

REQUEST FOR LEGAL SERVICES

D a t e: August 18, 2022

F r o m: Shane M. Sinenci, Chair

Agriculture and Public Trust Committee

TRANSMITTAL


Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Christie Trenholme, Esq.

Subject: BILL 105, CD1 (2022) AMENDING CHAPTER 2.12 AND TITLE 22, MAUI COUNTY CODE, TO ESTABLISH POLICES RELATED TO THE DEPARTMENT OF AGRICULTURE (APT-65)

Background Data: Please see the attached bill.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY

☐ [] OTHER:

Requestor's signature  Shane M. Sinenci	Contact Person <u>Alison Stewart or Kasie Apo-Takayama</u> (Telephone Extension: 7661 or 7665, respectively)
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☐ [] ROUTINE (WITHIN 15 WORKING DAYS)

☐ [] RUSH (WITHIN 5 WORKING DAYS)

☐ [] PRIORITY (WITHIN 10 WORKING DAYS)

☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 24, 2022 at 4:30 p.m.

REASON: For posting on September 2, 2022 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 _____

By _____

(Rev. 7/03)

apt:ltr:065acc01:ans

Attachment

ORDINANCE NO. _____

BILL NO. 105, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 AND TITLE 22, MAUI COUNTY CODE, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE

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

SECTION 1. Chapter 2.12, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“2.12.145 Department of Agriculture. There is established a department of agriculture as provided by law.”

SECTION 2. Title 22, Maui County Code, is amended by renaming the title to read as follows:

“Title 22 – [Agricultural Parks] Department of Agriculture”

SECTION 3. Title 22, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 22.02

Department of Agriculture

Sections:

22.02.010 Purpose and administration.

22.02.020 Powers, duties, and functions; areas of need.

22.02.030 Reporting requirements.

22.02.040 Administrative rules.

22.02.010. Purpose and administration. The purpose of this chapter is to establish policies and procedures regarding the department of agriculture. The director of agriculture or the

director's authorized representative must administer and implement this chapter.

22.02.020 Powers, duties, and functions; areas of need.

To fulfill the department's powers, duties, and functions, the director will:

A. Develop agriculture infrastructure by:

1. Improving access to, and availability of: affordable land, water (storage, meters, delivery systems, and prioritization), labor, workforce housing, equipment, commercial kitchens, processing and distribution facilities, and transportation.

2. Working to increase community co-operatives, technology, and access to locally grown food for County residents, while also protecting subsistence farming.

B. Create agriculture markets and distribution networks by:

1. Developing and supporting programs to increase access to local products.

2. Working to increase marketing assistance and distribution channels on each island separately, as well as interisland.

3. Developing institutional purchasing and distribution channels, including with the state of Hawaii department of education.

4. Collaborating with local community organizations and government agencies to increase access to and availability of locally grown products, locally made agricultural-related products, and monetary assistance, such as SNAP and EBT, to increase food security and overall County sustainability.

C. Ensure adequate funding for agriculture by:

1. Securing federal, state, and private funding and developing special funds and revolving funds to go directly toward agriculture.

2. Managing the application and distribution process of agriculture-related grants to agriculture-related businesses in the County.

3. Providing grant writing assistance to agriculture-related businesses, organizations, and community projects.

D. Support agriculture research and development by:

1. Collaborating with government agencies, research institutions, community members, agricultural groups, stakeholders, and experts to gain insight and develop solutions to agriculture-related issues and obtain feedback to ensure the department continues to meet community needs.

2. Assisting other county and state departments by providing new and up-to-date information that will promote sustainable growth in the agricultural sector.

3. Collecting available market and agricultural data.

4. Creating publicly accessible databases that will allow data to be put to use by members of the community to fill gaps in the agricultural sector.

E. Provide education, outreach, and advocacy by:

1. Working as a community liaison and advocate for farmers and the agricultural sector.

2. Improving agricultural literacy by developing and supporting programs that increase farmer, consumer, market, educator, and student awareness about agriculture, regulations, and opportunities.

3. Providing educational resources and training to ensure safety of farmers and their families.

4. Supporting cultural volunteer programs and opportunities to provide hands-on assistance to the agricultural sector.

5. Providing the public with cultural- and language-sensitive materials and programs.

F. Provide policy and regulation assistance by:

1. Reviewing and providing input on regulations with consequences to the agricultural system and advocate for change, incentives, or exemptions when needed.

2. Providing assistance to the agriculture community when needed with county, state, and federal regulations and permitting processes.

