

COUNCIL OF THE COUNTY OF MAUI

**GOVERNMENT RELATIONS, ETHICS,
AND TRANSPARENCY COMMITTEE**

February 19, 2021

**Committee
Report No. _____**

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on January 26, 2021, makes reference to County Communication 20-69, from Councilmember Michael J. Molina, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.040, MAUI COUNTY CODE, RELATING TO CONSERVATION PLANNING COMMITTEE." The purpose of the proposed bill is to amend Section 2.82.040, Maui County Code, relating to the membership of the Conservation Planning Committee.

By correspondence dated January 20, 2021, Council Vice-Chair Keani N.W. Rawlins-Fernandez transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CONSERVATION PLANNING COMMITTEE'S MEMBERSHIP." The purpose of the proposed bill is to amend Section 2.82.040, Maui County Code, relating to the Conservation Planning Committee's membership, by: (1) removing the need for a Managing Director representative; (2) requiring a representative from the Sustainable Science Management Program at the University of Hawaii, Maui College ("UHMC"); (3) requiring a representative from 'Aha Moku or 'Aha Kiole; (4) requiring one representative each from East Maui, Molokai, and Lanai; (5) increasing the number of ex-officio nonvoting members to seven; and (6) decreasing the maximum number of staggered terms a representative is allowed to serve to three years.

By correspondence dated January 26, 2021, Council Vice-Chair Rawlins-Fernandez transmitted a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel.

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Your Committee notes Ordinance 4878 (2018) established the Conservation Planning Committee to guide decision making for purchasing or acquiring lands or property interests for land conservation purposes in accordance with Chapter 3.88, Maui County Code, including procedures for long-term conservation planning and management of lands with open space, natural resources, cultural resources, and scenic views values.

Your Committee further notes that the Council's Governance, Ethics, and Transparency Committee (2019-2021 Council term) met on August 11, 2020, August 25, 2020, and September 8, 2020. Ordinance 5130 (2020), effective October 12, 2020, extended the Conservation Planning Committee's deadline to submit the greenprint to the Council to December 31, 2022.

Your Committee discussed the Conservation Planning Committee's additional roles, such as making recommendations to the Mayor, Council, and County agencies prior to acquiring parcels using the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund.

Your Committee agreed on the importance of having representation from community members in East Maui, Molokai, and Lanai on the Conservation Planning Committee.

Your Committee further revised the revised proposed bill by defining a full-time resident as one who resides in their residency area for at least 90 consecutive days.

Your Committee agreed the County's Agricultural Specialist or the Director or Director's designee from the soon-to-be-developed County Department of Agriculture would be appropriate as a voting member on the Committee, replacing the Planning Director or Director's designee.

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Your Committee further agreed a representative from UHMC's Sustainable Science Management program or Agriculture and Natural Resources program would expand opportunities for a student or faculty member to have input on the Conservation Planning Committee.

Your Committee supported the revised proposed bill to help ensure the Conservation Planning Committee will effectively work in conjunction with the community plans and help to identify a process for determining and mapping out parcels identified for open space.

Your Committee voted 9-0 to recommend passage of the revised proposed bill on first reading. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** that Bill _____ (2021), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE RELATING TO THE CONSERVATION PLANNING COMMITTEE'S MEMBERSHIP," be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE RELATING TO THE CONSERVATION
PLANNING COMMITTEE'S MEMBERSHIP

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

SECTION 1. Section 2.82.40, Maui County Code, is amended to read as follows:

“2.82.040 Conservation planning committee. A. There is established a conservation planning committee consisting of the following nine voting members and [~~three~~] seven ex-officio non-voting members:

1. [One representative: office of the mayor.] One representative from the sustainable science management program or the agriculture and natural resources program at the University of Hawaii Maui College.

2. [Managing director or director's designee.] One representative from `Aha Moku or `Aha Kiole.

