

Resolution

No. 26-88

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF
THE COUNTY OF MAUI (1983), AS AMENDED, ON THE
LANGUAGE OF SECTION 9-9 APPROPRIATIONS AND CHANGES

WHEREAS, Section 9-9 of the Revised Charter of the County of Maui (1983), as amended, establishes the process for appropriations and changes to revenues and reserves, including a provision that establishes the procedure for emergency appropriations; and

WHEREAS, under the Charter, the current language of Subsection 9-9(2) allows the County, by ordinance, to issue emergency notes and limits the total amount of emergency appropriations to not exceed one percent of the total operating appropriations made in the operating budget for that year; and

WHEREAS, the in recent years, multiple natural disasters have occurred such as the 2023 Wildfires and 2026 Kona Low Storms, that required the county to respond quickly; and

WHEREAS, the County has had to utilize this process to fund emergency repairs to infrastructure that was damaged from these disasters; and

WHEREAS, the proposed amendment clarifies that the one percent limit refers to one percent of the total operating budget and does not apply to funds that have already been allocated to an emergency fund; and

WHEREAS, this amendment also clarifies that the request will be made for a line of credit rather than issuing emergency notes, since the definition of 'emergency notes' is unclear and not used in most other jurisdictions; and

WHEREAS, Subsection 14-1(1) of the Charter allows the County Council to initiate amendments to the Charter through a resolution adopted after two separate readings and passed by a vote of six or more members of the Council; and

WHEREAS, the Council finds that the voters should decide if the Charter should be amended to allow the Mayor, with approval from Council, to apply for

a line of credit instead of issuing emergency notes and clarify that the one percent limit does not apply to the use of funds that are already appropriated to an emergency fund; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, in accordance with Subsection 14-1(1), Revised Charter of the County of Maui (1983), as amended, it proposes Charter Section 9-9(2) be amended to read as follows, with deleted material in brackets and new material underscored:

“2. To meet a public emergency threatening life, health, or property, the council, upon written request by the mayor, may pass emergency appropriations. Such appropriations [~~shall~~ must] be made by ordinance, which takes immediate effect and must be approved by not less than seven members of the council.

To the extent that there are no available unappropriated revenues to meet such appropriations, the County may, by ordinance, authorize the [~~issuance of emergency notes~~] application for a line of credit. [These notes shall be paid not later than the later day of the fiscal year next succeeding that in which the emergency appropriation was made.] The total of emergency appropriations in any fiscal year [~~shall~~] except for those appropriating funds already allocated in an emergency fund, must not exceed one percent of the total operating [~~appropriations~~] budget (excluding [~~those~~] appropriations for debt service) [~~made in the operating budget~~] for that year.”;

2. That, in accordance with Charter Subsection 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next general election;
3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election;
4. That, in accordance with Charter Subsection 14-1(1), it proposes that the following question be placed on the next general election ballot:

“Shall the Charter be amended, effective January 2, 2027, to allow the Mayor, with approval from the Council, to

pass an emergency appropriation for an application for a line of credit and clarify that the one percent limitation for emergency appropriations does not apply to funds that have already been allocated to an emergency fund?”;

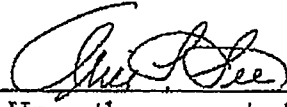
5. That, in accordance with Charter Subsection 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;
6. That, on approval by a majority of the voters voting on the proposed amendment and on official certification of the result, the amendment proposed in this Resolution takes effect on January 2, 2027;
7. That, as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety, a revised Charter including amendments adopted in this Resolution and renumber provisions and cross-references as may be necessary by the approval of the revisions or amendments; and
8. That certified copies of this Resolution be transmitted to the Mayor and County Clerk.

APPROVED AS TO FORM AND LEGALITY:



Yukari Murakami
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF 2025-2065
2026-04-20 Reso Amd Charter 9-9

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "The Mayor", is written above a horizontal line.

Upon the request of the Mayor.