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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: GET-10 File

F R O M: Shane Sinenci, Councilmember



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
PROPOSED CHARTER AMENDMENT TO CREATE DEPARTMENT
OF AGRICULTURE** (PAF 20-082)

The attached legislative proposal pertains to Item 10 on the Committee's agenda.

paf:kmatt:20-082k

Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, RELATING TO
ESTABLISHING A DEPARTMENT OF
AGRICULTURE

WHEREAS, according to the State Department of Business, Economic Development, and Tourism, 85 to 90 percent of Hawai'i's food is imported from at least 2,506 miles away on the continental United States and foreign countries; and

WHEREAS, importing such a high percentage of food from far away makes Maui County residents vulnerable to food shortages, especially when the shipping process is interrupted by natural disasters and global events; and

WHEREAS, with challenges such as inexpensive foreign labor, lack of local farmworkers, and the country's highest land costs, Hawai'i's agriculture industry has been on a long pattern of decline; and

WHEREAS, according to the University of Hawai'i, the agriculture industry in Hawai'i has shrunk 68 percent since 1980; and

WHEREAS, additional challenges, such as a lack of sufficient Federal and State funding, urban sprawl and development pressures, scarcity of affordable land and water for farming, shrinking profits for farmers, shortage of farmworkers, competition from the continental United States and international commodity markets, and high interisland transportation costs, will not be able to be addressed without support from the County of Maui; and

WHEREAS, the history of Maui County is deeply rooted in agriculture, which will continue to be an important industry for economic, social, and environmental reasons; and

WHEREAS, the County of Maui currently employs one agricultural specialist, and Hawai'i's agricultural sector receives less than 1 percent of the State budget; and

WHEREAS, the State of Hawai'i has set a goal to double food production by 2030; and

WHEREAS, as stated in the Countywide Policy Plan, diversifying and expanding sustainable forms of agriculture is an objective of the County of Maui; and

WHEREAS, creating a Department of Agriculture within the County of Maui, with defined responsibilities, will help develop a sustainable agricultural system for Maui County, increase community preparedness through coordinated policies and actions, strengthen resiliency of the County's island communities through research and economic growth in the agricultural sector, boost resident health through access to more locally grown produce, and promote ecosystem health through natural-resource regeneration and protection; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, in accordance with Section 14-1, Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Article 8 of the Charter, be amended by adding a new chapter to read as follows:

"CHAPTER 18 DEPARTMENT OF AGRICULTURE

Section 8-18.1. Organization. There is a department of agriculture, consisting of a director, deputy director, and necessary staff, organized to fulfill the department's powers, duties, and functions through the establishment of necessary and appropriate divisions and other means.

Section 8-18.2. Director and Deputy Director of Agriculture. The director and deputy director of agriculture are appointed in the same manner as the director and deputy director of water supply, respectively. The director must have a minimum of five years of experience in an administrative capacity, either in public service, private business, or both. The director must have a bachelor's degree or master's degree in operations management, project management, public administration, agriculture, sustainability, or a related field.

Section 8-18.3. Powers, Duties, and Functions. The director of agriculture must:

1. Develop a sustainable regional agricultural system for Maui County.

2. Build the economic resiliency of the county's communities by increasing opportunities in the agricultural sector.

3. Boost resident health and food security through ensuring access to locally grown agricultural products.

4. Promote healthy ecosystems through natural-resource regeneration and protection, including through advising other agencies and the council on all programs and projects that affect the agricultural section, including the following:

a. Implementing programs that ensure the sustainable utilization of major natural resources, such as land, water, air, minerals, forests, fisheries, wild flora and fauna, and waste streams.

b. Ensuring the availability of qualified staff to maintain open space, conservation land, and public areas that have space available for planting.

