

ORDINANCE NO. _____

BILL NO. 97 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,
DEPARTMENT OF FINANCE,
(AMERICAN RESCUE PLAN ACT OF 2021,
NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))

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

SECTION 1. Ordinance No. 5217, Bill No. 46 (2021), Draft 1, as amended, "Fiscal Year 2022 Budget", Appendix D – Conditional Language, is hereby amended as it pertains to the Department of Finance by adding a Condition 3(h) for a new grant entitled "American Rescue Plan Act of 2021, Non-Entitlement Units of Local Government (NEUs)", to read as follows:

APPENDIX D – Conditional Language

Page 2

Condition A.1.a(1):

- a. County Clerk Program
 - (1) Disbursement for salaries and premium pay is not restricted by Section 5.

Conditions A.2.a(1) and A.2.a.(2):

- a. Council Services Program
 - (1) Disbursement for salaries and premium pay is not restricted by Section 5.
 - (2) Appropriations for the Council Services Program are not restricted by Section 7.

Condition A.2.b(1):

- b. County Auditor Program
 - (1) Disbursement for salaries and premium pay is not restricted by Section 5.

Condition B.1.a(1):

- a. Legal Services Program
 - (1) Disbursement for salaries and premium pay is limited to 37.5 equivalent personnel.

Page 3

Condition B.2.a(1):

- a. Emergency Management Program
 - (1) Disbursement for salaries and premium pay is limited to 9.0 equivalent personnel.

Condition B.3.a(1):

- a. Administration Program – General Fund
 - (1) Disbursement for salaries and premium pay is limited to 5.0 equivalent personnel.

Condition B.3.b(1):

- b. Wastewater Administration Program – Sewer Fund
 - (1) General
 - (i) Disbursement for salaries and premium pay is limited to 20.0 equivalent personnel.

Condition B.3.c(1):

- c. Wastewater Operations Program – Sewer Fund
 - (1) Disbursement for salaries and premium pay is limited to 101.0 equivalent personnel and 1.0 Limited Term Appointment (LTA) equivalent personnel.

Page 4

Condition B.3.d(1):

- d. Solid Waste Administration Program – Solid Waste Management Fund
 - (1) General
 - (i) Disbursement for salaries and premium pay is limited to 14.0 equivalent personnel.

Condition B.3.e(1):

- e. Solid Waste Operations Program – Solid Waste Management Fund
 - (1) Disbursement for salaries and premium pay is limited to 93.0 equivalent personnel.

Condition B.3.f(1):

- f. Environmental Protection and Sustainability Program – Environmental Protection and Sustainability Fund
 - (1) Disbursement for salaries and premium pay is limited to 4.5 equivalent personnel.

Page 5

Condition B.4.a(1):

- a. Administration Program
 - (1) Disbursement for salaries and premium pay is limited to 12.8 equivalent personnel.

Condition B.4.b(1):

- b. Accounts Program
 - (1) Disbursement for salaries and premium pay is limited to 21.0 equivalent personnel.

Condition B.4.c(1):

- c. Real Property Assessment Program
 - (1) Disbursement for salaries and premium pay is limited to 44.0 equivalent personnel.

Condition B.4.d(1):

- d. Motor Vehicle and Licensing Program
 - (1) Disbursement for salaries and premium pay is limited to 55.7 equivalent personnel and 6.0 LTA equivalent personnel.
 - (a) Refer to Appendix D for additional conditional language.
 - (i) One of the 6.0 LTA equivalent personnel must be assigned to Molokai.

Page 6

Condition B.4.e(1):

e. Purchasing Program

(1) Disbursement for salaries and premium pay is limited to 8.0 equivalent personnel.

Condition B.4.f(1):

f. Treasury Program

(1) Disbursement for salaries and premium pay is limited to 18.0 equivalent personnel.

Page 7

Condition B.5.a(1):

a. Administration Program

(1) Disbursement for salaries and premium pay is limited to 19.0 equivalent personnel.

Condition B.5.b(1):

b. Training Program

(1) Disbursement for salaries and premium pay is limited to 9.0 equivalent personnel.

Condition B.5.c(1):

c. Fire/Rescue Operations Program

(1) Disbursement for salaries and premium pay is limited to 287.0 equivalent personnel.

Condition B.5.d(1):

d. Fire Prevention Program

(1) Disbursement for salaries and premium pay is limited to 11.0 equivalent personnel.

Condition B.5.e(1):

e. Ocean Safety Program

(1) Disbursement for salaries and premium pay is limited to 63.0 equivalent personnel.

Condition B.6.a(1):

a. Administration Program

(1) Disbursement for salaries and premium pay is limited to 5.0 equivalent personnel.

Condition B.6.b(1):

b. Housing Program

(1) General
(i) Disbursement for salaries and premium pay is limited to 8.0 equivalent personnel.

