

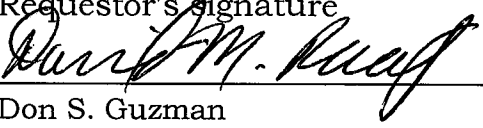
REQUEST FOR LEGAL SERVICES

Date: December 1, 2016
From: DON S. GUZMAN, Chair
Economic Development, Energy, Agriculture, and Recreation Committee
TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

Subject: ESTABLISHING AN HAWAIIAN CULTURAL RESTORATION REVOLVING FUND (EAR-55)

Background Data: Please review and, if appropriate, approve as to form and legality, the attached proposed bill to establish the Hawaiian Cultural Restoration Revolving Fund, passed with amendments at the November 29, 2016 meeting of the Economic Development, Energy, Agriculture, and Recreation Committee. The proposed bill incorporates amendments providing that the fund be reviewed by the Council annually and appropriated in the budget process, as well as nonsubstantive revisions for clarity. Please provide a hard copy response.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Don S. Guzman	Contact Person Sharon Brooks (Telephone Extension: 7137)
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☐ 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): December 7, 2016
REASON: To meet posting deadline for the Council's December 16, 2016 meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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)

ear:ltr:055acc02:scb

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE TO ESTABLISH THE
HAWAIIAN CULTURAL RESTORATION 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 proceeds from the parking concession located on property under the control and management of the County or the County's designee on the area identified as tax map key number (2) 4-6-007:036 in Lahaina, Maui, Hawaii. The funds deposited shall be used for the preservation and restoration of Hawaiian historic and cultural sites and artifacts relating to Moku`ula and the ponds of Mokuhinia.

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

"Chapter 3.38

HAWAIIAN CULTURAL RESTORATION REVOLVING FUND

Sections:

3.38.010 Fund established.

3.38.020 Purpose.

3.38.030 Administration: Report to the Council.

3.38.010 Fund established. There is established and created a fund to be known as the "Hawaiian cultural restoration revolving fund." Proceeds collected from a legally established parking concession located on property under the control and management of the County on the area identified as tax map key number (2) 4-6-007:036 in Lahaina, Maui, Hawaii shall be deposited in the fund.

3.38.020 Purpose. A. The Hawaiian cultural restoration revolving fund shall provide funds for the preservation and restoration of Hawaiian historic and cultural sites and artifacts relating to Moku`ula and the ponds of Mokuhinia at Lahaina, Maui, Hawaii, including maintenance of the sites.

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 of this section.

3.38.030 Administration; report to the 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 shall transmit to the council a detailed report of the fund during the preceding year."

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

ear:misc:055abill02:scb