

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

September 21, 2018

Committee
Report No. 18-154

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on September 6, 2018, makes reference to County Communication 17-294, from Councilmember Elle Cochran, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH THE SPECIAL MANAGEMENT AREA REVOLVING FUND."

The purpose of the proposed bill is to establish a Special Management Area Revolving Fund for the deposit of all civil fines collected pursuant to Chapter 205A, Hawaii Revised Statutes.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, approved as to form and legality. The revised proposed bill incorporates revisions proposed by the Planning Director to: 1) add additional sources of revenue for the fund, 2) expand the purpose of the fund, 3) clarify that the Director of Finance transmit the annual report on the fund, and 4) clarify that the annual report by the Planning Director includes information on violations and fines collected.

Your Committee notes the Countywide Policy Plan includes policies to protect undeveloped beaches, dunes, and coastal ecosystems, restore natural shoreline processes, and strengthen coastal-zone management. The Maui Island Plan includes policies to carefully manage beach nourishment activities to protect the coastal and marine ecosystem. Additionally, the Hawaii Sea Level Rise Vulnerability and Adaptation Report stresses the importance of many forms of beach management, including nourishment.

Given these important policy statements, your Committee noted dedicated funding for the Coastal Zone Management Program in the

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

Page 2

Committee
Report No. 18-154

Department of Planning is needed and finds that creation of a Special Management Area Revolving Fund is a creative solution to address shoreline issues.

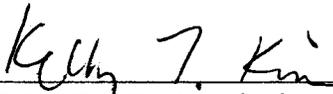
A representative from the Department of Planning said the County generates up to \$145,000 per year from fees and fines contemplated as revenue sources for the fund. Creation of the fund would allow the revenue stream from shoreline management area and shoreline setback variance assessment and fees to be used for related shoreline enforcement, easement acquisition, and planning.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair King, Vice-Chair Sugimura, and members Cochran, Crivello, Guzman, and Hokama voted "aye." Committee member White was excused.

Your Planning Committee RECOMMENDS the following:

1. That Bill 83 (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO ESTABLISH THE SPECIAL MANAGEMENT AREA REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-294 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



KELLY T. KING, Chair

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:



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