Page 8

Condition B.6.c(1):

c. Human Concerns Program

(1) General
(i) Disbursement for salaries and premium pay is limited to 75.0 equivalent personnel.

Condition B.6.c(3):

- (v) Maui Economic Opportunity, Inc., for Head Start Summer Programs
 - (a) At least \$28,963 must be for the Head Start Summer Program on Molokai.

Page 9

Condition B.6.c(4):

- (v) Homeless Programs
 - (1) Up to \$66,200 must be for mobile water filling stations.
 - (a) Refer to Appendix D for additional conditional language.
 - (i) The purpose of this appropriation is to provide fresh water and clean drinking vessels through a mobile hydration vehicle for those living unsheltered in isolated areas. Funding is for one year to create a database on frequency of usage and usage location, and to partner with existing agencies. As a pilot program, the goal is to provide clean drinking water on a regular basis to unsheltered individuals in isolated areas in need. If practical, the mobile hydration vehicle may also be equipped with technology such as wireless internet or laptop computers to provide internet access to unsheltered individuals.

Page 10

Condition B.6.c(4):

- (xxii) Special Olympics Hawaii, Inc.
 - (a) At least \$11,000 must be for Molokai participation in Special Olympics events.

Condition B.6.c(4):

- (xxiii) Women Helping Women
 - (a) Up to \$11,000 must be used to provide services in East Maui.

Condition B.6.c(4):

- (xxiv) Suicide Prevention
 - (a) Support suicide prevention on Molokai.

Condition B.6.c(4):

- (xxvi) Aloha House
 - (a) Refer to Appendix D for additional conditional language.
 - (1) Grant for planning, design, and permitting of a 12-bed residential dormitory to provide enhanced access and support services for homeless and unsheltered individuals with behavioral health and substance abuse issues.
 - (2) Aloha House must submit a report that details how many homeless and unsheltered individuals were serviced, including how many had a VI-SPDAT assessment or are in the Homeless Management Information System.

Page 11

Condition B.6.c(5):

- (vi) Aloha House Enhanced Coordinated Care Program
 - (a) Refer to Appendix D for additional conditional language.

- (1) Grant for Aloha House's Enhanced Coordinated Care Program, which will provide enhanced access and support services for homeless and unsheltered individuals with behavioral health issues.
- (2) Aloha House must submit a report that details how many homeless and unsheltered individuals were serviced, including how many had a VI-SPDAT assessment or are in the Homeless Management Information System.

Page 12

Condition B.6.c(6):

- (xii) Project Graduation
 - (a) 1. No more than \$5,300 may be granted to each school that applies; and
 2. At least 50 percent of each school's grant must subsidize graduates' participation based on economic need.

Condition B.6.d(1):

- d. Animal Management Program
 - (1) Grant to Maui Humane Society for Animal Sheltering Program
 - (i) County funds may not be expended to operate pet cremation services, direct release quarantine services, or any other Maui Humane Society earned-income activities not related to contractual obligations.

Condition B.6.d(3):

- (3) Animal Enforcement Program
 - (i) At least \$750,000 must be for feral animal control.
 - (a) Up to \$250,000 each must be for Maui, Molokai, and Lanai.
 - (1) Refer to Appendix D for additional conditional language.
 - a. To ensure equal distribution for all 3 inhabited islands, all with different animal management needs.
 - (b) At least \$150,000 of the Molokai appropriation must be for a Molokai Axis Deer management specialist.
 - (1) Refer to Appendix D for additional conditional language.
 - a. Salary for this position would be up to \$80,000 annually, with the remainder to be spent on operations.
 - (ii) County funds may not be expended to operate pet cremation services, direct release quarantine services, or any other earned-income activities not related to contractual obligations.

Page 13

Condition B.7.a(1):

- a. Liquor Control Program
 - (1) Disbursement for salaries and premium pay is limited to 25.0 equivalent personnel.

Conditions B.8.a(1), B.8.a(2), and B.8.a(3):

- a. Management Program
 - (1) Disbursement for salaries and premium pay is limited to 16.0 equivalent personnel.
 - (2) Department must develop a program to track responsible and transparent disposal of County vehicles and equipment.
 - (3) Up to \$350,000 must be for the Paia Clean and Safe Program.

Condition B.8.b(1):

b. Information Technology Services (ITS) Program

- (1) Disbursement for salaries and premium pay is limited to 53.0 equivalent personnel.

Condition B.9.a(1):

a. Administration Program

- (1) Disbursement for salaries and premium pay is not restricted by Section 5.

Page 14

Condition B.9.a(3):

a. Administration Program

(3) Renewable Energy Programs

- (i) At least \$200,000 must be for the Ho'ahu Energy Co-op Molokai.

(a) Refer to Appendix D for additional conditional language.

