

# REQUEST FOR LEGAL SERVICES

**Date:** April 18, 2019  
**From:** Keani Rawlins-Fernandez, Chair  
Economic Development and Budget Committee

**TRANSMITTAL**


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

**Subject:** PROPOSED FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI (CC-11)  
(EDB-1)

**Background Data:** Please review and, if appropriate, approve as to form and legality the attached proposed bill to establish a cost-recovery policy for the Department of Planning.

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

OTHER:

|   |   |
|---|---|
| Requestor's signature<br><br>Keani Rawlins-Fernandez | Contact Person<br><u>David Raatz</u><br>(Telephone Extension: 7664) |
|---|---|

- ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): April 23, 2019  
REASON: Decision-making week on the Fiscal Year 2020 Budget.

**FOR CORPORATION COUNSEL'S RESPONSE**

|              |                |     |
|--------------|----------------|-----|
| ASSIGNED TO: | ASSIGNMENT NO. | BY: |
|--------------|----------------|-----|

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 \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

edb:2020bgt:190418acc01:cmn

Attachment

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

BILL NO. \_\_\_\_\_ (2019)

ESTABLISHING A COST-RECOVERY POLICY FOR THE DEPARTMENT OF  
PLANNING

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

SECTION 1. Title 3, Maui County Code, is amended to establish a new chapter to read as follows:

**“Chapter 3.01**

**COST-RECOVERY POLICY FOR THE PLANNING DEPARTMENT**

Sections:

- 3.01.010 Findings.
- 3.01.020 Policy.
- 3.01.030 Requirements.

**3.01.010 Findings.** A. The council finds the planning department historically recovers only approximately 6 percent of its total budget via fee revenue and only approximately 18 percent of the costs associated with providing fee-related services. The majority of the planning department’s budget has been funded by the general fund. The council further finds planning departments in other municipalities have avoided overreliance on general fund revenue by implementing cost-recovery policies.

B. The council finds the County does not have a procedure for analyzing the planning department’s cost of providing services, and a comprehensive study has not been conducted in more than twenty-five years. The County does not have a method for updating its fees annually via consumer-price index or other factors.

**3.01.020 Policy.** A cost-recovery policy will be implemented by the planning department after a comprehensive study has been conducted and a subsequent fee schedule has been included in the annual budget ordinance.

**3.01.030 Requirements.** A. Consistent with the recommendations of the “Final Report on the Fee Study and Cost Recovery Plan for the Department of Planning,” prepared by Matrix Consulting Group, dated December 2, 2009, the planning director will conduct a comprehensive study necessary to form the basis of a cost-recovery policy for the planning department, with the study to be completed within one year of the effective date of the ordinance establishing this chapter.

B. Within three months of the completion of the study required by subsection A, the planning director shall propose one or more ordinances to amend the annual budget ordinance by establishing a revised fee schedule and to amend this chapter by establishing a detailed cost-recovery policy for the planning department.”

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

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