

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 18, 2005

Committee
Report No.

05-154

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

Chair and Members:

Your Committee of the Whole, having met on November 1, 2005, makes reference to County Communication No. 05-22, from the Council Chair, relating to the Maui County Legislative Package.

By correspondence dated August 18, 2005, the Chair of your Committee requested that proposals be submitted for consideration in the 2006 Maui County Legislative Package.

By correspondence dated October 3, 2005, Council Chair G. Riki Hokama transmitted a draft bill entitled "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW" and justification sheet to be considered for possible inclusion in the 2006 Maui County Legislative Package. The purpose of the draft bill is to amend the Sunshine Law (Hawaii Revised Statutes, Chapter 92, Part 1) to include county councils in the exemption currently provided for the State Legislature.

By correspondence dated October 17, 2005, Council Vice-Chair Robert Carroll transmitted a draft bill entitled "A BILL FOR AN ACT RELATING TO TIME SHARE ZONING" and justification sheet to be considered for possible inclusion in the 2006 Maui County Legislative Package. The purpose of the draft bill is to authorize the counties to establish a time share zoning district that is distinct from the hotel zoning district.

By correspondence dated October 30, 2005, Christine Ogawa, PMCI Hawaii, provided comments on the time share zoning proposal, stating that the Hawaii Chapter of the American Resort Development Association (ARDA) is unclear about the intent of the proposal.

At its meeting, your Committee met with an Executive Assistant to the Mayor and the First Deputy Corporation Counsel.

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Your Committee received public testimony from three people who objected to the proposed amendment to the applicability of the Sunshine Law.

Your Committee discussed the need for the time share proposal in order to provide better planning tools for the County.

Your Committee questioned whether the County presently has the authority to establish time share zoning. Your Committee noted that the proposed change is necessary because State law has been interpreted to require hotels and time shares to be treated the same for zoning purposes.

Your Committee requested that the Department of the Corporation Counsel review the time share proposal and provide comments on any possible constitutional issues regarding the proposal. Your Committee further requested that the Department comment on the October 30, 2005 correspondence from PMCI Hawaii.

Your Committee noted that a time share study is expected to be completed and submitted to the Council by March 31, 2006.

Your Committee deferred action on the Sunshine Law amendment proposal and recommended approval of the proposal relating to time share zoning.

Your Committee of the Whole **RECOMMENDS** the following:

1. That the proposal to authorize the counties to establish a time share zoning district that is distinct from the hotel zoning district be **APPROVED** for inclusion in the 2006 Maui County Legislative Package; and
2. That a copy of this committee report be **TRANSMITTED** to the Mayor of the County of Maui.

Adoption of this report is respectfully requested.

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