

# REQUEST FOR LEGAL SERVICES

Date: August 30, 2018  
From: Kelly King, Chair  
Planning Committee

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CORPORATION COUNSEL  
2018 AUG 31 AM 10:28

TRANSMITTAL  
Memo to:

DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Jeffrey Ueoka, Esq.

Subject: **A BILL FOR AN ORDINANCE TO ESTABLISH THE SPECIAL MANAGEMENT AREA REVOLVING FUND (PC-13)**

Background Data: Please revise bill in accordance with the attached, marked-up copy and in accordance with the Department of Planning's proposed revisions as set forth in the attached correspondence dated August 16, 2018. Please review and, if appropriate, approve as to form and legality. A signed, hard copy is requested.

Work Requested:  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

RECEIVED  
OFFICE OF THE  
COMPTROLLER  
2018 SEP 24 AM 9:30

Requestor's signature <u>Kelly J. King</u> Kelly King	Contact Person <u>Traci Fujita</u> (Telephone Extension: <u>7687</u> )
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 5, 2018  
REASON: For September 6, 2018 Planning Committee meeting

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>JTu</u>	ASSIGNMENT NO. <u>2017-0096</u>	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 9/4/18

By [Signature]  
(Rev. 7/03)

pc:ltr:013acc01

Attachments

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2018)

A BILL FOR AN ORDINANCE TO ESTABLISH THE SPECIAL MANAGEMENT  
AREA REVOLVING FUND

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

SECTION 1. Purpose. The purpose of this ordinance is to establish a fund for the deposit of all civil fines collected pursuant to Chapter 205A, Hawaii Revised Statutes. The funds deposited shall be used for: (1) enforcement personnel; (2) acquisition of land or easements to increase beach access in relation to the violation; and (3) master planning and implementation relating to coastal realignment.

SECTION 2. Title 3, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

**“Chapter 3.39**

**SPECIAL MANAGEMENT AREA REVOLVING FUND**

Sections:

- 3.39.010 Fund established.
- 3.39.020 Purpose.
- 3.38.030 Administration; report to council.

**3.39.010 Fund established.** There is established and created a fund to be known as the “special management area revolving fund.” Any civil fine collected pursuant to chapter 205A, Hawaii Revised Statutes, shall be deposited in the fund. Application fees for special management area assessments and permits, and shoreline setback variances, collected by the department of planning shall also be deposited into the fund. The fund may also receive

revenue from grants, donations, and other sources, as set forth in the annual budget.

**3.39.020 Purpose.** A. The special management area revolving fund shall provide funds to be used for the following purposes:

1. Augment enforcement of chapter 205A, Hawaii Revised Statutes, and special management area and shoreline rules of the Lanai, Maui, and Molokai planning commissions.
2. Land and easement acquisition for beach access.
3. Master planning, studies, permitting, and implementation pertaining to coastal realignment, beach and shoreline management, beach or dune restoration, or managed retreat.

B. In adopting each fiscal year's budget and capital program, the council may make appropriations to the fund. Any balance remaining in this fund at the end of the fiscal year shall not lapse, but shall remain in the fund accumulating from year to year.

C. The revenues in this fund shall not be used for any purpose except those listed in subsection A.

**3.39.030 Administration; report to council.** A. The director of finance shall establish a separate account to record all revenues credited to, and expenditures made from, the revolving fund.

B. Appropriations from the fund shall be by ordinance passed upon a vote of the council.

C. On or before March 1 of each year, the director of finance shall transmit to the council a detailed report of the fund during the preceding year.

D. On or before March 1 of each year, the director of planning shall transmit to the council a detailed report of the violations and amount of fines collected."

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

APPROVED AS TO FORM AND LEGALITY:



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JEFFREY UEOKA  
Department of the Corporation Counsel  
County of Maui  
2017-0920/2017-0096  
2017-08-31 Proposed Bill