

January 26, 2021

MEMO TO: GREAT-7 File

F R O M: Keani N.W. Rawlins-Fernandez, Council Vice-Chair



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
CONSERVATION PLANNING COMMITTEE** (PAF 21-029)

The attached legislative proposal pertains to Item 7 on the Committee's agenda.

paf:ske:21-029c

Attachment

RECEIVED

By Dept of the Corporation Counsel at 4:02 pm, Jan 20, 2021

REQUEST FOR LEGAL SERVICES

Date: January 20, 2021
From: Keani N.W. Rawlins-Fernandez
Council Vice-Chair

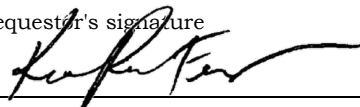
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Stephanie Chen, Esq.

Subject: BILL RELATING TO CONSERVATION PLANNING COMMITTEE (PAF 21-029)

Background Data: Please see the attached bill.

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

Requestor's signature  Keani N.W. Rawlins-Fernandez	Contact Person <u>Shelly Espeleta</u> (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): January 20, 2021, 4:00 p.m.
REASON: For possible posting on January 26, 2021 GREAT Committee agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: SMC	ASSIGNMENT NO. 2021-0087	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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 1/21/2021

By SMC

(Rev. 7/03)

paf:ske:21-029b

Attachment

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 2.82.040, 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]~~ seven ex-officio non-voting members:

1. ~~[One representative: office of the mayor.]~~ One representative from the sustainable science management 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. Planning director 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 Moloka`i.

9. One representative who is a full-time resident of the island of Lāna`i.

10. Ex-officio non-voting members: one representative each from:

a. ~~[the State]~~ The state department of land and natural resources[, the Sustainable Science Management program at the University of Hawaii Maui College, and].

- b. [the County] The department of management's information technology division[.].
- c. The Nature Conservancy.
- d. The office of the mayor.
- e. The managing director.
- f. The department of finance.
- g. The department of parks and recreation.

B. [The council member shall 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.] 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.

C. 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 Moloka`i.
- 2. One representative who is a full-time resident of the island of Lāna`i.
- 3. One representative who is a full-time resident of the east Maui community plan area.

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.] 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.

E. The council member must be appointed by resolution for a term concurrent with the council member's term of office. The voting members from County departments must be appointed by the mayor, without approval by the council, for a term concurrent with the mayor's term of office.

F. "Staggered terms" means terms do not expire at the same time. The mayor or the appointment resolution, if any, must state the duration of each initial term.

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

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

I. Funding for the countywide greenprint must 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 takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen
STEPHANIE M. CHEN
Department of the Corporation Counsel
County of Maui
LF2021-0087, 2021-01-21 PAF 21-029 Sec. 2.82.040