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Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

April 29, 2016

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2016 APR 29 AM 9:45  
OFFICE OF THE  
COUNTY CLERK

The Honorable Mike White  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: **HAWAIIAN CULTURAL RESTORATION FUND** (PAF 16-066)

May I request the attached proposed bill entitled, "A BILL FOR AN ORDINANCE TO ESTABLISH THE HAWAIIAN CULTURAL RESTORATION FUND," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Don S. Guzman", is written over a horizontal line.

DON S. GUZMAN  
Council Vice-Chair

paf:scb:16-066c

Enclosure

COUNTY COMMUNICATION NO. 16-83

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

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE TO ESTABLISH THE  
HAWAIIAN CULTURAL RESTORATION FUND

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

SECTION 1. Purpose. The purpose of this ordinance is to establish a fund for the deposit of all proceeds from parking concessions located on County property in Lahaina, Maui, Hawaii. The funds deposited shall be used for the preservation and restoration of Hawaiian historic and cultural artifacts and sites in the County, including the Mokuhinia Ecosystem Restoration Project.

SECTION 2. Title 3, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

**“Chapter 3.38**

**HAWAIIAN CULTURAL RESTORATION FUND**

Sections:

- 3.38.010 Fund established.
- 3.38.020 Purpose.
- 3.38.030 Administration.
- 3.38.040 Grants.
- 3.38.050 Criteria for selection of grant proposals.
- 3.38.060 Review and transmittal to council.

**3.38.010 Fund established.** There is established and created a fund to be known as the “Hawaiian cultural restoration fund.” There shall be deposited into the fund all moneys received by the County from parking concessions located on County property in Lahaina, Maui, and other monies as appropriated by the council for the purposes stated in section 3.38.020 of this chapter.

**3.38.020 Purpose.** The fund is established for the purpose of funding the preservation and restoration of artifacts and sites in the County that are significant to Hawaiian culture, heritage, history, or identity.

**3.38.030 Administration.** A. The director of finance shall be responsible for the administration of the fund and is authorized to use the fund to provide financing for fund purposes under this chapter; except that any expenditure from the fund exceeding \$1,000 shall be made by resolution of the council.

B. On or before March 1st of each year, the director shall transmit to the council a report of all revenues received by, and expenditures made from, the fund during the prior year. These reports shall include:

1. Details of parking concession operations, including gross income and expenses, contracts, and net receipts to the County; and
2. Date, amount, purpose, and recipient of each expenditure.

**3.38.040 Grants.** A. The council may make appropriations from the fund to preserve or restore artifacts and sites in the County that are significant to Hawaiian culture, heritage, history, or identity.

B. The council may also make appropriations from the fund to provide grants to any nonprofit preservation or restoration organization that complies with section 501(c) of the Internal Revenue Code and any other requirements under federal, state, and County law regulating the conduct of charitable or nonprofit organizations; except that the purpose of any grant shall be consistent with the fund's purpose under section 3.38.020 of this chapter.

C. An organization applying for a grant pursuant to subsection B shall provide the mayor with a grant proposal that includes the following:

1. A description of the preservation or restoration service to be provided by the organization; and
2. A description of efforts to obtain matching or other funds from non-County sources for the service.

**3.38.050 Criteria for selection of grant recipients.** Grant proposals shall be approved only upon satisfaction of the following criteria: (1) the proposal demonstrates the efforts provided by the applicant will preserve or restore artifacts and sites in the County that are significant to Hawaiian culture, heritage, history, or

identity; and (2) the applicant has the expertise necessary to achieve the preservation or restoration objective of the grant proposal.

**3.38.060 Review and transmittal to council.** The mayor shall ensure that each grant proposal submitted is complete and meets all of the criteria stated in section 3.38.050. The mayor shall request appropriate agencies to review and comment on the grant proposal. Upon receipt of the agencies' comments, the mayor shall compile the agencies' comments and determine whether the grant proposal should be approved. If the mayor determines that the grant proposal should be approved, the grant proposal, the agencies' comments, and a proposed grant agreement shall be transmitted to the council for approval."

SECTION 3. 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 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:scb:16-066a