

COUNCIL OF THE COUNTY OF MAUI

**POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE**

July 6, 2018

**Committee
Report No. _____**

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

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on June 19, 2018, makes reference to the following:

1. County Communication 17-11, from Council Chair Mike White, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended ("Charter").
2. County Communication 17-369, from Councilmember Don S. Guzman, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO USES OF THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter shall be amended to expand the uses of the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to authorize the fund to be used to perform maintenance and safety and security improvements on lands acquired through the fund.

Your Committee notes Article 14 of the Charter sets forth 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 further notes 1 percent of real property tax revenues is currently deposited into the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund ("Fund") to be used for the purchase of lands for public outdoor recreation and education, preservation of historic or culturally important land areas, and protection of significant habitat or ecosystems, as outlined in Section 3.88.020, Maui County Code. There is currently no funding mechanism in place to initially maintain and secure lands the County has acquired or will acquire through this Fund.

Your Committee noted the Fund has a balance of approximately \$6.2 million, according to the Fiscal Year 2019 Budget. Your Committee discussed placing a percentage or monetary cap on the funds that could be used for maintenance or security so that such costs would not deplete the entire Fund.

Your Committee revised the proposed resolution and ballot question to clarify that language related to safety and security improvements would include initial maintenance.

The Director of Finance supported the proposed resolution and said his Department would be able to track the use of the Fund for these extended uses.

Your Committee voted 6-0 to recommend passage of the revised proposed resolution on first reading. Committee Chair Sugimura, Vice-Chair Crivello, and members Carroll, Cochran, Guzman, and King voted "aye." Committee members Atay, Hokama, and White were excused.

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 revisions.

Your Policy, Economic Development, and Agriculture Committee RECOMMENDS that Resolution _____, attached hereto, entitled

COUNCIL OF THE COUNTY OF MAUI

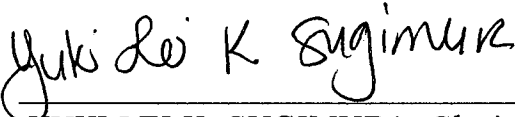
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“PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO USES OF THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



YUKI LEI K. SUGIMURA, Chair

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Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, RELATING TO USES OF
THE OPEN SPACE, NATURAL RESOURCES,
CULTURAL RESOURCES, AND SCENIC VIEWS
PRESERVATION FUND

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

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended (“Charter”), it hereby proposes that Section 9-19 of the Charter, pertaining to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund, be amended by amending subsection 1 to read as follows:

“1. In adopting each fiscal year’s budget and capital program, the council shall appropriate a minimum of one percent (1%) of the certified real property tax revenues to a fund known as the open space, natural resources, cultural resources, and scenic views preservation fund. The revenues in this fund shall be utilized for [purchasing]:

a. Purchasing or otherwise acquiring lands or property entitlements for land conservation purposes in the county of Maui for the following purposes: public outdoor recreation and education; preservation of historic or culturally important land areas; protection of significant habitat or ecosystems, including buffer zones; preserving forests, beaches, coastal areas, and agricultural lands; protecting watershed lands to preserve water quality; conserving land for the purpose of reducing erosion, floods, landslides, and runoff; and improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities[.];

or

b. Performing safety and security improvements on lands acquired through this fund.”;

and

Resolution No. _____

2. That material to be repealed is bracketed and new material is underscored; and

3. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

5. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

“Shall the Charter be amended, effective January 2, 2019, to expand the uses of the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to authorize the fund to be used to perform safety and security improvements on lands acquired through the fund?”; and

6. That, pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendment as set forth in this resolution in its entirety in a newspaper of general circulation; and

7. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed herein shall take effect as of January 2, 2019; and

8. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



EDWARD S. KUSHI, JR.

Department of the Corporation Counsel
County of Maui

2017-1061 2017-08-30 Resolution
2017-0098 PEA-10(3) Revised Reso