

ORDINANCE NO. _____

BILL NO. _____ (2026)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 3.XX,
MAUI COUNTY CODE, RELATING TO THE MAUI LIVING ‘ĀINA
STABILIZATION TRUST FUND

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

SECTION 1. Council findings.

The Council finds that:

1. Food, water, watersheds, housing, healthcare, wastewater infrastructure, nearshore water quality, reefs, education, child and family development, kūpuna dignity, and cultural continuity are interconnected living life-support systems essential to the health, safety, resilience, and continuity of Maui County.
2. Philanthropic and donated capital is an underutilized financing mechanism that may provide substantial public benefits when accepted, segregated, appropriated, administered, measured, and audited through a transparent County framework that creates no obligation upon County taxpayers.
3. A conditional donation-based funding mechanism may permit the County to receive and administer lawful resources while preserving Council appropriation authority, County ethics and procurement safeguards, public accountability, and fiscal control.
4. Native Hawaiian knowledge, cultural sovereignty, community self-determination, language, ceremony, land stewardship, and intergenerational practices are integral components of environmental recovery and community stabilization.
5. Cultural practices historically held, protected, restored, transmitted, or carried substantially by Native Hawaiian women, kūpuna, cultural practitioners, families, and community-led stewardship systems constitute valuable public-benefit knowledge and capacity.
6. The Council recognizes a nonbinding program-development objective of facilitating up to \$15,000,000,000 in aggregate donated or contributed resources during Fiscal Years 2027 through 2036. This objective does not constitute an appropriation, guarantee, entitlement, indebtedness, or obligation of the County.
7. The purpose of this ordinance is to establish a long-term legal

framework through which donated or contributed resources may be accepted, appropriated, and administered for authorized public purposes while preserving the Council's annual budget authority.

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.XX

MAUI LIVING ‘ĀINA STABILIZATION TRUST FUND

Sections:

3.XX.010 Purpose and scope.

3.XX.020 Definitions.

3.XX.030 Maui Living ‘Āina Stabilization Trust Fund.

3.XX.040 MLAST program administration.

3.XX.050 Acceptance and administration of contributions.

3.XX.060 Authorized uses.

3.XX.070 Cultural stewardship safeguards.

3.XX.080 Program agreements.

3.XX.090 Conditions of release.

3.XX.100 Disbursement.

3.XX.110 Implementation and procurement.

3.XX.120 Reporting, audit, and transparency.

3.XX.130 Reallocation.

3.XX.140 Nonperformance and recovery.

3.XX.150 Donation conditions and ethics.

3.XX.160 Legal compliance.

3.XX.170 Insurance, liability, and ownership.

3.XX.180 Appropriation and fiscal safeguards.

3.XX.190 Review and sunset.

3.XX.200 Construction.

3.XX.010 Purpose and scope. The purpose of this chapter is to establish a donation-funded public-purpose stabilization program and segregated County fund for the receipt and administration of accepted contributions supporting essential living systems, community continuity, environmental restoration, public health, cultural stewardship, and resilience throughout Maui County.

This chapter establishes continuing program authority but does not, standing alone, appropriate money, accept a particular donation,

authorize an expenditure, or obligate a future Council.

3.XX.020 Definitions. For purposes of this chapter, unless the context clearly requires otherwise:

“Contribution” means money, property, services, or another resource offered to or received by the County for MLAST purposes, including a gift, donation, grant, bequest, trust asset, settlement proceeds, intergovernmental transfer, investment earnings, or in-kind contribution.

“Accepted contribution” means a contribution accepted or received under the legal authority applicable to that contribution. A gift or donation is not an accepted contribution until accepted by the Council as required by section 13-8 of the Revised Charter of the County of Maui and chapter 3.56.

“Cultural sovereignty” means the capacity of cultural practitioners, families, and communities to maintain, restore, teach, transmit, and exercise language, knowledge, ceremony, customary practice, and stewardship traditions. The term does not confer governmental jurisdiction, regulatory authority, immunity, taxing power, or separate legal status.

“Fund” means the Maui Living ‘Āina Stabilization Trust Fund established by this chapter.

“Implementing entity” means a County department or agency, governmental entity, nonprofit organization, educational institution, healthcare institution, fiscal agent, community organization, contractor, grantee, or other lawful entity authorized to implement an approved MLAST activity.

“MLAST” means the Maui Living ‘Āina Stabilization Trust program and the Maui Living ‘Āina Stabilization Trust Fund.

“Program agreement” means a memorandum of agreement, grant agreement, contract, intergovernmental agreement, fiscal-agent agreement, trust instrument, or other lawful instrument governing an MLAST allocation or project.

Use of the word “trust” in the name of the program or Fund does not, by itself, create a common-law or statutory trust, trustee relationship, beneficial ownership interest, or fiduciary obligation.

3.XX.030 Maui Living ‘Āina Stabilization Trust Fund. There is established and created a special fund to be known as the “Maui Living ‘Āina Stabilization Trust Fund.”

Money deposited into the Fund must be separately accounted for by funding source, donor restriction, authorized-use category, project, and implementing entity.

