

ORDINANCE NO. _____

BILL NO. 68, CD1 (2022)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.97,
MAUI COUNTY CODE, CREATING A MANAGED
RETREAT REVOLVING FUND

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

SECTION 1. Title 3, Maui County Code, is amended by adding a new chapter to be appropriately designated and read as follows:

“Chapter 3.97

MANAGED RETREAT REVOLVING FUND

Sections:

- | | |
|----------|---------------------------------|
| 3.97.010 | Fund established. |
| 3.97.020 | Purpose. |
| 3.97.030 | Priorities. |
| 3.97.040 | Deposits to the revolving fund. |
| 3.97.050 | Administration. |

3.97.010 Fund established. There is established and created a fund to be known as the managed retreat revolving fund.

3.97.020 Purpose. A. The managed retreat revolving fund is established for the purpose of optimizing opportunities for shifting development inland from the coast through the physical movement of existing structures by funding:

1. Shoreline safety improvements including mitigation or removal of hazardous conditions due to shoreline erosion.
2. Removal or relocation of structures or infrastructure that pose a threat to public health or safety or the environment.
3. Programs and permitting, inclusive of environmental assessments, related to the purposes of this chapter.

4. Leveraging funds provided by federal, state, nonprofit or for-profit organizations, and other non-County entities to further the purposes identified in this chapter.

5. Equivalent personnel and administrative costs.

B. The revenues in this fund must not be used for any purpose except the purposes listed in subsection A.

C. The revenues in this fund must not be used for the purchase, acquisition, or rehabilitation of privately-owned property unless approved by an affirmative vote of two-thirds of the members of the council by resolution.

3.97.030 Priorities. In determining which projects will be funded, priority must be given in the following order:

A. Removal or relocation of County-owned structures or infrastructure that pose an imminent threat to public health or safety or the environment.

B. Removal of structurally compromised abandoned structures that pose an imminent threat to public health or safety or the environment.

C. Removal, relocation, or safety improvements to County-owned structure or infrastructure.

D. Assist in the facilitation of permitting to remove privately-owned structures.

E. Other County or privately-owned projects related to the purposes of this chapter.

3.97.040 Deposits to the revolving fund. There will be deposited into the managed retreat revolving fund:

A. Twenty percent of the Maui County transient accommodations tax collected in accordance with chapter 3.47.

B. Revenue from any applicable fees set in the annual budget ordinance.

C. Supplemental transfers set in the annual budget ordinance.

3.97.050 Administration. A. The director of finance must establish a separate account to record revenues and supplemental transfers credited to and expenses incurred by the fund.

B. Any proposed appropriation will be submitted to the council for approval as a budget appropriation in either the annual budget ordinance or a proposed amendment to the annual budget ordinance. In adopting each fiscal year's budget and capital program, the council may make appropriations to the fund.

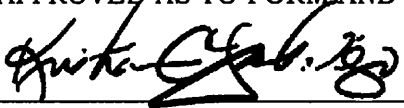
C. Any unencumbered balance at the end of each fiscal year will not lapse but will remain in the fund, accumulating from year to year.

D. The department of management must administer the fund.

E. The director of finance and managing director may adopt administrative rules necessary to carry out the purposes of this chapter.”

SECTION 2. This Ordinance takes effect on July 1, 2023.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

bfed:misc:106abill01:ljcm

INTRODUCED BY:

Tamara A.M. Paltin
TAMARA PALTIN

DIGEST

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RETREAT REVOLVING FUND

This bill proposes to establish Chapter 3.97, Maui County Code, to create a Managed Retreat Revolving Fund to fund shoreline safety improvements; remove or relocate structures; pay for studies, programs or permitting; and leverage funds provided by Federal, State, nonprofit, or for-profit organizations, and other non-County entities in order to optimize opportunities for shifting coastal development inland through the physical movement of existing structures.

I, JAMES G.M. KRUEGER, Deputy County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 68, CD1 (2022) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 21st day of October, 2022, by the following vote:

AYES: Councilmembers Gabriel Johnson, Natalie A. Kama, Kelly T. King, Michael J. Molina, Tamara A. M. Paltin, Shane M. Sinenci, Vice-Chair Keani N. W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: Councilmember Yuki Lei K. Sugimura.

EXCUSED: None.

DATED at Wailuku, Maui, Hawaii, this 25th of October, 2022.



JAMES G.M. KRUEGER, DEPUTY 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.