3. Director of public works or director's designee.

4. Director of agriculture, County agricultural specialist, or director's designee.

5. [Director of parks and recreation or director's designee.

6.] One representative[:] from a Hawaii-based conservation group or land trust.

[7.] 6. One council member.

7. One representative who is a full-time resident of the east Maui community plan area.

8. [Two representatives: general public.] One representative who is a full-time resident of the island of Molokai.

9. One representative who is a full-time resident of the island of Lanai.

10. Ex-officio non-voting members: one representative each from (a.) the State department of land and natural resources, [the Sustainable Science Management program at the University of Hawaii Maui College, and] (b.) the department of management's [County] information technology

division, (c.) The Nature Conservancy, (d.) the office of the mayor, (e.) the managing director, (f.) the department of finance, and (g.) the department of parks and recreation.

B. The council member [shall] must be appointed by the council for a term concurrent with the council member's term of office. [The representative from the office of the mayor shall be appointed by the mayor without approval by the council for a term concurrent with the mayor's term in office. The general public and land trust/conservation members of the committee shall be nominated by the mayor, approved by the council, and serve staggered terms of five years.]

C. [Additional stakeholders may be involved as resource persons on an ad hoc basis, including subject matter experts, cultural practitioners, and stakeholders for specific lands, including lineal descendants, but shall not be considered members of the committee.] To be eligible for appointment as a member of the committee for a seat with a residency requirement, a person must be a resident of the residency area for at least ninety consecutive days immediately preceding the person's appointment. If the committee member moves out of the residency area, the committee member will immediately vacate the seat.

D. [The committee shall assist with and oversee the creation of the Countywide Greenprint, as well as provide advice and recommendations to the mayor, council, and departments related to the purposes of this chapter.] The following three voting committee members must be appointed by the mayor with the approval of the council by resolution and serve staggered terms of three years:

1. One representative from the sustainable science management program at the University of Hawaii Maui College.
2. One representative from `Aha Moku or `Aha Kiole.
3. One representative from a Hawaii-based conservation group or land trust.

E. The following three voting committee members must be appointed by the council by resolution and serve staggered terms of three years:

1. One representative who is a full-time resident of the island of Molokai.
2. One representative who is a full-time resident of the island of Lanai.
3. One representative who is a full-time resident of the east Maui community plan area.

F. The seven ex-officio non-voting members must be appointed by the mayor and serve for a term concurrent with the mayor's term of office.

At least two voting committee members must have demonstrated expertise in native Hawaiian traditional and customary practices as evidenced by one or more of the following credentials:

1. A college degree in a relevant field, such as Hawaiian studies, native Hawaiian law, native Hawaiian traditional and customary practices, including traditional environmental practices, or related subject area.

2. Work history that demonstrates an appropriate level of knowledge in native Hawaiian traditional and customary practices, including traditional environmental practices.

3. Substantial experience as a native Hawaiian traditional and customary practitioner.

G. The council member must be appointed by resolution for a term concurrent with the council member's term of office. The council member may be reappointed for a subsequent term after their current term ends. The voting members from County agencies must be appointed by the mayor, without approval by the council, for a term concurrent with the mayor's term of office. The mayor may reappoint voting members from County agencies for subsequent terms after their current terms end.

H. "Staggered terms" means one or more initial terms are made for less than the stated term for members grouped together in a subsection to ensure terms do not all expire at the same time. The mayor or the appointment resolution, if any, must state the duration of each initial term.

I. Additional stakeholders may be involved as resource persons for the committee on an ad hoc basis, including subject-matter experts, cultural practitioners, and stakeholder for specific lands, including lineal descendants. The additional stakeholders are not committee members.

J. The committee must assist with and oversee the creation of the countywide greenprint and provide recommendations to the mayor, council, and agencies related to this chapter's purpose.

K. Funding for the countywide greenprint may be provided by the County, subject to appropriation by the council."

SECTION 2. 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 3. This Ordinance will take effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen

Department of the Corporation Counsel
County of Maui

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