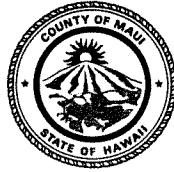


ALAN M. ARAKAWA
Mayor




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October 4, 2012

MEMO TO: G. Riki Hokama
Council Member

F R O M:  James A. Giroux, Deputy Corporation Counsel

SUBJECT: **BILL 75 RELATING TO IMPLEMENTATION OF THE GENERAL PLAN
(PAF 12-176)**

This memorandum is in response to your request of September 24, 2012 regarding the above subject. You asked the following:

1. Does the proposed bill require that the community plans be updated prior to enactment of the implementation component of the Maui Island Plan?
2. What effect, if any, does the proposed bill have on the adoption of the updated community plans?
3. Section 8-8.5 of the Revised Charter of the County of Maui (1983), as amended, requires the community plans to contain implementing actions. If we are to pass the proposed bill, how will the community plan implementing actions, be incorporated into the implementation component of the Maui Island Plan?

I. BACKGROUND

At the Council meeting of September 21, 2012, Bill No. 75 entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF THE GENERAL PLAN" was scheduled for second and final reading.

II. ANSWER

1. The proposed changes to Maui County Code ("MCC") Chapter 2.80B, do not require the community plans be updated prior to the enactment of the implementation component of the Maui Island Plan.

The proposed legislation simply allows Council up to one year after the adoption of the Maui Island plan to adopt the implementation program component of the Maui Island Plan. There is no change as to the timing of how community plans are adopted.

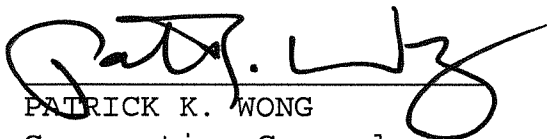
2. The proposed changes to MCC Chapter 2.80B do not effect the adoption of the updated community plans.

3. The Charter, MCC Chapter 2.80B, and the proposed legislation are silent as to how the community plan implementation actions and the Maui Island Plan implementation component are to be incorporated. Any clarification as to this process would have to be done through an amendment to MCC Chapter 2.80B. Absent any further guidance, the community plan implementation actions would stand alone outside of the Maui Island Plan implementation component. The law would require that they be consistent with each other. Any inconsistency would require further amendments to the General Plan, which would follow Charter requirements as well as Maui County Code requirements. An alternative would be that inconsistent proposed community plan amendments would be flagged and removed prior to adoption by the Council.

III. CONCLUSION

The proposed changes to MCC Chapter 2.80B are primarily focused on the adoption of the Maui Island Plan. The only change to the process would be that the implementation component to the Maui Island Plan would not have to be adopted at the same time as the Maui Island Plan and the Council will have up to a year to adopt the implementation component. Issues of incorporating community plans with the General Plan are not resolved by this proposed legislation.

APPROVED FOR TRANSMITTAL:


PATRICK K. WONG
Corporation Counsel

JAG:ln

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cc: William R. Spence, Planning Director
Webpage