

Resolution

No. 26-89

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO SECTION 9-10 ON THE TRANSFER OF APPROPRIATIONS

WHEREAS, Section 9-10 of the Revised Charter of the County of Maui (1983), as amended, establishes the process for reductions and transfers of appropriations; and

WHEREAS, the current language of Subsection 9-10(2) allows the Mayor to request a transfer from an unencumbered appropriation balance within a department by resolution; and

WHEREAS, the current process does not allow for a flexible method of a transfer within a single department; and

WHEREAS, by amending this section to allow the Mayor to make intra-departmental transfers up to a specified amount without Council approval will enable the County to operate more efficiently; and

WHEREAS, the Council will establish by ordinance the appropriate threshold and reporting requirements for intra-departmental transfers that do not require a resolution; 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 readings on separate days 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 to make certain intra-departmental transfers without Council approval; 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 Subsection

9-10(2) be amended to read as follows, with deleted material in brackets and new material underscored:

“2. Upon written request of the mayor part or all of any unencumbered appropriation balance may be transferred [within a department by resolution or] from one department to another by ordinance. The mayor may transfer within the same department an unencumbered appropriation balance or portion of the balance as prescribed by law. No transfer [shall] can be made from an appropriation to pay any indebtedness, and no appropriation may be reduced below any amount required by law to be appropriated.”;

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:

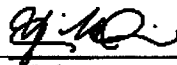
“Shall the Charter be amended, effective January 2, 2027, to allow the Mayor to transfer all or a portion of an unencumbered appropriation balance within the same department, subject to a reporting requirement and maximum amount to be established by the County Council by ordinance in the Maui County Code?”;

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
2026-04-30 Reso Amd Charter 9-10

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John A. Lee", written over a horizontal line.

Upon the request of the Mayor.