5. Develop and implement programs to diversify and expand sustainable forms of agriculture, including through the following to the extent permitted by state and federal law:

a. Provide research and development to support agriculture, including for technological advancements in farming.

b. Prioritize the use of agricultural-zoned land to feed the local population and for sustainable and diversified agricultural activities.

c. Support ordinances, programs, and policies that promote the countywide availability of affordable agricultural-zoned land and water for farmers, agricultural workforce housing, agricultural equipment, and processing and distribution facilities.

d. In coordination with the mayor and director of finance, secure federal, state, and private funding and provide grants and grant writing to agricultural-related businesses in the County.

e. Support education, research, and facilities that strengthen the agricultural industry.

f. Organize volunteer programs and opportunities to provide on-site assistance to farmers.

g. Serve as the County's liaison to the agricultural sector.

h. Assist the agricultural sector in complying with County, state, and federal regulations and permitting requirements.

i. Coordinate communication among members of the agricultural sector to develop shared goals for the County, which are to be included in strategic plans with annual, five-year, and ten-year benchmarks to be reviewed by the council.

j. Ensure a sufficient number of farm workers are employed in the County.

k. Facilitate the creation of jobs that offer a living wage throughout the agricultural sector, including in research and education.

l. Collect agricultural and market data and create a public database to identify and address gaps in the agricultural sector.

m. Collaborate with the state department of agriculture and board of agriculture to support enforcement, oversight, and inspection for invasive species at retail locations, airports, and harbors.

n. Collaborate with the state department of agriculture and board of agriculture regarding restricted materials permits and use.

o. Perform agricultural property inspections to streamline County processes.

p. Support programs that position the county's agricultural products as premium export products.

q. Advise the council and other agencies on policies and practices relating to contracts, procurement, and transportation that help reduce the need to import agricultural products and expand opportunities to export agricultural products.

r. Work with law enforcement to prevent agricultural theft and vandalism.

6. Report to the mayor and council annually on the County's overall performance in meeting agriculture objectives and any barriers that could be addressed by ordinance.

7. Perform other duties and functions as assigned by the mayor or managing director.”;

2. That, in accordance with Charter Section 14-1, it proposes that Subsection 2 of Charter Section 10-4 be amended to read as follows:

“2. a. No former mayor or council member shall appear for compensation before any any agency of the county within a period of one [(1)] year after leaving the county elective office.

b. No former non-elected salaried employee or officer of the county shall appear for compensation before any department or other agency of the county by which such employee or officer was last employed within a period of one [(1)] year after termination of service to or employment with the county.

c. No person who has served as director of agriculture or deputy director of agriculture may, within a period of two years after termination of service, receive compensation for any services rendered in behalf of any private interests in relation to any case, proceeding, or application with respect to which:

- i. the person was directly concerned;
- ii. was under active consideration by the person or any department of agriculture employee directly or indirectly supervised by the person; or
- iii. knowledge or information was made available to the person during the period of service as director or deputy director of agriculture.

“Case, proceeding, or application” includes any contested case, any proceeding relating to the adoption of administrative rules by any agency, adoption of resolutions by the council, and enactment of ordinances by the council, and any applications for any permit, grant, or approval, whether ministerial or discretionary, either in the executive branch or legislative branch.”;

3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election;

4. That, in accordance with Charter Section 14-1, it proposes that the following question be placed on the next General Election ballot:

“Shall the Charter be amended, effective July 1, 2022, to establish a Department of Agriculture to develop a sustainable regional agricultural system for Maui County by:

- building the County’s resiliency by increasing economic opportunities in the agricultural sector,
- boosting resident health and food security through access to locally grown agricultural products,
- promoting healthy ecosystems through natural-resource regeneration and protection, and
- creating ethical standards for the Director of Agriculture and the Deputy Director of Agriculture after they leave office?”;

5. That, in accordance with Subsection 2 of Charter 14-2, the County Clerk publish the proposed amendment as set forth in this Resolution in its entirety in a newspaper of general circulation;

6. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed in this Resolution will take effect on July 1, 2022; and

7. That certified copies of this resolution be transmitted to the Mayor, the County Clerk, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

paf:kmatt:20-082i