

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

BILL NO. 16 (2018)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.55, MAUI COUNTY CODE, RELATING TO THE ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND, AND AMENDING CHAPTER 3.54, MAUI COUNTY CODE, RELATING TO THE SOLID WASTE MANAGEMENT FUND

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

SECTION 1. The Revised Charter of the County of Maui (1983), as amended, was amended in 2012 to add the following powers, duties, and functions to the Director of Environmental Management: guide efforts to optimize opportunities for environmental and natural resource protection, sustainability, conservation, and restoration. Thereafter, the Environmental Protection and Sustainability Division was established in the Department of Environmental Management. To manage and fund this new division, it is now desirable and necessary to establish a dedicated environmental protection and sustainability fund. Concurrent with the creation of the environmental protection and sustainability fund, it is also desirable and necessary to amend the solid waste management fund to reflect the revised powers, duties, and functions within the department of environmental management.

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

## **“Chapter 3.55**

### **ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND**

#### **Sections:**

- 3.55.010 Fund established.**
- 3.55.020 Purpose and uses.**
- 3.55.030 Definitions.**
- 3.55.040 Deposits to the fund.**
- 3.55.050 Administration.**
- 3.55.060 Administrative rules.**

**3.55.010 Fund established.** There is established and created a fund to be known as the “environmental protection and sustainability fund.”

**3.55.020 Purpose and uses.** The environmental protection and sustainability fund is established for the purpose of funding efforts by the environmental protection and sustainability division of the department of environmental management to optimize opportunities for environmental and natural resource protection, sustainability, conservation, and restoration, including:

1. Energy security or sustainability.
2. Landfill diversion, including uses or programs identified in or compatible with the County’s integrated solid waste management plan, as amended, established pursuant to chapter 342G, Hawaii Revised Statutes.
3. Recycling programs.
4. Abandoned vehicles and metals programs.
5. The cost of personnel.
6. The cost of equipment.
7. Acquisition of real property to be used for the purposes identified in this section.
8. Planning, design, and construction of facilities related to the purposes identified in this section.
9. Grants or loans to nonprofit or for-profit organizations for the purposes identified in this section, made in accordance with the requirements of chapter 3.36 of this title.
10. Leveraging funds provided by federal, state, nonprofit or for-profit organizations, and other non-County entities to further the purposes identified in this section.
11. Other expenses related to the purposes identified in this section.

**3.55.030 Definitions.** Unless otherwise expressly stated, whenever used in this chapter the following terms shall have the following meanings:

“Landfill diversion” means separation of wastes from the waste stream for the purpose of reducing, recycling, reusing, or otherwise diverting waste from disposal in a landfill.

“Recycling” means the same as the term is defined in section 342G-1, Hawaii Revised Statutes.

“Sewage sludge” means the same as the term is defined in section 342D-1, Hawaii Revised Statutes.

**3.55.040 Deposits to the fund.** There shall be deposited into the environmental protection and sustainability fund:

1. Monies transferred from the wastewater reclamation division of the department of environmental management related to the processing, handling, or disposal of sewage sludge.

2. Any fees or portions thereof as set forth in the annual budget ordinance.

3. Supplemental transfers as set forth in the annual budget ordinance.

**3.55.050 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 fiscal year’s 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 3.55.020.

**3.55.060 Administrative rules.** The director of environmental management may adopt administrative rules necessary to carry out the purposes of this chapter.”

SECTION 3. Section 3.54.020, Maui County Code, is amended to read as follows:

**“3.54.020 Purpose.** A. The solid waste management fund is established for the purpose of paying for the personnel, equipment, operating, and capital expenses of the solid waste

[management] division of the department of environmental management [and of landfill diversion].

B. There shall be deposited into the solid waste management fund all [refuse] solid waste collection charges and landfill disposal charges received pursuant to [sections 8.04.060 and 8.04.076] chapter 8.04 of this code, or such appropriations as set forth in the annual budget ordinance that are not otherwise reserved for deposit to the environmental protection and sustainability fund pursuant to section 3.55.040 of this title, and such supplemental transfers as may be provided by law.

C. Moneys in the solid waste management fund may be expended to pay for:

1. [Refuse] Solid waste collection[;], disposal, and associated expenses.
  2. Landfill operation[;].
  3. Acquisition of real property to be used as landfills [or for recycling facilities;].
  4. Planning, design, and construction of landfills [and recycling facilities;].
  5. The cost of personnel[;].
  6. The cost of equipment[;].
  7. Landfill diversion; and
  8. Other expenses related to collection, and disposal of solid waste.]
7. Uses or programs related to the purposes identified in this section.”

SECTION 4. Section 3.54.025, Maui County Code, is amended to read as follows:

**“3.54.025 Definitions.** Unless otherwise expressly stated, whenever used in this chapter the following terms shall [be taken to] have the following meanings:

“Landfill” means the same as the term is defined in section 8.04.010 of this code.

“Landfill diversion” means any act that would separate wastes from the waste stream for the purpose of reducing, recycling or reusing.

“Recycling” means the same as the term is defined in section 342G-1 of the Hawaii Revised Statutes.]

“Solid waste” means the same as the term is defined in section 340A-1, [of the] Hawaii Revised Statutes.”

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This ordinance shall take effect on July 1, 2018.

APPROVED AS TO FORM AND LEGALITY:



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RICHELLE M. THOMSON  
Department of the Corporation Counsel  
County of Maui  
2017-0093  
2018-01-23 Establish Chapter 3.55  
Amend Chapter 3.54 MCC  
bf:misc:111abill03:mmy

DIGEST

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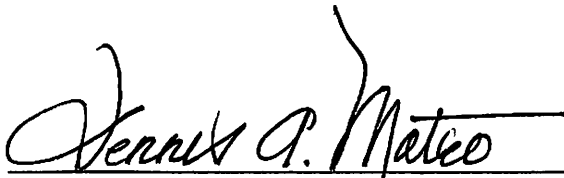
This bill proposes to amend the Maui County Code by establishing a new Chapter 3.55, establishing an Environmental Protection and Sustainability Fund; and amending Chapter 3.54, relating to the Solid Waste Management Fund, by deleting the purposes of the fund relating to environmental protection and sustainability.

I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 16 (2018) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 9th day of March, 2018, by the following vote:

AYES: Councilmembers Alika Atay, Eleanora Cochran, S. Stacy Crivello, Donald S. Guzman, G. Riki Hokama, Kelly T. King, Yuki Lei K. Sugimura, Vice-Chair Robert Carroll, and Chair Michael B. White.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 12th of March, 2018.

  
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DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.