1. Funding to be used for salaries, outreach and education, energy project and training, and insurance.

Condition B.9.a(9):

a. Administration Program

(9) Climate Mitigation/Adaptation Program

- (i) At least \$150,000 must be for Responsible Markets, LLC.

(a) Refer to Appendix D for additional conditional language.

1. Funding to be used for stream monitoring and community engagement projects, establishing equitable, sustainable, and culturally appropriate 21st century solutions based in Native Hawaiian perspectives and practices. It will also provide for cultural practices and *kanawai* when accessing Ahupua'a water systems.

Condition B.9.a(10):

a. Administration Program

(10) Environmental Protection

- (i) Eradicate invasive species.

(a) Eradicate Little Fire Ants for \$500,000.

(b) Eradicate Miconia and other invasive species for \$700,000.

- (1) Funds may not be used for deer management.

- (ii) Maui Nui Marine Resource Council for \$225,000.

- (iii) Lokahi Pacific for Re-Tree Hawaii for \$45,000.

(a) Refer to Appendix D for additional conditional language.

1. To be used for native tree planting, community engagement, education, climate change mitigation, and annual tree planting day under Environmental Protection Grants.

- (iv) Ke Ao Hali'i for \$30,000.

(a) Refer to Appendix D for additional conditional language.

1. To be used for the safety and maintenance of lands purchased with the use of County Open Space Funds.

- (v) Na Mamo O Mu'olea for \$20,000.

(a) Refer to Appendix D for additional conditional language.

1. To be used for the safety and maintenance of lands purchased with the use of County Open Space Funds.
- (vi) Sustainable Molokai Food Pantry for \$150,000.

Page 15

Condition B.9.b(1):

- b. Budget Program
 - (1) Disbursement for salaries and premium pay is not restricted by Section 5.

Condition B.9.c(1):

- c. Economic Development Program
 - (1) General
 - (i) Disbursement for salaries and premium pay is not restricted by Section 5.

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (iii) Wailuku Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.
 - (2) Up to \$50,000 for Ke Kula 'o Pi'ilani.
 - (3) Up to \$20,000 for Waikapu projects.
 - (4) Up to \$10,000 for Wailuku projects.
 - (5) Up to \$10,000 for Paukukalo projects.
 - (6) Up to \$5,000 for Maui Chamber of Commerce, Imi Pono Project.

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (iv) Kahului Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.

Page 16

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (v) East Maui Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.
 - (2) Up to \$30,000 for Hana Arts.
 - (3) Up to \$6,000 for Na Mamo O Mu'olea.
 - (4) Up to \$20,000 for Mahele Farms.
 - (5) Up to \$5,000 for Hana Cultural Center.
 - (6) Up to \$3,500 for Hana Cultural Center, KOKO FM.
 - (7) Up to \$10,000 for Hana Business Council (including EMR).
 - (8) Up to \$5,000 for Festivals of Aloha - Hana.

- (9) Up to \$15,000 for Kipahulu 'Ohana.
- (10) Up to \$5,000 for Kahanu Gardens.
- (11) Up to \$5,000 for Ke Ao Hali'i.

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (vii) Haiku-Paia-Makawao Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.
 - (2) Up to \$25,000 to Malama Hamakua Maui for management, maintenance, and security of the Hāmākualoa Open Space Preserve.
 - (3) Up to \$25,000 for the Haiku Hoolaulea and Flower Festival.

Page 17

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (viii) Pukalani-Kula-Ulupalakua Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.

Condition B.9.c(2):

- (ix) Ka Ipu Kukui Fellows Leadership
 - (a) Participation from Molokai and Lanai must be funded for qualified participants.

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (xi) Lanai Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.

Condition B.9.c(2):

- (xiii) Ma Ka Hana Ka Ike, Inc.
 - (a) Support the Ma Ka Hana Ka Ike building program.

Condition B.9.c(2):

- (xiv) Maui Economic Development Board, Inc.
 - (a) At least \$25,000 must be for science and technology programs for Molokai schools.

Page 18

Condition B.9.c(2):

- (xviii) Maui Economic Opportunity, Inc., for Microenterprise Program
 - (a) Funds must be made available to provide a full-time position for a Molokai loan manager.

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (xix) Molokai Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (xxi) South Maui Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior consent.
 - (2) Up to \$61,300 for Rooted Kekahi Me Ka Aina.
 - (3) Up to \$10,000 for the Kihei Community Association: South Maui Bike Lanes Community Project.
 - (4) Up to \$25,000 for Maui Ocean Center Marine Institute.
 - (5) Up to \$20,000 for Fourth Friday events.

Condition B.9.c(2):

- c. Economic Development Program
 - (2) Grants and disbursements for business development and technology
 - (xxv) West Maui Economic Development, Environmental, and Cultural Programs
 - (1) Notice must be provided to Council if funds are to be expended outside of the named areas without prior Council consent.

