

ORDINANCE NO. _____

BILL NO. _____ (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 to read as follows:

“Chapter 3.97

MANAGED RETREAT REVOLVING FUND

Sections:

- | | |
|-----------------|------------------------------|
| 3.97.010 | Fund established. |
| 3.97.020 | Purpose. |
| 3.97.030 | Deposits to the fund. |
| 3.97.040 | 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 that pose a threat to ~~human~~ public health or safety or the environment.
3. Studies, 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 organization, and other non-County entities to further the purposes identified in this chapter.

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

C. The revenues in this fund must not be used for the purchase, acquisition or rehabilitation of privately-owned property.

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.

3.97.0430 Deposits to the revolving fund. A. There will be deposited into the managed retreat revolving fund:

1. Twenty percent ~~One-third~~ of the Maui County transient accommodations tax collected pursuant to chapter 3.47.

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

3. Supplemental transfers set in the annual budget ordinance.

4. Revenue from any applicable grants or programs.

3.97.040 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 shall not lapse but shall remain in the fund, accumulating from year to year.

D. The department of planning shall administer the fund.

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

SECTION 2. This Ordinance takes effect on [July 1, 2023](#)~~approval~~.

APPROVED AS TO FORM AND
LEGALITY:

KRISTINA C. TOSHIKIYO
Department of the Corporation Counsel
County of Maui
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PAF 22-040 2022-03-22 Ord Ch 3.97
Managed Retreat Revolving Fund

INTRODUCED BY:
