

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

BILL NO. 78 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,  
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES,  
AND SCENIC VIEWS PRESERVATION FUND  
(POHAKEA WATERSHED LANDS (ALSO KNOWN AS MA`ALAEA MAUKA))

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

SECTION 1. Ordinance No. 5217, Bill No. 46 (2021), Draft 1, as amended, “Fiscal Year 2022 Budget”, Appendix D – Conditional Language, is hereby amended as it pertains to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund, by 1) amending Condition I.(7) and 2) adding Condition I.(8), to read as follows:

**“APPENDIX D – Conditional Language**

**SECTION 4. APPENDIX A, PART II. SPECIAL REVENUES – SCHEDULE OF REVOLVING SPECIAL FUNDS FOR FISCAL YEAR 2022**

Conditions I(1), I(2), I(3), I(4), I(5), I(6), I(7), and I(8):

- I. Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund (Section 9-19, Revised Charter of the County of Maui (1983), as amended; Chapter 3.88, Maui County Code)
- (1) Up to \$300,000 must be for debt service for the purchase of approximately 186 acres at Launiupoko, Maui, Hawaii, TMKs: (2) 4-7-001:030 and (2) 4-7-001:026 (por.).
  - (2) Up to \$1,000,000 must be for land acquisition and related costs for a Lanai agricultural park.
  - (3) Up to \$1,500,000 must be granted to Ke Ao Hali`i for land acquisition and related costs for TMKs: (2) 1-4-012:002, (2) 1-4-010:030, 032, 034, and 014, Maka`alae, Maui, Hawaii.
  - (4) Up to \$200,000 must be for security and maintenance of Kaehu.
  - (5) Up to \$669,300 must be granted to Ke Ao Hali`i for land acquisition and related costs for TMKs: (2) 1-4-010:008, 009, 010, and 012 in the ahupua`a of Mokae, Hana, Maui, Hawaii.
  - (6) Up to \$2,100,000 must be for land acquisition and related costs for an approximately 51-acre park site identified as TMK (2) 4-3-001:084 (por.) situated at Kahana, Mailepai, Alaeloa, Kaanapali, Lahaina Maui, Hawaii. The acquisition is in accordance with Condition 15 of Ordinance 3889 (2011).

- (7) Up to [~~\$5,500,000~~] \$50,000 must be for [land acquisition and related costs] costs related to land acquisition for 257.7 acres of Ma`alaea Mauka, TMK: (2) 3-6-001:018.
- (8) Up to \$6,200,000 must be granted to the Trust for Public Lands (TPL) for the acquisition of 257.7 acres, Pohakea Watershed Lands (also known as Ma`alaea Mauka), identified as TMK: (2) 3-6-001:018.”

SECTION 2. Material to be repealed is bracketed. New material is underscored.

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

APPROVED AS TO FORM AND LEGALITY:



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KRISTINA C. TOSHIKIYO  
Deputy Corporation Counsel

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.

DIGEST

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This bill proposes to amend Ordinance No. 5217, Bill No. 46 (2021), Draft 1, the "Fiscal Year 2022 Budget" of the County of Maui, Appendix D – Conditional Language, as it pertains to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund, by decreasing the appropriation in Condition I.(7) by \$5,450,000 for Ma'alaea Mauka; and adding a Condition I.(8) for a grant to Trust for Public Lands for the acquisition of 257.7 acres for the Pohakea Watershed Lands also known as Ma'alaea Mauka in the amount of \$6,200,000.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing BILL NO. 78 (2022) was passed on First Reading  
by the Council of the County of Maui, State of Hawaii, on the 22nd day of April, 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,  
Yuki Lei K. Sugimura, Vice-Chair Keani N. W. Rawlins-Fernandez,  
and Chair Alice L. Lee.

NOES: None.

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



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KATHY L. KAOHU, 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.