Page 20

Condition B.9.c(5):

- (v) Maui County Farm Bureau
 - i. Up to \$100,000 must be for a vacuum cooling plant.

Condition B.9.c(5):

- (5) Grants and disbursements for Agricultural Promotion
 - (viii) Maui Economic Opportunity Agricultural Micro Grants Program
 - (a) Refer to Appendix D for additional conditional language.
 - (1) MEO will receive a \$1.5 million grant from the County to manage and distribute advanced micro grant payments of \$25,000 or less per grantee. Upon application approval, MEO will issue grantee vendor payments in full at the front end to vendors, without limiting the number of grantee vendors.

The micro grants must be dispersed with efforts to ensure equitable distribution among applicants in Maui, Molokai, and Lana'i, with preference given to socially disadvantaged farming applicants such as women and native Hawaiians, and to farmers that did not receive funding in fiscal year 2021 from the micro grant funding. An application deadline will be set by MEO to ensure these preferential guidelines will be met.

The micro grants will be exclusively to food-producing farm businesses that operate on less than an aggregate of 12 acres within Maui County, possess a

County business or state general excise license for the farming business as of July 1, 2021. Applicants may also provide a copy of their G-45 or G-49 form filed in the previous tax year. Farm business owners, and any partners, must be Maui County residents for a minimum of one year prior to the date of the applicant's grant request. Applicants shall not be disqualified based upon receipt of COVID-related grant funding from supplementary sources.

Permissible uses include: (1) farm infrastructure upgrades; (2) packaging materials and products; (3) processing and storage equipment and machinery; (4) farm equipment, including tractors, tillers, and list; (5) marketing services, such as packaging, label design and printing, and website development; and (6) professional development, such as Food Safety Modernization Act training.

Microgrant allocations must not exceed the dollar amount requested by the applicant and will be distributed on a sliding scale with considerations made to the farm's distribution output to the community and scale of operations.

Condition B.9.c(5):

(5) Grants and disbursements for Agricultural Promotion

(ix) Maui Food Hub

(a) Refer to Appendix D for additional conditional language.

(1) Grant funding for the Maui Hub to promote food resiliency and security on Maui. Funding for one-time purchases of the following: refrigerator truck, truck electric chiller and chiller conversion, a half-time finance manager, a facility subsidy, and equipment.

Condition B.10.a(1):

a. Administration Program

(1) General

(i) Disbursement for salaries and premium pay is limited to 41.0 equivalent personnel.

(ii) At least \$50,000 must be used to perform a comprehensive assessment of highly utilized County parks and recreational facilities in the Wailuku district.

(a) Refer to Appendix D for additional conditional language.

1. Assessing existing conditions and frequency of use of parks and recreational facilities will assist in determining maintenance priorities. The assessment could also include identifying possible revenue generation opportunities.

Page 21

Condition B.10.b(1):

b. Parks Program

(1) Disbursement for salaries and premium pay is limited to 72.4 equivalent personnel.

(2) Up to \$400,000 must be for the Hāmākualoa Open Space Preserve Master Use and Management Plan.

Condition B.10.c(1):

c. Recreation and Support Services Program

(1) Disbursement for salaries and premium pay is limited to 319.0 equivalent personnel.

Condition B.11.a(1):

a. Personnel Administration and Management Support Services Program

(1) Disbursement for salaries and premium pay is limited to 20.0 equivalent personnel.

Condition B.12.a(1):

a. Administration and Planning Program

(1) General

a. Disbursement for salaries and premium pay is limited to 79.0 equivalent personnel.

Page 22

Condition B.13.a(1):

a. Administration Program

(1) Disbursement for salaries and premium pay is limited to 26.0 equivalent personnel.

Condition B.13.b(1):

b. Investigative Services Program

(1) Disbursement for salaries and premium pay is limited to 106.0 equivalent personnel.

Condition B.13.c(1):

c. Uniformed Patrol Services Program

(1) Disbursement for salaries and premium pay is limited to 305.7 equivalent personnel.

Condition B.13.d(1):

d. Technical and Support Services Program

(1) Disbursement for salaries and premium pay is limited to 114.5 equivalent personnel.

Conditions B.14.a(1) and B.14.a(2):

a. Prosecution Program

(1) Disbursement for salaries and premium pay is limited to 83.5 equivalent personnel.

(2) Up to \$50,000 to create and collect data in support of the Maui Community Outreach Court.

Condition B.15.a(1):

a. Administration Program - General Fund

(1) Disbursement for salaries and premium pay is limited to 7.0 equivalent personnel.

Condition B.15.b(1):

b. Engineering Program - General Fund

(1) Disbursement for salaries and premium pay is limited to 43.3 equivalent personnel.

Page 23

Condition B.15.c(1):

c. Special Maintenance Program - General Fund

(1) Disbursement for salaries and premium pay is limited to 41.0 equivalent personnel.

