

# REQUEST FOR LEGAL SERVICES

**D a t e:** April 25, 2023

**F r o m:** Yuki Lei K. Sugimura, Chair

Budget, Finance, and Economic Development Committee

TRANSMITTAL

**Memo to:**

**DEPARTMENT OF THE CORPORATION COUNSEL**

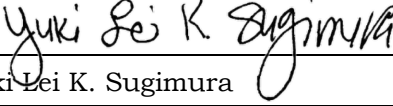
**Attention: Kristina Toshikiyo, Esq.**

**Subject: FD1 VERSIONS OF BILLS 27, 37, and 38 (2023)** (BFED-1)

**Background Data:** Please see the attached bills. Please submit the response to  
bfed.committee@mauicounty.us with a reference to BFED-1.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Yuki Lei K. Sugimura	Contact Person <u>Lesley Milner</u> (Telephone Extension: <u>7886</u> )
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☒ 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): \_\_\_\_\_  
REASON: \_\_\_\_\_

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

bfed:2024bgt:230425acc01:ske

Attachments

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

BILL NO. 27 (2023)

A BILL FOR AN ORDINANCE AMENDING SECTION 3.36.100, MAUI COUNTY CODE, RELATING TO THE REIMBURSEMENT OF COUNTY GRANTEEES

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

SECTION 1. Section 3.36.100, Maui County Code, is amended by amending Subsection (A) to read as follows:

“A. An appropriation for a grant or loan [shall] must not be expended unless a contract is entered into between the County and the recipient. Once the County and the recipient enter into a contract, the County may expend funds for expenses under the contract that pre-date the contract’s execution date, if the funds are expended in the same fiscal year that the contract is encumbered.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

bfed:2024bgt:230425abill01

INTRODUCED BY:

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ALICE L. LEE

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

BILL NO. 37 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.81, MAUI COUNTY CODE, TO ESTABLISH A DEDICATED FUNDING SOURCE FOR THE ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND

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

SECTION 1. Section 3.81.030, Maui County Code, is amended to read as follows:

**“3.81.030 Administration.** A. The director of finance [shall] will establish a separate account to record all revenues and expenses as a result of the economic development and cultural programs established in the County.

B. There [shall] will be deposited into the economic development and cultural revolving fund any council appropriations to the fund and all moneys donated to the County for economic development and cultural programs.

C. Any proposed appropriation [shall] will be submitted to the council for approval as a budget appropriation in either the annual budget or a proposed amendment to the budget ordinance. In adopting each fiscal year’s budget and capital program, the council may make appropriations to the fund, including appropriating a minimum of two percent of the certified real property tax revenues, not to exceed \$10 million in any one fiscal year.

D. The director of finance with the coordinator for the office of economic development and the department of agriculture may adopt administrative rules necessary to carry out the purpose of this chapter. Prior to the adoption of any administrative rules, [pursuant to] under section 91-3, Hawaii Revised Statutes, the council [shall] may [have an opportunity for] review [of] the proposed administrative rules.

E. A request for use of the fund [shall] may be initiated by filing an application with the director of economic development or the director of agriculture, as applicable. Applications may include a non-refundable application processing fee as set forth in the annual budget ordinance. The fees collected [pursuant to] under this section are deemed appropriated upon receipt and are authorized to be expended for processing of the application.”

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:alkl:23-090a

INTRODUCED BY:

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ALICE L. LEE

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

BILL NO. 38 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY CODE, TO CREATE AND FUND AN 'OHANA ASSISTANCE PILOT PROGRAM

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

SECTION 1. Chapter 3.34, Maui County Code, is amended to read as follows:

**“Chapter 3.34 HOME ACQUISITION, PROVISION, AND OWNERSHIP PROGRAMS REVOLVING FUND**

**3.34.010 Fund establishment.** A fund [shall] will be established and created to be known as the "home acquisition, provision, and ownership programs revolving fund."

**3.34.020 Purpose.** The home acquisition, provision, and ownership programs revolving fund will enable the department of housing and human concerns to continue to maintain and expand existing programs and create new programs to meet the needs of Maui County residents qualified to participate in the first-time homebuyers down payment assistance program, the individual development account program, the 'ohana assistance pilot program, and similar future programs to be named in this paragraph upon establishment and approval by council.

**3.34.030 Administration.**

A. The director of finance [shall] will establish a separate account to record all revenues and expenses as a result of the home acquisition, provision, and ownership programs established in the County.

B. There [shall] will be deposited into the home [ownership and] acquisition, provision, and ownership programs revolving fund any council appropriations to the first-time homebuyers program or the 'ohana assistance pilot program, all moneys granted or donated to the County in the future for home acquisition, provision, and ownership programs, and all moneys repaid to the County by previous recipients of home acquisition, provision, and ownership

programs. Funds deposited into the home acquisition, provision, and ownership programs revolving fund will not lapse at the end of the fiscal year.

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

**3.34.040 Use of fund.**

A. Council appropriations from the home acquisition, provision, and ownership programs revolving fund [shall] may be for the public purposes set forth in section 3.34.020.

B. The department of housing and human concerns, by itself, with, or through a grantee, must create an 'ohana assistance pilot program to offer grants of up to \$50,000 to property owners to build an accessory dwelling or second farm dwelling for permanent long-term occupancy as residential workforce housing units.

**3.34.050 Term of fund.** The ordinance codified in this chapter [shall] will automatically expire on June 30, 2031, unless reenacted by the council as provided by law.”

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:alkl:23-090b



INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

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ALICE L. LEE