

# REQUEST FOR LEGAL SERVICES

**D a t e:** May 13, 2021

**F r o m:** Keani N.W. Rawlins-Fernandez, Chair  
Budget, Finance, and Economic Development Committee

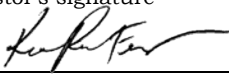
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Kristina Toshikiyo, Esq.

**Subject:** PROPOSED FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI (CC-2)  
(BFED-1)

**Background Data:** Please review the attached revised proposed bill amending Chapter 3.34, Maui County Code; and, if appropriate, approve it as to form and legality.

**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> )
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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): May 13, 2021  
REASON: For posting on the May 21, 2021 Council Agenda

## 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): \_\_\_\_\_

Please transmit to [bfed.committee@mauicounty.us](mailto:bfed.committee@mauicounty.us)

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_  
(Rev. 7/03)

bfed:2022bgt:2105013acc02:ljcm

Attachment

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

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY  
CODE, RELATING TO THE HOME ACQUISITION AND OWNERSHIP  
PROGRAMS REVOLVING FUND

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

SECTION 1. Title 3, Maui County Code, is amended to read as follows:

**“Chapter 3.34**

**HOME ACQUISITION AND OWNERSHIP PROGRAMS  
REVOLVING FUND**

**Sections:**

- 3.34.010 Fund establishment.**
- 3.34.020 Purpose.**
- 3.34.030 Administration.**
- 3.34.040 Use of fund.**
- 3.34.050 Term of fund.**

**3.34.010 Fund establishment.** A fund shall be established and created to be known as the “home acquisition and ownership programs revolving fund”.

**3.34.020 Purpose.** A. The home acquisition 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 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 establish a separate account to record all revenues and expenses as a result of the home acquisition and ownership programs established in the County.

B. There shall be deposited into the home ownership and acquisition revolving fund any council appropriations to the first-time homebuyers program, all moneys granted or donated to the County in the future for home acquisition and ownership programs, and all moneys repaid to the County by previous recipients of home acquisition and ownership programs. Funds deposited into the home acquisition and ownership programs revolving fund will not lapse at the end of the fiscal year.

C. Any proposed appropriation from the fund 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.

**3.34.040 Use of fund.** Council appropriations from the home acquisition and ownership programs revolving fund shall be for the public purposes set forth in section 3.34.020

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

SECTION 2. 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

## **BFED Committee**

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**From:** BFED Committee  
**Sent:** Thursday, May 13, 2021 2:52 PM  
**To:** CorpCounselRFLS@co.maui.hi.us  
**Cc:** BFED Committee  
**Subject:** (rush) (CC-2) (BFED-1) re: proposed Fiscal Year 2022 Budget for the County of Maui  
**Attachments:** 2105013acc02 signed.pdf

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Dept. of the Corporation Counsel at 3:21 pm, May 13, 2021

**Date:** May 13, 2021

**From:** Keani N.W. Rawlins-Fernandez, Chair

Budget, Finance, and Economic Development Committee

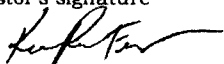
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Kristina Toshikiyo, Esq.

**Subject:** PROPOSED FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI (CC-2)  
(BFED-1)

**Background Data:** Please review the attached revised proposed bill amending Chapter 3.34, Maui County Code; and, if appropriate, approve it as to form and legality.

**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> )
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☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): May 13, 2021

REASON: For posting on the May 21, 2021 Council Agenda

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: KCT	ASSIGNMENT NO. 2021-0012	BY: maa
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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): \_\_\_\_\_

Please transmit to bfed.committee@mauicounty.us

Approving with revisions

DEPARTMENT OF THE CORPORATION COUNSEL

Date 5/14/2021

By /s/Kristina C. Toshikiyo

(Rev. 7/03)

bfed:2022bgt:2105013acc02:ljam

Attachment

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

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 3.34.020,  
MAUI COUNTY CODE, RELATING TO THE HOME ACQUISITION  
AND OWNERSHIP PROGRAMS REVOLVING FUND

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

SECTION 1. Section 3.34.020, Maui County Code, is amended to read as follows:

**“3.34.020 Purpose.** The home acquisition 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, and similar future programs to be named in this paragraph upon establishment and approval by council.”

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 shall take effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:

/s/Kristina C. Toshikiyo

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KRISTINA C. TOSHIKIYO  
Department of the Corporation Counsel  
County of Maui

2021-0012  
CC-2 BFED-1 2021-05-13 Ord Amd 3.34.020

## BFED Committee

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**From:** Jocelyn Moniz <Jocelyn.Moniz@co.maui.hi.us>  
**Sent:** Friday, May 14, 2021 12:00 PM  
**To:** BFED Committee  
**Cc:** Kristina Toshikiyo; Melody Andrion; Lesley J. Milner  
**Subject:** RUSH CC-2 BFED-1 Proposed bill amd Section 3.34.020  
**Attachments:** 2021-05-14 RAFL closing CC-2 BFED-1 2021-05-13 Ord Amd 3.34.020.pdf

Hi all,

Please see the attached proposed bill amending Chapter 3.34, MCC, e-signed by Kristina.

Mahalo,  
Jocelyn