

**RECEIVED**

By Corporation Counsel at 11:30 am, Aug 18, 2022

**REQUEST FOR LEGAL SERVICES**

**Date:** August 18, 2022  
**From:** Shane M. Sinenci, Chair  
Agriculture and Public Trust Committee


TRANSMITTAL

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

**Subject:** A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK (APT-58)

**Background Data:** Please see the attached bill.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☐ OTHER:

Requestor's signature  Shane M. Sinenci	Contact Person <u>Alison Stewart or Kasie Apo-Takavama</u> (Telephone Extension: <u>7661 or 7665, respectively</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 24, 2022 at 4:30 p.m.  
REASON: For posting on September 2, 2022 Council meeting agenda.

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: CMT	ASSIGNMENT NO. 2021-0010	BY: GMR
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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): \_\_\_\_\_

With Revisions

Date 8/26/22

DEPARTMENT OF THE CORPORATION COUNSEL  
By   
(Rev. 7/03)

apt:ltr:058acc01:ans

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY  
CODE, RELATING TO KULA AGRICULTURAL PARK

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

SECTION 1. Section 22.04A.050, Maui County Code, is amended by  
amending the definition of “director” to read as follows:

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

SECTION 2. Section 22.04A.070, Maui County Code, is amended to read  
as follows:

**“22.04A.070 Kula agricultural park committee.** A. There  
is established a Kula agricultural park committee, [which shall, if  
reasonably possible, consist] administratively attached to the  
department of agriculture and consisting of the following nine  
members:

1. One representative: agricultural lending or  
banking community.
2. One representative: Maui County farm bureau.
3. One representative: agricultural trade  
organization.
4. One representative: tenant of the Kula  
agricultural park.
5. One representative: College of Tropical  
Agriculture and Human Resources, University of Hawaii at  
Manoa.
6. [One representative: office of the mayor.] Director.
7. One council member.
8. Two representatives: general public.

No more than three committee members may hold a financial  
interest in a lot within the Kula agricultural park.

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 of office.] The director's term is concurrent with the director's term of office. The remaining seven members of the committee [shall] must be nominated by the mayor, approved by the council, and [shall] serve staggered terms of five years.

C. Five members [shall constitute] are a quorum of the committee.

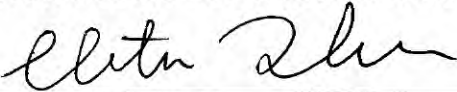
D. The affirmative vote of five or more members of the committee [shall be] is necessary [in order] to take any action.

E. The committee [shall be] is advisory and [shall] must make recommendations to the director, mayor, and council on matters pertaining to the agricultural park."

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.

SECTION 4. This Ordinance takes effect January 2, 2023.

APPROVED AS TO FORM AND LEGALITY:



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CHRISTIE M. TRENHOLME  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
LF2021-0010  
APT-58 2022-08-22 Ord Amd Ch 22.04A  
apt:misc:058abill01

INTRODUCED BY:

Sam M. J. Newman

## APT Committee

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**From:** Graham Resell <Graham.M.Resell@co.maui.hi.us>  
**Sent:** Friday, August 26, 2022 10:52 AM  
**To:** APT Committee  
**Subject:** APT-58 Ord Amd Ch 22.04A Kula Ag Park  
**Attachments:** APT-58 2022-08-26 RFLS Stewart Ord Amd Ch 22.04 RAFL Closing.PDF; APT-58 2022-08-22 Ord Amd Ch 22.04A.docx

Please find attached the above referenced ordinance, approve (with minor revisions) and signed by our department. Also attached for your records is the latest Word version. Let me know if there are any questions.

Thank you,  
Graham

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Graham M. Resell  
Law Technician  
Department of the Corporation Counsel  
Telephone: (808)270-1778