

# REQUEST FOR LEGAL SERVICES

**D a t e:** June 30, 2020

**F r o m:** Michael J. Molina, Chair

**Government Ethics and Transparency Committee**


TRANSMITTAL

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

**Subject:** PROPOSED CHARTER AMENDMENTS (ESTABLISHING A DEPARTMENT OF AGRICULTURE) (GET-10(15))

**Background Data:** Please review the revised proposed resolution and, if appropriate, approve as to form and legality.

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

Requestor's signature  Michael J. Molina	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): July 1, 2020  
REASON: For posting on July 10, 2020 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)

get:ltr:010(15)acc01:ske

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, including advocates, ombudspersons, inspectors, and grant writers; 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 and deputy director of agriculture must have had five years of experience in the field of agriculture and in an administrative capacity, either in public service, private business, or both, in addition to specific qualifications set forth by ordinance.

**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.

5. Develop and implement programs to diversify and expand sustainable forms of agriculture.

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

3. 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?”;

4. 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;

5. 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

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

APPROVED AS TO FORM AND LEGALITY

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Department of the Corporation Counsel  
County of Maui

paf:kmatt:20-082m