

Resolution

No. 26-88, CD1

**PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, ON THE LANGUAGE OF
SECTION 9-9 APPROPRIATIONS AND CHANGES**

WHEREAS, Section 9-9 of the Revised Charter of the County of Maui (1983), as amended, establishes the process for appropriations and changes to revenues and reserves, including a provision that establishes the procedure for emergency appropriations; and

WHEREAS, under the Charter, the current language of Section 9-9(2) allows the County, by ordinance, to issue emergency notes and limits the total amount of emergency appropriations to not exceed one percent of the total operating appropriations made in the operating budget for that year; and

WHEREAS, in recent years, multiple natural disasters have occurred such as the August 2023 Maui wildfires and 2026 Kona Low storms that required the County to respond quickly; and

WHEREAS, the County has had to use this process to fund emergency repairs to infrastructure that was damaged from various natural disasters; and

WHEREAS, the proposed amendment clarifies that the one percent limit refers to one percent of the total operating budget and does not apply to funds that have already been allocated to an emergency fund; and

WHEREAS, this amendment also clarifies that the request will be made for a line of credit rather than issuing emergency notes, since the definition of "emergency notes" is unclear and not used in most other jurisdictions; and

WHEREAS, Charter Section 14-1(1) allows the Council to initiate a Charter amendment through a resolution passed by two-thirds vote on two separate readings; and

Resolution No. 26-88, CD1

WHEREAS, the Council finds that the voters should decide if the Charter should be amended to allow the Mayor, with approval from Council, to apply for a line of credit instead of issuing emergency notes and clarify that the one percent limit does not apply to the use of funds that are already appropriated to an emergency fund; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, in accordance with Section 14-1(1), Revised Charter of the County of Maui (1983), as amended, it proposes that Charter Section 9-9(2) be amended to read as follows, with deleted material in brackets and new material underscored:

“2. To meet a public emergency threatening life, health, or property, the council, upon written request by the mayor, may pass emergency appropriations. [Such] These appropriations [shall] must be made by ordinance, which takes immediate effect and must be approved by not less than seven members of the council. To the extent that there are no available unappropriated revenues to meet [such] those appropriations, the County may, by ordinance, authorize the [issuance of emergency notes. These notes shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.] application for a line of credit. The total of emergency appropriations in any fiscal year [shall] except for those appropriating funds already allocated in an emergency fund, must not exceed one percent of the total operating [appropriations] budget (excluding [those] appropriations for debt service) [made in the operating budget] for that year.”;

2. That, in accordance with Charter Section 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next general election;
3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election;

Resolution No. 26-88, CD1

4. That, in accordance with Charter Section 14-1(1), it proposes that the following question be placed on the next general election ballot:

“Shall the Charter be amended, effective January 2, 2027, to allow the Mayor, with approval from the Council, to pass an emergency appropriation for an application for a line of credit and clarify that the one percent limitation for emergency appropriations does not apply to funds that have already been allocated to an emergency fund?”;

5. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;
6. That, on approval by a majority of the voters voting on the proposed amendment and on official certification of the result, the amendment proposed in this Resolution takes effect on January 2, 2027;
7. That, as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety a revised Charter including amendments adopted in this Resolution and renumber provisions and cross-references as may be necessary by the approval of the revisions or amendments; and
8. That certified copies of this Resolution be transmitted to the Mayor and County Clerk.

APPROVED AS TO FORM AND LEGALITY



Thomas Kolbe
Department of the Corporation Counsel
County of Maui
great:misc:010(11)areso01:jpp

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris R. Lee", is written over a horizontal line.

Upon the request of the Mayor.

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 26-88, CD1 was passed on Second and Final Reading by the Council of the County of Maui, State of Hawaii, on the 24th day of July, 2026, by the following vote:

MEMBERS	Alice L LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Kauanoë BATANGAN	Tom COOK	Gabriel L. JOHNSON	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U- HODGINS
ROLL CALL	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Excused Ho'oku'u 'ia	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae


COUNTY CLERK

Passed First Reading on July 7, 2026