

REQUEST FOR LEGAL SERVICES

RECEIVED
By Dept. of The Corporation Counsel at 3:54 pm, May 02, 2017

OFFICE OF THE
COUNTY COUNSEL
2017 MAY 02 11:49 AM

RECEIVED

Date: May 2, 2017
From: RIKI HOKAMA, CHAIR
Budget and Finance Committee

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Patrick K. Wong, Esq.

Subject: A BILL FOR AN ORDINANCE AMENDING THE SPECIAL PURPOSE REVENUE
FUND PROVISIONS IN THE MAUI COUNTY CODE TO REQUIRE FUNDS BE
SPECIFICALLY APPROPRIATED FOR EXPENDITURE IN ACCORDANCE WITH THE
ANNUAL BUDGET ORDINANCE (BF-1)

Background Data: Review and approve proposed bill. Electronic version has been transmitted
with this request. In your response, please provide an original, signed hard copy.

Work Requested: [X] FOR APPROVAL AS TO FORM AND LEGALITY
[] OTHER:

Requestor's signature: Riki Hokama
Contact Person: Traci Fujita
(Telephone Extension: 7687)

[] 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): May 4, 2017
REASON: Council posting deadline

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: JTU ASSIGNMENT NO. 2017-0093 BY: kku

TO REQUESTOR: [X] 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: 5/4/17

By: [Signature]

(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE AMENDING THE SPECIAL PURPOSE REVENUE
FUND PROVISIONS IN THE MAUI COUNTY CODE
TO REQUIRE FUNDS BE SPECIFICALLY APPROPRIATED FOR EXPENDITURE
IN ACCORDANCE WITH THE ANNUAL BUDGET ORDINANCE

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

SECTION 1. Section 3.25.030, Maui County Code, is amended to read as follows:

“3.25.030 Highway beautification fee – revolving fund.

A. The director of finance, in accordance with section 286-51(b), [HRS,] Hawaii Revised Statutes, as amended, shall annually collect an additional fee for each certificate of registration.

The amount of the fee to be collected shall be set forth in the annual budget.

B. The moneys so assessed and collected shall be placed in a revolving fund entitled, “the highway beautification and disposal of abandoned or derelict vehicles revolving fund,” to be used and administered by the County for the purpose of beautification and other related activities, including, but not limited to, animal management program carcass removal and highway beautification, concerning highways under the ownership, control, and jurisdiction of the County, and to defray the additional cost in the disposition and other related activities of abandoned vehicles as prescribed in chapter 290, Hawaii Revised Statutes.

C. Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 2. Section 3.32.030, Maui County Code, is amended by amending subsection B to read as follows:

“B. [The director of finance is authorized to utilize funds] Funds from the housing interim financing and buy-back revolving fund may be used for the purpose of purchasing housing units

pursuant to repurchase options and other buy-back provisions granted to the [county] County under agreements with homeowners under the [county's] County's housing programs and projects, or under any agreement granting such rights to the [county;] County; further, the director of finance is authorized to deposit in the fund proceeds from the sale of housing units purchased pursuant to the repurchase options[, and the director of finance is authorized to use the funds for the purposes identified in this section]. Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 3. Section 3.32.040, Maui County Code, is amended to read as follows:

“3.32.040 Administration. The director of finance shall be responsible for the administration of this fund [and is further authorized to use the fund]. The fund shall be used to provide interim financing for the housing projects identified in this chapter and to purchase housing units pursuant to repurchase options and other buy-back provisions granted to the [county] County under agreements with homeowners all in accordance with such procedures as [he] the director may prescribe. Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 4. Section 3.37.030, Maui County Code, is amended by amending subsection B to read as follows:

“B. Fees collected from Kaunoa [Senior Services Leisure Program] senior services leisure program activities [are hereby deemed appropriated upon receipt and are authorized to] shall be [expended] used for the payment of costs associated with Kaunoa [Senior Services Leisure Program] senior services leisure program activities. Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance. The fund shall not be used to pay for employee salaries.”

SECTION 5. Section 3.52.040, Maui County Code, is amended to read as follows:

“3.52.040 Administration. A. The director of environmental management shall administer the agreement entered into pursuant to this chapter.

B. The revenues received from the State of Hawaii [are hereby appropriated] shall be used for the purpose of this fund[, and subsequent revenues shall be deemed so appropriated upon receipt].

C. [The director of finance is authorized to disburse such available amounts from this fund as may be requested by the director of environmental management.] Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 6. Section 3.68.030, Maui County Code, is amended by amending subsection B to read as follows:

“B. [The revenues received are deemed appropriated upon receipt and are authorized to be expended for the purposes of this fund.] Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 7. Section 3.81.030, Maui County Code, is amended by amending subsection C to read as follows:

“C. [Except for application processing fees deemed appropriated pursuant to subsection E, any] Any proposed appropriation shall 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.”

