

REQUEST FOR LEGAL SERVICES

Date: July 31, 2020
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

RECEIVED

By Dept of the Corporation Counsel at 12:31 pm, Jul 31, 2020

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Gary Murai, Esq.

Subject: CONSERVATION PLANNING COMMITTEE (GET-42)

Background Data: Please see the attached bill.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature Mike Molina <small>Digitally signed by Mike Molina DN: cn=Mike Molina, o, ou, email=mike.molina@naucounty.us, c=US Date: 2020.07.31 10:50:34 -10'00'</small> Michael J. Molina	Contact Person Shelly Espeleta (Telephone Extension: <u>7134</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 4, 2020

REASON: For possible posting on August 11, 2020 GET Committee meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: SMC	ASSIGNMENT NO. 2019-0065	BY: jcm
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

Please see signed bill for an ordinance, attached to transmittal email.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 8-3-2020

By /s/Stephanie M. Chen

(Rev. 7/03)

get:ltr:042acc01:ske

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.82.040 AND 2.82.050,
MAUI COUNTY CODE, RELATING TO CONSERVATION PLANNING
COMMITTEE AND GREENPRINT

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

SECTION 1. Section 2.82.040, 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 ~~[ex-officio non-voting]~~ ex officio nonvoting members:

1. ~~[One]~~ A representative[:] from the office of the mayor.
2. Managing director or director’s designee.
- 3.] 2. Director of public works or director’s designee.
- 4.] 3. Planning director or director’s designee.
- 5.] 4. Director of parks and recreation or director’s designee.
- 6.] 5. ~~[One]~~ A representative[:] from a Hawaii-based conservation group or land trust.
- 7.] 6. ~~[One]~~ A council member.
- 8.] 7. ~~[Two]~~ Three representatives[:] from the general public[.], with one each from Maui, Molokai, and Lanai.
- 9.] 8. ~~[Ex-officio non-voting]~~ Ex officio nonvoting members[:], with one representative each from the State department of land and natural resources, the Sustainable Science Management program at the University of Hawaii Maui College, and the County information technology division.

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

conservation group or land trust member and general public members of the committee are five years, except that the initial terms respectively expire on March 31, 2022; March 31, 2023; March 31, 2024; and March 31, 2025.

C. Additional stakeholders—including subject matter experts, cultural practitioners, and stakeholders for specific lands, including lineal descendants—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] are not [be considered] members of the committee.

D. The committee [shall] must assist with and oversee the creation of the [Countywide] greenprint [, as well as] and provide advice and recommendations to the mayor, council, and [departments] agencies related to the purposes of this chapter.”

SECTION 2. Section 2.82.050, Maui County Code, is amended to read as follows:

“2.82.050 Greenprint. [Utilizing] Using public outreach, the general plan, and other community and documentary resources, including land conservation organizations, a comprehensive conservation plan, also known as a greenprint, [shall] must be created [which] that includes a geographic information systems map. The greenprint [shall] will guide land acquisition by the County for open space, natural resources, cultural resources, and scenic views preservation purposes, and help to identify lands suitable for voluntary private-sector conservation. [The] A proposed greenprint [shall] must be adopted by the committee and submitted to the council by [January 1, 2021.] December 31, 2021. The committee [shall] must oversee the review and update of the [Countywide] greenprint, which [shall] must be submitted to the council every five years [thereafter].

SECTION 3. 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. The existing term of the Managing Director or the Managing Director’s designee expires upon the Council’s appointment of the Molokai general public member of the Conservation Planning Committee.

SECTION 4. This ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Stephanie M. Chen

Digitally signed by Stephanie M. Chen
DN cn=Stephanie M. Chen, o=Department of the Corporation
Counsel, ou=Deputy Corporation Counsel,
email=stephanie.m.chen@co.mauhi.us, c=US
Date: 2020.08.03 16:18:13 -10'00'

STEPHANIE M. CHEN

Department of the Corporation Counsel
County of Maui

LF 2019-0065 GET-42 2020-08-04 Ord
2.82.040 and 2.82.050 final