

RECEIVED

November 22, 2023

2023 NOV 22 AM 9: 22

OFFICE OF THE
COUNTY COUNCIL

MEMO TO: BFED-21(12) File

F R O M: Yuki Lei K. Sugimura, Chair *Yuki Lei K. Sugimura*
Budget, Finance, and Economic Development Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
GENERAL EXCISE TAX FUND - REVIEW OF DEVELOPER
RECORDS, REPORTS, FILES, AND OTHER DOCUMENTS**
(BFED-21(12))

The attached informational document pertains to Item 21(12) on the Committee's agenda.

bfed:ltr:021(12)afile01:jgk

Attachment

ORDINANCE NO. _____

BILL NO. 104 (2023)

A BILL FOR AN ORDINANCE AMENDING SECTION 3.100.040,
MAUI COUNTY CODE, ON USE OF THE GENERAL EXCISE TAX FUND

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

SECTION 1. The Council finds that using the General Excise Tax Fund for housing infrastructure is akin to providing a grant of public funds to the developer. Therefore, like grant recipients under Chapter 3.36, Maui County Code, developers benefiting from the General Excise Tax Fund should open their books to the County.

SECTION 2. Section 3.100.040, Maui County Code, is amended by amending subsection A to read as follows:

“A. The council, in adopting each fiscal year’s budget and capital program, must appropriate any surcharge revenue received from the [state] State in accordance with [Section] section 46-16.8, Hawaii Revised Statutes. Allowable uses of the fund include housing infrastructure; provided that housing infrastructure costs must not be passed on to the developer of a housing project. Before any expenditure from the fund is made that benefits a housing project by reducing infrastructure costs, the developer must agree in writing to allow the director of finance, the managing director, the mayor, the committees of the council and their staff, and the county auditor, subject to chapter 92F, Hawaii Revised Statutes or other applicable law, full access to records, reports, files, and other documents related to the housing project so that the management and fiscal practices of the developer may be monitored and evaluated to assure the proper and effective expenditure of public funds as necessary.”

SECTION 3. Material to be repealed is bracketed.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 4. This Ordinance takes effect on January 1, 2024.

APPROVED AS TO FORM AND LEGALITY:


KRISTINA C. TOSHIYOSHI

Department of the Corporation Counsel

County of Maui

paf:ebm:23-188g

LF2023-1645

PAF 23-188 2023-1010 Amd 3.100.040

INTRODUCED BY:

A handwritten signature in black ink, appearing to read 'Keani N.W. Rawlins-Fernandez', written in a cursive style.

KEANI N.W. RAWLINS-FERNANDEZ