KIHUNE Vice-Chairperson

Linda Crockett Lingle
 LINDA CROCKETT LINGLE Member

Patrick S. Kawano
 PATRICK S. KAWANO Member

Thomas P. Morrow w/r
 THOMAS P. MORROW Member

Robert H. Nakasone w/r
 ROBERT H. NAKASONE Member

Wayne K. Nishiki
 WAYNE K. NISHIKI Member

Velma M. Santos w/r
 VELMA M. SANTOS Member

Joe S. Tanaka
 JOE S. TANAKA Member

COUNCIL OF THE COUNTY OF MAUI
 Wailuku, Hawaii 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing COMMITTEE REPORT was adopted by the Council of the County of Maui, State of Hawaii, on the 1st day of July, 19 88 by the following vote:

MEMBERS	Linda CROCKETT LINGLE	Goro HOKAMA Vice-Chairman	Patrick S. KAWANO	Howard S. KIHUNE	Thomas P. MORROW	Robert H. NAKASONE Chairman	Wayne K. NISHIKI	Velma M. SANTOS	Joe S. TANAKA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

Dorel I. Yamamoto
 COUNTY CLERK