Condition B.15.d(1):

- d. Development Services Administration Program – General Fund
 - (1) Disbursement for salaries and premium pay is limited to 37.0 equivalent personnel.

Condition B.15.e(1):

- e. Highways Administration Program – Highway Fund
 - (1) General
 - (i) Disbursement for salaries and premium pay is limited to 9.0 equivalent personnel.

Condition B.15.f(1):

- f. Road, Bridge, and Drainage Maintenance Program – Highway Fund
 - (1) Disbursement for salaries and premium pay is limited to 136.0 equivalent personnel.

Condition B.15.g(1):

- g. Traffic Management Program – Highway Fund
 - (1) Disbursement for salaries and premium pay is limited to 16.0 equivalent personnel.

Page 24

Condition B.16.a(1):

- a. Administration Program – General Fund
 - (1) Disbursement for salaries and premium pay is limited to 7.0 equivalent personnel.

Condition B.17.a(1):

- a. Administration Program – Water Fund
 - (1) General
 - (i) Disbursement for salaries and premium pay is limited to 73.0 equivalent personnel.

Page 25

Condition B.17.c(1):

- c. Water Operations Program – Water Fund
 - (1) Disbursement for salaries and premium pay is limited to 149.0 equivalent personnel and 2.0 LTA equivalent personnel.

Page 27

Condition B.1.a(1):

- a. Other Projects
 - (1) Bond Fund
 - (i) Countywide Equipment
 - (a) Up to \$2,455,000 must be for one dozer for the Hana Landfill; one mini manual refuse truck for West Maui; one loader backhoe, one roll-off truck, and one Sitework GPS System for the Central Maui Landfill; and one dump truck, one wheel loader and one manual rear loader for the Molokai Landfill.
 - (b) Up to \$2,330,000 must be for two 1500-GPM pumper trucks, one each at the Kula Fire Station and Lanai Fire Station.

Page 42

Condition 3(a):

3. Department of Finance

(a) Commercial Driver's License (CDL) Program

- (1) Disbursement for salaries and premium pay is limited to 6.0 LTA equivalent personnel.

Condition 3(b):

3. Department of Finance

(b) Periodic Motor Vehicle Inspection Program

- (1) Disbursement for salaries and premium pay is limited to 5.0 LTA equivalent personnel.

Condition 3(c):

3. Department of Finance

(c) State Disability and Communications Board (DCAB) Program

- (1) Disbursement for salaries and premium pay is limited to 0.3 LTA equivalent personnel.

Condition 3(d):

3. Department of Finance

(d) State Identification (SID) Program

- (1) Disbursement for salaries and premium pay is limited to 2.0 LTA equivalent personnel.

Condition 3(e):

3. Department of Finance

(e) State Motor Vehicle Registration Program

- (1) Disbursement for salaries and premium pay is limited to 4.0 LTA equivalent personnel.

Condition 3(h):

3. Department of Finance

(h) American Rescue Plan Act of 2021, Non-Entitlement Units of Local Government (NEUs)

- (1) Disbursement of salaries and premium pay is limited to 1.0 LTA equivalent personnel.

Page 43

Condition 3(g):

3. Department of Finance

(g) American Rescue Plan Act of 2021

- (1) Up to \$450,000 must be for an asphalt paver for the Department of Public Works.
(2) Up to \$50,000 must be used for a Countywide Drinking Water Assessment for ADA Refill Stations.
(3) Up to \$200,000 must be used for a covered maintenance bay at Hana Landfill, if permissible.

Condition 4(m):

- 4. Department of Fire and Public Safety
 - (m) State of Hawaii Makena Lifeguard Services
 - (1) Disbursement for salaries and premium pay is limited to 10.5 LTA equivalent personnel.

Page 44

Condition 5(a):

- 5. Department of Housing and Human Concerns
 - (a) Aging and Disability Resource Center (ADRC) Expansion
 - (1) Disbursement for salaries and premium pay is limited to 5.5 LTA equivalent personnel.

Condition 5(e):

- 5. Department of Housing and Human Concerns
 - (e) Congregate Meals Program
 - (1) Disbursement for salaries and premium pay is limited to 6.3 LTA equivalent personnel.

Condition 5(g):

- 5. Department of Housing and Human Concerns
 - (g) Healthy Aging Partnership - Empowering Elders
 - (1) Disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel.

Condition 5(h):

- 5. Department of Housing and Human Concerns
 - (h) Home Delivered Meals Program
 - (1) Disbursement for salaries and premium pay is limited to 6.5 LTA equivalent personnel.

Condition 5(i):

- 5. Department of Housing and Human Concerns
 - (i) Kupuna Care Program
 - (1) Disbursement for salaries and premium pay is limited to 2.0 LTA equivalent personnel.

Condition 5(p):

- 5. Department of Housing and Human Concerns
 - (p) Retired Senior Volunteer Program
 - (1) Disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel.

