

Resolution

No. 96-78 Introduced By WAYNE K. NISHIKI Councilmember

PROPOSING AMENDMENTS TO THE REVISED CHARTER
OF THE COUNTY OF MAUI (1983) RELATING TO
THE DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
AND THE DEPARTMENT OF PLANNING

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

1. That it does hereby propose that Chapter 5 of Article 8 of the Revised Charter of the County of Maui, pertaining to the Department of Public Works and Waste Management, be amended to read as follows:

"CHAPTER 5
DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT

Section 8-5.1. Organization. There shall be a department of public works and waste management consisting of a director[, a board of variance and appeals,] and the necessary staff.

Section 8-5.2. Director of Public Works and Waste Management. The director of public works and waste management shall be appointed and may be removed by the mayor. The director of public works and waste management shall have a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-5.3. Powers, Duties, and Functions. The director of public works and waste management shall:

1. Administer the building, [and] housing, [codes,] and subdivision [and zoning] ordinances and rules adopted thereunder.

2. Approve proposed subdivision plans which are in conformity with the subdivision ordinance.

3. Supervise and maintain the county's highways, drainage and flood control systems and sewer systems and maintain the county's buildings.

4. Perform such other duties and functions as shall be assigned by the mayor.

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[Section 8-5.4. Board of Variances and Appeals. The board of variances and appeals shall consist of nine members appointed by the mayor with the approval of the council.

In accordance with such principles, conditions and procedures prescribed by the council, the board of variances and appeals shall:

1. Hear and determine applications for variances from the strict application of any general plan, zoning, subdivision or building ordinances. The board shall hold a public hearing prior to ruling on a variance application and shall issue findings of fact and conclusions of law on decisions granting or denying variance applications.

2. Hear and determine appeals alleging error from any person aggrieved by a decision or order of any department charged with the enforcement of zoning, subdivision and building ordinances; provided, that the council may by ordinance confer to another county agency the authority to hear and determine appeals from the decisions of the building official in the administration of the county of Maui building code, plumbing code, electrical code, and housing code, and from any order made by the county fire chief in the administration of applicable state law and the county of Maui fire code, and the director of water supply in the administration of the rules and regulations of the department of water supply relating to matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances.

3. Hear and determine all other matters which the board may be required to pass on pursuant to ordinances.

4. Adopt rules of procedure for the conduct of the board's business.]"

2. That it does hereby propose that Section 8-8.1 of the Revised Charter of the County of Maui, pertaining to the Department of Planning, be amended to read as follows:

"Section 8-8.1. Organization. There shall be a department of planning consisting of a Maui planning commission, a Molokai planning commission and a Lanai

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planning commission, a planning director, a board of variances and appeals, and the necessary staff."

3. That it does hereby propose that Section 8-8.3 of the Revised Charter of the County of Maui, pertaining to the Department of Planning, be amended to read as follows:

"Section 8-8.3. Power, Duties and Functions. The planning director shall:

1. Be the administrative head of the department of planning.

2. Serve as the chief planning officer of the county and as the technical advisor to the mayor, council and planning commissions on all planning and related matters.

3. Recommend revisions of the general plan at least every ten years to guide the development of the county.

4. Prepare [proposed] and administer zoning ordinances, zoning maps and regulations and any amendments or modifications thereto.

5. Review the lists of proposed capital improvements projects contemplated by the county and recommend the order of their priority to the mayor.

6. Perform such other duties and functions as shall be required by law or as shall be assigned by the mayor."

4. That it does hereby propose that Chapter 8 of Article 8 of the Revised Charter of the County of Maui, pertaining to the Department of Planning, be amended by adding a new section to be designated and to read as follows:

"Section 8-8.7. Board of Variances and Appeals. The board of variances and appeals shall consist of nine members appointed by the mayor with the approval of the council.

In accordance with such principles, conditions and procedures prescribed by the council, the board of variances and appeals shall:

1. Hear and determine applications for variances from the strict application of any general plan, zoning,

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subdivision or building ordinances. The board shall hold a public hearing prior to ruling on a variance application and shall issue findings of fact and conclusions of law on decisions granting or denying variance applications.

2. Hear and determine appeals alleging error from any person aggrieved by a decision or order of any department charged with the enforcement of zoning, subdivision and building ordinances; provided, that the council may by ordinance confer to another county agency the authority to hear and determine appeals from the decisions of the building official in the administration of the county of Maui building code, plumbing code, electrical code, and housing code, and from any order made by the county fire chief in the administration of applicable state law and the county of Maui fire code, and the director of water supply in the administration of the rules and regulations of the department of water supply relating to matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances.

3. Hear and determine all other matters which the board may be required to pass on pursuant to ordinances.

4. Adopt rules of procedure for the conduct of the board's business."

5. That this resolution shall be submitted to the voters of the County of Maui at the next general election; and

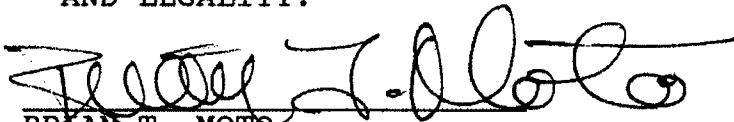
6. That the County Clerk is hereby requested to prepare the appropriate questions for presentation to the voters at the 1996 General Election; and

7. That, upon approval by the majority of the voters in favor of amending the Revised Charter of the County of Maui as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein shall take effect; and

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8. That a certified copy of this resolution be transmitted to the Mayor, the Department of Public Works and Waste Management, and the Department of Planning.

APPROVED AS TO FORM
AND LEGALITY:



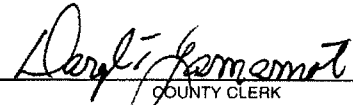
BRIAN T. MOTO
Deputy Corporation Counsel
County of Maui resos\chart1\ln

COUNCIL OF THE COUNTY OF MAUI
WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 4th day of September, 19 96 by the following vote:

MEMBERS	Alice L. LEE Chair	Patrick S. KAWANO Vice-Chair	James "Kimo" APANA	Alan ARAKAWA	Sol P. KAHO'OHALAHALA	Robert M. MONDEN	Thomas P. MORROW	Dennis Y. NAKAMURA	Wayne K. NISHIKI
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye


COUNTY CLERK