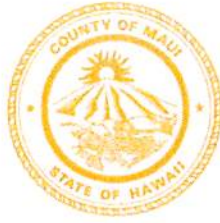


MICHAEL P. VICTORINO
Mayor

JEFFREY T. PEARSON, P.E.
Director

HELENE KAU
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RECEIVED
2020 FEB 24 PM 2:54
OFFICE OF THE MAYOR

February 24, 2020

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 2/25/20

Mayor Date

RECEIVED
2020 FEB 25 AM 9:40
OFFICE OF THE COUNTY CLERK

For Transmittal to:

Honorable Alice Lee
Council Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.93, MAUI COUNTY CODE, CREATING THE IMPACTS OF CLIMATE CHANGE AND SEA LEVEL RISE CAPITAL REPLACEMENT FUND FOR THE DEPARTMENT OF WATER SUPPLY

The Department of Water Supply desires to establish a capital replacement fund to ensure a source of funding to be used for analysis of and adaptation to impacts upon the quantity, quality, and demand for water resources and infrastructure and/or to seek any other available alternatives. A proposed bill is attached for your consideration.

In advance, thank you for your attention to this matter. If you have any questions, please contact me.

Sincerely,

Helene Kau
HELENE KAU
Deputy Director

HK:kkk
Attachment

COUNTY COMMUNICATION NO. 20-178

"By Water All Things Find Life"

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.93, MAUI COUNTY CODE, CREATING THE IMPACTS OF CLIMATE CHANGE AND SEA LEVEL RISE CAPITAL REPLACEMENT FUND FOR THE DEPARTMENT OF WATER SUPPLY

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

SECTION 1. The purpose of this ordinance is to establish a capital replacement fund to minimize risks from and adapt to the impacts of climate change and sea level rise upon water resources and infrastructure. This fund is necessary to ensure a ready source of funding to be used for analysis of and adaptation to impacts on water resource quantity, quality, demand, and infrastructure; alternative actions including infrastructure relocation, abandonment, or reinforcement; and alternative water supply development.

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

“Chapter 3.93

**IMPACTS OF CLIMATE CHANGE AND SEA LEVEL RISE
CAPITAL REPLACEMENT FUND FOR THE DEPARTMENT OF
WATER SUPPLY**

Sections:

- 3.93.010 Fund established.
- 3.93.020 Purpose and uses.
- 3.93.030 Deposits to the fund.
- 3.93.040 Administration.

3.93.010 Fund established. There is established and created a fund to be known as the “impacts of climate change and

sea level rise capital replacement fund for the department of water supply.”

3.93.020 Purpose and uses. The fund is established for the purpose of funding the following:

1. Planning, design, and construction of infrastructure, including relocation, abandonment, reinforcement, and replacement.
2. Acquisition of real property or interests in real property.
3. Planning, design, and construction of recycled water, and storm water capturing infrastructure.
4. Planning, design, and construction of alternative water supply development, including desalinization and indirect or direct potable reuse.
5. Leveraging funds provided by federal, state, nonprofit, or for-profit organizations to further the purposes identified in this section.
6. Other expenses, including debt service, related to the uses identified in this section.

3.93.030 Deposits to the fund. There shall be deposited into the fund:

1. Monies transferred from the water supply unrestricted cash fund.
2. Any fees or portions thereof as set forth in the annual budget ordinance for the purposes of this chapter.
3. Such supplemental transfers as may be provided by law.

3.93.040 Administration. A. The director of finance shall establish a separate account to record revenues and supplemental transfers credited to and expenses incurred by the fund.

B. Any proposed appropriation shall be submitted to the council for approval as a budget appropriation in either the annual budget or a proposed amendment to the budget ordinance. In adopting each year’s fiscal budget and capital program, the council may make appropriations to the fund.

C. The revenues in this fund shall not be used for any purpose except the purposes listed in section 3.93.020.

D. The director of water supply may adopt administrative rules necessary to carry out the purposes of this chapter.”

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

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'R. Thomson', written over a horizontal line.

RICHELLE M. THOMSON
Department of Corporation Counsel
County of Maui
LF2020-0030