

ORDINANCE NO. _____

BILL NO. 81 (2025)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.04, MAUI COUNTY
CODE, ON INFORMATION ON COUNTY OPERATIONS

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

SECTION 1. On March 3, 2025, the Council was asked to consider Bill 33 (2025), to amend the Fiscal Year 2025 Budget by appropriating \$650,000 from the Affordable Housing Fund for a grant to AO746 Lahaina, L.P. for predevelopment costs for the Kaiaulu O Napili Affordable Housing Project on a 14.99-acre portion of County-owned land identified for real property tax purposes as Tax Map Key (2) 4-3-001:096.

When the bill was transmitted, the Council was not informed that the County had acquired the property using the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund. Section 9-19(1)(a) of the Revised Charter of the County of Maui (1983), as amended, requires that land acquired with the Open Space Fund be used for land conservation.

The Council finds that affordable-housing development does not fit within the prescribed uses of the Open Space Fund. The Council further finds that it was not until the Administration was questioned about the incompatible use that the Council was informed the proposed use would be “contingent upon reimbursement of the Open Space Fund” for “all or the portion of the parcel used inconsistently with” the Charter’s requirements for the Open Space Fund. The

Council also finds that it is incumbent upon the Administration to disclose use restrictions on County-owned property when requesting appropriations for the property.

Accordingly, this Ordinance's purpose is to require the disclosure of information to ensure the real property's proposed use is consistent with its authorized uses. The Ordinance also repeals an outdated definition of "county agency" and uses the term "agency" as defined in Section 1.04.010 instead.

SECTION 2. Section 3.04.010, Maui County Code, is amended by repealing the definition of "county agency".

["County agency" means any department of the County including for the purposes of this chapter, the civil defense agency and the office of the mayor.]

SECTION 3. Section 3.04.010, Maui County Code, is amended by amending the definition of "operating expenditure category" to read as follows:

"Operating expenditure category" means a category of appropriations or expenditures, established by the mayor[,] and designed to provide a fair and detailed disclosure of the operations of each [county] agency, reasonably comparable for the years presented. The term does not include appropriations or expenditures for salaries of county officers or employees, for purchases of equipment, or for capital improvements."

SECTION 4. Section 3.04.020, Maui County Code, is amended to read as follows:

"3.04.020 General. A. The minimum disclosures required in this chapter [shall] may not be interpreted to restrict [any County] an agency from making additional or more detailed disclosures.

B. Information transmitted as required by this chapter [shall] must include a disclosure of the specific fund or funds involved, where appropriate. For planning, design, permitting, construction, or other development-related real property appropriations, the disclosure must include:

1. The County special purpose revenue fund used to acquire the real property, if any, to ensure the property's proposed use is consistent with the fund's authorized uses.

2. If the real property was acquired with a different special purpose revenue fund, an explanation of the way in which the proposed use is consistent with restrictions applicable to the fund's authorized uses or, alternatively, how the inconsistency will be rectified.

3. If the property is subject to a State executive order, the purpose and uses authorized by, and the duration of, the executive order.

4. Any entitlement conditions affecting the property's use for the proposed purpose.

C. Preparation of the operating budget and capital program [shall] must implement, to the extent practicable, the County's general plan enacted [pursuant to] under chapter 2.80B [of this code]."

SECTION 5. Section 3.04.030, Maui County Code, is amended by amending subsection A to read as follows:

"A. The operating budget which the mayor transmits to the council [shall] must include the following information:

1. Summaries for the County and for each [county] agency.
2. Definitions for operating expenditure categories."

SECTION 6. Section 3.04.050, Maui County Code, is amended to read as follows:

"3.04.050 Budget implementation reports. A. A budget implementation report [shall] must be transmitted by each [county] agency within [thirty] 30 days after the end of each quarter of the fiscal year. The first quarter report [shall] must relate to the preceding period from July [1st] 1 through September [30th.] 30. The second quarter report [shall] must relate to the preceding period from July [1st] 1 through December [31st.] 31. The third quarter report [shall] must relate to the preceding period from July [1st] 1 through March [31st.] 31. The fourth quarter report [shall] must relate to the preceding period from July [1st] 1 through June [30th.] 30.

B. Each budget implementation report [shall] must include the following information:

1. A report of each position vacant for [ninety] 90 days or more as of the end of the reporting period, together with the reason for the vacancy, the duration of the vacancy, the status of personnel actions taken to fill the vacancy, and the anticipated date that the vacancy will be filled[;].

2. A status report of each [county] agency's program objectives and performance measures."

SECTION 7. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 8. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to be "Arthur B. [unclear]", is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

paf:cmn:25-092c

INTRODUCED BY:

Yuki Sei K. Sugimura
YUKI LEI K. SUGIMURA