Condition 5(q):

- 5. Department of Housing and Human Concerns
 - (q) Section 8 Housing Program
 - (1) Disbursement for salaries and premium pay is limited to 22.0 LTA equivalent personnel.

Page 45

Condition 5(t):

5. Department of Housing and Human Concerns

(t) Title III Programs

- (1) Disbursement for salaries and premium pay is limited to 5.0 LTA equivalent personnel.**

Condition 6(a):

6. Office of the Mayor

(a) Workforce Innovation and Opportunity Act (WIOA)

- (1) Disbursement for salaries and premium pay is not restricted by Section 5.**

Condition 6(b):

6. Office of the Mayor

(b) Community Development Block Grant (CDBG) Program

- (1) Disbursement for salaries and premium pay is not restricted by Section 5.**
- (2) Hale Makua Health Services Project: Hale Makua Kahului Elevator Upgrade**
- a. Replacement of the primary service elevator at the Hale Makua Kahului facility which is over 44 years old to meet the operational needs of the facility efficiently and safely.**
- (3) Hale Makua Health Services Project: Hale Makua Kahului Freezer Installation**
- a. Installation of an energy efficient walk-in freezer at the Hale Makua Kahului facility which is over 15 years old to store produce safely and reliably.**
- (4) County of Maui, Department of Fire and Public Safety Project: Ho`olehua Fire Station Mini Pumper**
- a. Acquisition of a mini pumper apparatus for Ho`olehua Fire Station.**
- (5) County of Maui, Department of Fire and Public Safety Project: Hana Fire Station Rescue Pumper**
- a. Partial funding for the acquisition of a rescue pumper apparatus for Hana Fire Station**
- (6) Community Development Block Grant (CDBG) Program Administration**

Page 46

Condition 8(b):

8. Department of Planning

(b) Coastal Zone Management Program

- (1) Disbursement for salaries and premium pay is limited to 4.0 LTA equivalent personnel.**

Condition 9(b):

9. Department of Police

(b) Community Oriented Policing Grant

- (1) Disbursement for salaries and premium pay is limited to 3.0 LTA equivalent personnel.**

Condition 9(i):

9. Department of Police

(i) State E911 Wireless Commission

- (1) Disbursement for salaries and premium pay is limited to 5.0 LTA equivalent personnel.

Condition 9(k):

9. Department of Police

(k) State and Federal Assets Forfeiture Program

- (1) A quarterly report must be submitted to the Council on the use of forfeiture funds.

Condition 10(a):

10. Department of the Prosecuting Attorney

(a) Asset Forfeitures Program

- (1) A quarterly report must be submitted to the Council on the use of forfeiture funds.

Page 47

Condition 10(c):

10. Department of the Prosecuting Attorney

(c) Domestic Violence Investigations Program

- (1) Disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel.

Condition 10(g):

10. Department of the Prosecuting Attorney

(g) Special Needs Advocacy Program

- (1) Disbursement for salaries and premium pay is limited to 7.0 LTA equivalent personnel.

Condition 12(a):

12. Department of Transportation

(a) Federal Transit Administration (FTA) and Other Transportation Program Grants for Maui Metropolitan Planning Organization (MPO)

- (1) Disbursement for salaries and premium pay is limited to 2.0 LTA equivalent personnel.

Page 48

Condition 13:

13. Additional Revenues Received in accordance with the Foregoing Grants

- (1) A quarterly report must be submitted to the Council on excess grant revenues received by the County.

Page 49

Conditions D(1), D(2), and D(3):

D. Plan Review, Permit Processing, and Inspection Revolving Fund (Section 16.26B.108.2.1, Maui County Code)

- (1) Disbursement for salaries and premium pay is limited to \$990,232 and 16.0 equivalent personnel.
- (2) Disbursement for operations or services is limited to \$537,200.
- (3) Disbursement for equipment is limited to \$145,000.

Conditions E(1), E(2), and E(3):

- E. Highway Beautification and Disposal of Abandoned or Derelict Vehicles Revolving Fund (Section 3.25.030, Maui County Code)
- (1) Disbursement for salaries and premium pay is limited to \$119,012 and 2.0 equivalent personnel for the Environmental Protection and Sustainability Program.
 - (2) Up to \$1,356,935 must be for disbursement for operations or services for the Environmental Protection and Sustainability Program.
 - (3) Up to \$10,000 must be for Teens On Call to maintain the Paia By-Pass.

Page 50

Conditions E(4) and E(5):

- E. Highway Beautification and Disposal of Abandoned or Derelict Vehicles Revolving Fund (Section 3.25.030, Maui County Code)
- (4) Up to \$347,083 must be for disbursement for operations or services for the Highway Beautification Street Tree Trimming Program.
 - (5) Up to \$50,000 must be for trash pick-up and removal of abandoned vehicles within the Hāmākualoa Open Space Preserve.