3. Creating a streamlined process for all agriculture-related permits and applications.

4. Performing agricultural property inspections with knowledgeable inspectors for all County departmental applications.

G. Promote agency coordination by collaborating with the agricultural sector, developing shared goals and visions for the County, and developing strategic plans to achieve those goals. This can include both private and public agencies and stakeholders.

H. Promote workforce development by:

1. Increasing and supporting agriculture-related industries, occupational skills training, and educational opportunities with the goal of increasing the number of agricultural workers in the County.

2. Supporting agriculture-related businesses to increase opportunities for agriculture-related jobs that compensate workers with livable wages.

3. Developing pathways to increase on-site farmworker housing opportunities and affordable workforce housing for agricultural workers and their families.

I. Minimize invasive species, pests, and threats by:

1. Collaborating with federal and state agencies to develop additional time-sensitive protocols, such as pre- and post-inspections, to prevent the introduction of invasive species and additional inspections for invasive species at retail locations, airports, harbors, and via mail delivery.

2. Providing education to the agricultural sector about agricultural threats, such as climate change and pests, and ways to prevent unnecessary imports that may introduce invasive species.

3. Developing policy and legislation to prevent the introduction of invasive species, combat agricultural threats, and manage pests.

J. Promote resource regeneration and protection by:

1. Working with community organizations and county, state, and federal agencies to provide insight and feedback on projects that affect the agricultural sector.

2. Implementing and supporting programs that ensure the sustainable utilization and regeneration of major natural resources, such as land, soil, water, air, minerals, forests, fisheries, fishponds, and wild flora and fauna.

K. Assist with contracts and procurement by providing assistance to promote local food production and import substitution with a focus on local food security.

L. Address transportation issues by:

1. Collaborating with the state of Hawaii public utilities commission to minimize cost and other barriers for transportation and crops or livestock lost in transport.

2. Providing support for the agriculture community to access federal programs that reduce the cost of transportation.

3. Coordinating transportation-sharing to support the distribution of local products.

M. Minimize agricultural theft, vandalism, and liability by working with police, prosecuting attorney, and county and state authorities to address the losses from agriculture-related theft and vandalism.

N. Provide priority resource assistance to low and moderate sized agricultural operations—as defined by the prior calendar year’s annual gross cash farm income, or GCFI—with special considerations for minority-owned agricultural operations. The GCFI designations are as follows:

- Low GCFI up to \$149,999.
- Moderate GCFI between \$150,000 and \$349,999.
- Midsize GCFI between \$350,000 and \$999,999.
- Large GCFI between \$1,000,000 and \$4,999,999.
- Very large GCFI of \$5,000,000 or more.

22.02.030. Reporting requirements. A. The department will collaborate with existing efforts and agencies to collate data in the following areas for the County and report annually:

1. Labor demographics, such as number of jobs, wages, and age of workers.
2. Agricultural lands in valuation, dedication, and conservation.
3. Number of farms.
4. Size of farms.
5. Type of farms.
6. Crops grown.
7. Crop yield.
8. Value per acre.
9. Agricultural water use.
10. Number of ranches.
11. Number and type of livestock.
12. Value of crop, in wholesale and retail.
13. Poundage of donated crops and goods.
14. Community and market contribution and valuation of subsistence farms.

B. The department must collect data in the following areas for the County and report annually:

1. Amount of grants disbursed, including information on recipients, funded projects, and type of farming.
2. Agricultural park demographics, including types of crops grown and lessee information.
3. Number of commercial kitchens and their location and availability.
4. Number of processing and distribution facilities, and their location, contact information, and user information.
5. Agricultural-related infrastructure needs.
6. Number of composting operations, volume of compost produced, and waste diverted.
7. Invasive species tracking.
8. Outside funding sources and amounts received and disbursed, including information on recipients and funded projects.

9. Number of current and emerging agriculture-related industries.

C. The department must track and report annually on the following education and outreach areas:

1. Resident satisfaction with the department.
2. Agriculture-related legislative tracking and testimony at the county, state, and federal levels.
3. Tracking of food safety, market, and other agriculture-related regulations and their impacts.
4. Political action the department has taken on behalf of the agriculture community.

22.02.040 Administrative rules. The director must adopt administrative rules to implement this chapter's provisions."

SECTION 4. Section 22.04A.050, Maui County Code, is amended by amending the definition of "director" to read as follows:

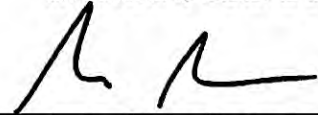
"“Director” means the [economic development] department of agriculture director [of the County of Maui] or a designated representative.”

SECTION 5. 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 6. This Ordinance takes effect on approval.

065abill01:ans

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a series of loops and a horizontal stroke.

GABE JOHNSON