

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

July 10, 2020

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on June 23, 2020, and June 30, 2020 (reconvene), makes reference to County Communication 19-28, from Council Chair Kelly T. King, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated June 9, 2020, Councilmember Shane Sinenci transmitted a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ESTABLISHING A DEPARTMENT OF AGRICULTURE."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Article 8 of the Charter should be amended, effective July 1, 2022, to establish a Department of Agriculture to develop a sustainable regional agricultural system for Maui County by: 1) building the County's resiliency by increasing economic opportunities in the agricultural sector; 2) boosting resident health and food security through access to locally grown agricultural products; 3) promoting health ecosystems through natural-resource regeneration and protection; and 4) creating ethical standards for the Director of Agriculture and the Deputy Director of Agriculture upon leaving office.

Your Committee notes Article 14 of the Charter sets procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

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Your Committee approved an amendment to streamline the proposal by making the new Department of Agriculture's responsibilities less voluminous and specific, consistent with Charter provisions that establish other County departments. Your Committee recognized the Charter's Foreword states that the Charter establishes the "structure and organization" of the County government, while more specific policies may be established by ordinance.

Your Committee discussed the need to establish a separate department focused on agriculture to reduce the County's dependence on imported food, promote food sustainability and resiliency, and boost economic growth in the agricultural sector.

Your Committee notes the Countywide Policy Plan establishes the diversification and expansion of sustainable forms of agriculture as an objective of the County.

Your Committee further notes the Countywide Policy Plan states:

. . . agricultural lands have the potential to move the islands of Maui County toward self-sufficiency. Food and energy production required for Maui County could take place entirely within the County, bolstering our economic security.

Your Committee noted the proposed Charter amendment's effective date of July 1, 2022, would allow nearly 20 months after the 2020 General Election for the County to prepare for the Department to begin operations. For instance, the Council may establish additional qualifications for the Director of Agriculture through an ordinance amending Chapter 2.14, Maui County Code, "SPECIFIC QUALIFICATIONS OF ADMINISTRATIVE HEADS OF DEPARTMENTS." The Administration can use the time to seek further input from local farming organizations, including those on Molokai and Lanai, on how to implement the Charter amendment and budget for the Department of Agriculture.

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Your Committee was informed a petition in support of a Charter amendment to create a Department of Agriculture had more than 900 signatures.

Your Committee discussed concerns that the proposed new Department could increase the County's operating costs and increase farmers' regulatory burdens. Your Committee concluded, however, the Department could make the County more efficient and foster sustainable economic development by having a dedicated agency focusing on supporting local food production. To allow the electorate to determine whether the County should have a Department of Agriculture, your Committee expressed its support for the revised proposed resolution.

Your Committee voted 6-3 to recommend passage of the revised proposed resolution on first reading. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members King, Lee, Paltin, and Sinenci voted "aye." Committee members Hokama, Kama, and Sugimura voted "no."

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.


Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ESTABLISHING A DEPARTMENT OF AGRICULTURE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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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



Digitally signed by Gary Murai
DN: cn=Gary Murai,
o=Corp.Counsel, ou=C & D,
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Date: 2020.07.02 09:16:24 -10'00'

Department of the Corporation Counsel
County of Maui

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