

REQUEST FOR LEGAL SERVICES


RECEIVED

By Corporation Counsel at 10:20 am, Oct 11, 2022

Date: October 11, 2022**From:** Keani N.W. Rawlins-Fernandez, Chair

Budget, Finance, and Economic Development Committee

TRANSMITTAL**Memo to:****DEPARTMENT OF THE CORPORATION COUNSEL****Attention: Kristina Toshikiyo, Esq.****Subject:** **BILL 68, CD1** (BFED-106)**Background Data:** Please review the attached bill. Please transmit response to bfed.committee@mauicounty.us.**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY☐ OTHER:

Requestor's signature  Keani N.W. Rawlins-Fernandez	Contact Person <u>Lesley Milner</u> (Telephone Extension: <u>7886</u>)
--	---

☐ ROUTINE (WITHIN 15 WORKING DAYS)☐ RUSH (WITHIN 5 WORKING DAYS)☐ PRIORITY (WITHIN 10 WORKING DAYS)☐ URGENT (WITHIN 3 WORKING DAYS)☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 12, 2022REASON: For posting on the October 21, 2022, Council agenda.**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: <u>KCT</u>	ASSIGNMENT NO. <u>2021-0012</u>	BY: <u>maa</u>
-------------------------	---------------------------------	----------------

TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10/13/22By 

(Rev. 7/03)

bfed:ltr:106acc01:lpcm

Attachment

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 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:

A handwritten signature in black ink, appearing to read "Hiroshi K. [unclear]", is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

bfed:misc:106abill01:ljam

INTRODUCED BY:

TAMARA PALTIN

BFED Committee

From: Melody Andrion <Melody.Andrion@co.maui.hi.us>
Sent: Thursday, October 13, 2022 4:43 PM
To: BFED Committee
Cc: Kristina Toshikiyo; Lesley J. Milner
Subject: Bill 68, CD1 (BFED-106) New Chapter 3.97
Attachments: BFED-106 2022-10-13 RAFL Closing Bill 68 CD1 New Ch 3.97.PDF

Hi – see attached closing of RFLS received on 10/11/2022 reviewed/e-signed by Kristina Toshikiyo, regarding the subject matter for posting on the October 21, 2022 Council agenda. Thanks!

NOTICE: The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.