Condition F(1):

- F. Liquor Education Fund (Hawaii Revised Statutes 281-16, 281-17(2), 281-17(3))
- (1) Disbursement for operations and services is limited to \$70,180.

Condition G(1):

- G. Animal Management Revolving Fund (Chapter 3.84, Maui County Code)
- (1) Up to \$120,000 must be used to purchase two enforcement vehicles for animal management programs.

Conditions H(1), H(2), and H(3):

- H. Plan Review, Processing, and Inspection Revolving Fund (Fire) (Section 16.04C.060, Maui County Code)
- (1) Disbursement for salaries and premium pay is limited to \$125,372 and 1.0 equivalent personnel.
 - (2) Disbursement for operations or services is limited to \$189,682
 - (3) Disbursement for equipment is limited to \$55,000.

Condition I(1):

- I. Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund (Section 9-19, Revised Charter of the County of Maui (1983), as amended; Chapter 3.88, Maui County Code)
- (1) Up to \$300,000 must be for debt service for the purchase of approximately 186 acres at Launiupoko, Maui, Hawaii, TMKs: (2) 4-7-001:030 and (2) 4-7-001:026 (por.).

Page 51

Conditions I(2), I(3), I(4), I(5), I(6), I(7), and I(8):

- I. Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund (Section 9-19, Revised Charter of the County of Maui (1983), as amended; Chapter 3.88, Maui County Code)
 - (2) Up to \$1,000,000 must be for land acquisition and related costs for a Lanai agricultural park.
 - (3) Up to \$1,500,000 must be granted to Ke Ao Hali'i for land acquisition and related costs for TMKs: (2) 1-4-012:002, (2) 1-4-010:030, 032, 034, and 014, Maka'ala'e, Maui, Hawaii.
 - (4) Up to \$200,000 must be for security and maintenance of Kaehu.
 - (5) Up to \$2,100,000 must be granted to Ke Ao Hali'i for land acquisition and related costs for TMKs: (2) 1-4-010:008, 009, 010, 012, and 014 in the ahupua'a of Moka'e and Kakio, Hana, Maui, Hawaii.
 - (6) Up to \$1,300,000 must be for land acquisition and related costs for a 50-acre park site in the West Maui Community Plan area, in accordance with Condition 15 of Ordinance 3889 (2011).
 - (7) Up to \$5,500,000 must be for land acquisition and related costs for 257.7 acres of Ma'ala'e Mauka, TMK: (2) 3-6-001:018.

Condition K(1):

- K. Ocean Recreational Activity Fund (Section 13.04A.370, Maui County Code)
 - (1) Up to \$1,100 must be for required Ocean Protection and Cultural Awareness classes for permit holders.

Page 52

Conditions L(1), L(2), L(3), L(4), and L(5):

- L. Affordable Housing Fund (Section 9-20, Revised Charter of the County of Maui (1983), as amended; Chapter 3.35, Maui County Code)
 - (1) Up to \$70,000 must be for Administrative expenses.
 - (2) Up to \$2,000,000 must be for planning, design, engineering, construction, and construction management related to the Lanai Affordable Housing Project.
 - (3) Up to \$3,025,442 must be for a grant to Ikaika Ohana for land acquisition, planning and design, new construction, and reimbursement of entitlement work done by the land's sellers for a 56-unit multifamily rental project, for the Kaiulu O Halelea Phase 1B project, TMK: (2) 2-2-024:033, located at Lipoa Parkway, Kihei, Maui, Hawaii. The project will include six units at or below 30 percent of the AMI, six units at or below 40 percent of the AMI, 43 units at or below 60 percent of the AMI, and one unit for an on-site property manager. The affordability period is 65 years.
 - (4) Up to \$4,665,660 must be for a grant to Hawaiian Community Development Board for construction for a 97-unit senior rental project for the Hale O Piikea II, TMK: (2) 3-9-002:076, located at Piikea Avenue and Liloa Drive, Kihei, Maui, Hawaii. The project will include 10 units at or below 30 percent of the AMI, 10 units at or below 50 percent of the AMI, 76 units at or below 60 percent of the AMI and one unit for an on-site property manager. The affordability period is 61 years.
 - (5) Up to \$2,000,000 must be for a grant to Na Hale O Maui for land acquisition, foreclosed or abandoned building acquisition, rehabilitation, and new construction for six single family homes, including three units at or below 100 percent of the AMI and three units at or below 120 percent of the AMI. The affordability period is in perpetuity.

Page 53

Condition L(6) [and] L(7), and L(8):

- (6) Up to \$660,000 must be for a grant to Catholic Charities Housing Development Corporation for planning and design of a 179-unit multifamily rental project for the Hale Pilina project, TMK: (2) 3-7-013:026, located at Puunene Avenue, Kahului, Maui, Hawaii. The project will include 18 units at or below 30 percent of the AMI, 18 units at or below 50 percent of the AMI, 142 units at or below 60 percent of the AMI, and one unit for an on-site property manager. The affordability period is 61 years.
- (7) Up to \$650,000 must be for the acquisition of TMK: (2) 4-6-011:011 and 028, located at 266 Dickenson Street, Lahaina, Maui, Hawaii 96761.
- (8) Up to \$4,300,000 must be a loan to Liloa Senior Housing, LP for the planning, design, and construction for the Liloa Hale project, TMK: (2) 2-2-002:072, located at Welakahao Road, Kihei, Maui, Hawaii. The 117-unit multifamily senior rental project will include 12 units at or below 30 percent of the AMI, 104 units at or below 60 percent of the AMI, and one unit for an on-site property manager. The affordability period is 60 years.

Conditions M(1) and M(2):

- M. Kaunoa Senior Services Leisure Program Activities Revolving Fund (Chapter 3.37, Maui County Code)
 - (1) Up to \$350,000 must be for Leisure Program activities.
 - (2) Disbursements for leisure program instructors are limited to 11.0 LTA equivalent personnel.

Condition N(1):

- N. Alarm System Revolving Fund (Chapter 8.34, Maui County Code)
 - (1) Up to \$75,000 must be for contractual services for alarm system registrations.

Page 54

Condition O(1):

- O. Countywide Sewer Capital Improvement Reserve Fund (Section 9-14, Revised Charter of the County of Maui (1983), as amended)
 - (1) Up to \$3,500,000 must be used for the Central Maui Regional WWRP (Waikapu) project.

Condition Q(1):

- Q. Economic Development and Cultural Programs Revolving Fund (Chapter 3.81, Maui County Code)
 - (1) Up to \$150,000 must be for the restoration of Ka'ahumanu Church, Wailuku, Maui, Hawaii.

Condition S(1):

- S. Hawaiian Cultural Restoration Revolving Fund (Chapter 3.38, Maui County Code)
 - (1) Up to \$400,000 must be for a master plan, management strategy, and implementation for the restoration of Moku'ula and Mokuhinia through community input and participation.

Condition T(1):

T. Employee Parking Fees Fund (Chapter 3.26, Maui County Code)

- (1) Up to \$50,000 must be for parking lot improvements, lighting, and security measures.

Page 55

Conditions W(1) and W(2):

W. Special Management Area Revolving Fund (Chapter 3.49, Maui County Code)

- (1) Up to \$67,000 must be granted to Napili Bay and Beach Foundation for the construction of a new above grade TREX type decking path to spare more headland erosion by foot traffic.
- (2) Up to \$175,000 must be for a shoreline access study to identify potentially obstructed shoreline areas, and assess lateral shoreline access and access point pathways and make recommendations for County action.

Conditions Y(1) and Y(2):

Y. Disposal of Vehicles Fee Fund (Chapter 3.27, Maui County Code)

- (1) Disbursement for salaries and premium pay is limited to \$169,734 and 3.5 equivalent personnel for the Environmental Protection and Sustainability Program.
- (2) Up to \$1,000,000 must be for disbursement for operations or services for the Environmental Protection and Sustainability Program.

Conditions Z(1) and Z(2):

Z. Home Acquisition and Ownership Programs Revolving Fund (Chapter 3.34, Maui County Code)

- (1) Must be for disbursement of grants, up to \$30,000 each, for qualified Maui County residents participating in the First-time Homebuyers Program.
- (2) Up to \$250,000 must be for the establishment of an Individual Development Account pilot program. This program will include up to 20 qualified homebuyers.

Page 56

Condition AA(1):

AA. Molokai Farming Cost Reimbursement Program Fund (Chapter 3.76, Maui County Code)

- (1) Must be for disbursement of grants, up to \$5,000 each, for qualified farmers on Molokai for the cost of complying with the United States Food and Drug Administration Food Safety Act and State of Hawaii Food Safety Law."

SECTION 2. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel

DIGEST

ORDINANCE NO. _____
BILL NO. 97 (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,
DEPARTMENT OF FINANCE,
(AMERICAN RESCUE PLAN ACT OF 2021,
NON-ENTITLEMENT UNITS OF LOCAL GOVERNMENT (NEUS))

This bill proposes to amend Ordinance No. 5217, Bill No. 46 (2021), Draft 1, the "Fiscal Year 2022 Budget" of the County of Maui, Appendix D – Conditional Language, as it pertains to the Department of Finance by adding a Condition 3(h) for a new grant entitled "American Rescue Plan Act of 2021, Non-Entitlement Units of Local Government (NEUs)".

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 97 (2021) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 17th day of September, 2021, by the following vote:

AYES: Councilmembers Gabriel Johnson, Natalie A. Kama, Kelly T. King, Michael J. Molina, Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura, Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 20th of September, 2021.



KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.