SECTION 8. Section 3.81.040, Maui County Code, is amended to read as follows:

“3.81.040 Use of fund. [Except for application processing fees deemed appropriated pursuant to subsection 3.81.030(E), council] Council appropriations from the economic development revolving fund shall be for the public purposes set forth in section 3.81.020. Such appropriations may include authorizing grants or loans to any nonprofit or for-profit organization; leveraging funds provided by federal, [state,] State, nonprofit, or for-profit organizations and other non-County entities to expand economic development program opportunities in the County; and other economic development initiatives.”

SECTION 9. Section 3.84.030, Maui County Code, is amended by amending subsection B to read as follows:

“B. [The revenues derived from the fees are deemed appropriated upon receipt and are authorized to be expended for the purposes of this fund.] Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 10. Section 3.95.030, Maui County Code, is amended by amending subsection B to read as follows:

“B. [The revenues derived from the fees are deemed appropriated upon receipt and are authorized to be expended for the purposes of this fund.] Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 11. Section 8.34.023, Maui County Code, is amended to read as follows:

“8.34.023 Alarm system fund. There shall be established and created a fund to be known as the “alarm system [fund].” fund. Any registration fees and service charges collected pursuant to this chapter shall be deposited into the alarm system fund[, shall be deemed appropriated upon receipt, and may be expended] and shall be used for purposes relating to the implementation, administration, and enforcement of this chapter.[:] Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 12. Section 13.04A.370, Maui County Code, is amended to read as follows:

“13.04A.370 Ocean recreational activity fund. There is established and created a fund to be known as the “Ocean Recreational Activity Fund.” Any fees collected pursuant to this article shall be deposited in the Ocean Recreational Activity Fund[, are deemed appropriated upon receipt,] and [may be expended] shall be used for purposes relating to the implementation of this article, such as the provision of salaries, the purchase of equipment, and the maintenance of County property. Expenditures from the fund

shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance.”

SECTION 13. Section 16.04C.060, Maui County Code, is amended to read as follows:

“16.04C.060 – Subsection 1.7.11.1.1 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection designated subsection 1.7.11.1.1, to read as follows:

1.7.11.1.1 Plan review fee. When plans or documentation are required to be submitted to the chief under section 16.04C.050 of this code, a plan review fee shall be paid at the time of submitting plans and specifications for review. There is hereby established and created a fund to be known as the “plan review, processing, and inspection revolving fund.” The fees collected [are hereby deemed appropriated upon receipt and may be expended] shall be used for salaries (no more than two plan reviewers), contracts, materials, supplies, equipment, payment of over time, travel expenses, and training that will facilitate plan review, public education, fire investigation, permit processing, and inspections. Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance. The plan review fee shall be as set forth in the annual budget ordinance. Where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged as set forth in the annual budget.

The chief may authorize the refunding of not more than [50] fifty percent of the plan review fee paid when any applicant withdraws or cancels the application before any plan reviewing is done.”

SECTION 14. Section 16.26B.108, Maui County Code, is amended by amending subsection 108.2.1 to read as follows:

“108.2.1 Plan review fees and fund. When submittal documents are required by subsection 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be [25] twenty-five percent of the building permit fee. The plan review fees specified in this section are in addition to the permit fees in subsection 108.2 [of this code].

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in subsection 106.3.4.2, an

additional plan review fee shall be charged as set forth in the annual budget ordinance and shall be paid prior to the issuance of any building permit.


The building official may authorize an expedited plan review process. When the building official issues a building permit where a plan review is waived, pursuant to section 105.3.3 of this code, the applicant shall pay fifty percent of the building permit fee as the plan review fee.

There is hereby established and created a fund to be known as the "Plan Review, Permit Processing, and Inspection Revolving Fund." The fees collected pursuant to this subsection [are hereby deemed appropriated upon receipt and may be expended] shall be used for salaries, training, contracts, rent payments, fixtures, materials, supplies, and equipment that facilitate plan review and for payment of overtime for plan checking, permit processing, and inspections. Expenditures from the fund shall be through appropriations set forth in Appendix A.II. of the annual budget ordinance."

SECTION 15. 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 16. This ordinance shall take effect on July 1, 2017.

APPROVED AS TO FORM AND LEGALITY:



JEFF UEOKA
Department of the Corporation Counsel
County of Maui
2017-0093
BF-1 2017-05-04 Ordinance Special
Purpose Revenue