Money in the Fund may be used only for purposes authorized by this chapter, the applicable appropriation, and any lawful conditions governing the contribution.

3.XX.040 MLAST program administration. The Maui Living ‘Āina Stabilization Trust program is established as an administrative program of the County.

The program does not constitute a separate department, board, commission, public corporation, body corporate, trust, or independent legal entity and possesses no independent hiring, rulemaking, taxing, borrowing, litigation, or governmental jurisdiction.

The Mayor or the Mayor’s designee must administer the program. The Mayor may designate one or more County departments or agencies, acting through their directors or authorized representatives, to administer projects within their respective legal authority.

Before any allocation under section 3.XX.060(10) is released, the Mayor must designate a cultural stewardship designee or team with substantial experience in Native Hawaiian cultural practice, ‘ike kupuna, ‘Ōlelo Hawai‘i, land or ocean stewardship, community governance, or related fields.

No new County-funded position is authorized by this chapter unless separately appropriated. The cultural stewardship designee or team serves in an advisory and review capacity. A certification under this chapter is an administrative prerequisite to release and does not delegate legislative, appropriation, procurement, permitting, enforcement, or regulatory authority.

3.XX.050 Acceptance and administration of contributions. A contribution must be accepted on behalf of the County by the Council when required by section 13-8 of the Revised Charter of the County of Maui, chapter 3.56, or other applicable law.

Subject to required Council acceptance, appropriation, donor restrictions, and applicable law, the Mayor or designee may solicit, negotiate, receive for conditional deposit, hold, match, pool, segregate, transfer, allocate, expend, grant, contract, or otherwise administer:

1. Gifts;
2. Grants;
3. Donations;
4. Bequests;
5. Trust assets;
6. Settlement proceeds lawfully available for MLAST purposes;
7. Public-private funds;
8. Matching funds;
9. Intergovernmental funds;
10. Nonprofit funds;
11. Philanthropic capital;
12. Investment proceeds;
13. In-kind contributions;
14. Contributions administered through fiscal agents; and
15. Other lawful resources.

Only the Mayor, Mayor's designee(s), Director of Finance or another officer legally authorized to invest County funds may invest Fund money. Investments must comply with applicable law, County investment policy, donor restrictions, and the governing appropriation. Only cash and cash-equivalent contributions may be included in revenue and appropriation calculations. In-kind contributions must be separately accepted, valued, inventoried, and reported.

3.XX.060 Authorized uses. Subject to appropriation, lawful donor restrictions, and the conditions of this chapter, Fund money may be expended for the following ten authorized-use categories.

The annual budget or a supplemental budget ordinance may establish total, category-specific, project-specific, or department-specific appropriation ceilings. No category is guaranteed funding.

Actual allocations must reflect available contributions, lawful donor designations, demonstrated public need, project readiness, performance, equity, emergency conditions, cultural and ecological benefit, community continuity, and the governing appropriation.

1. Food Security, Local Production, and Community Resilience.

Eligible purposes may include, but are not limited to:

- a. Local food production and processing;
- b. Food distribution and storage systems;
- c. Import reduction;
- d. Regenerative agriculture and soil restoration;
- e. Fisheries and traditional food systems;
- f. Agricultural water and producer infrastructure;
- g. Community kitchens, food hubs, cold storage, and emergency reserves;
- h. Farm-to-family, farm-to-school, and institutional purchasing systems;
- i. Producer training, cooperative capacity, and market access; and
- j. Community food resilience throughout Maui, Molokaʻi, Lānaʻi, and other inhabited areas of Maui County.

2. Water Security, Watershed Function, and Climate Resilience.

Eligible purposes may include, but are not limited to:

- a. Potable water infrastructure and source development;
- b. Aquifer protection and recharge;
- c. Water conservation, metering, and system-loss reduction;
- d. Watershed and native-forest restoration;
- e. Stream-flow protection and restoration;
- f. Flood mitigation and community resilience;
- g. Sediment, erosion, and runoff control;
- h. Drought mitigation and emergency water systems;
- i. Water reuse and fit-for-purpose distribution;
- j. Green infrastructure and nature-based stormwater management; and
- k. Protection of water resources necessary for domestic, agricultural, cultural, and ecological continuity.

3. Housing, Shelter, and Community Continuity.

Eligible purposes may include, but are not limited to:

- a. Housing and shelter stabilization, restoration, construction, and acquisition;
- b. Workforce and resident housing;
- c. Transitional and permanent supportive housing;

- d. Emergency shelter and rapid rehousing;
- e. Infrastructure necessary to support housing;
- f. Rehabilitation of existing units;
- g. Accessibility improvements;
- h. Anti-displacement and resident-retention programs;
- i. Community land, cooperative, and shared-equity models;
- j. Assistance supporting the return of displaced Maui County families;
and
- k. Programs preserving multigenerational and geographic continuity.

4. Integrated Healthcare and Public Health Capacity.

Eligible purposes may include, but are not limited to:

- a. Primary, specialty, preventive, and urgent healthcare access;
- b. Behavioral and mental healthcare;
- c. Public health surveillance and capacity;
- d. Rural, mobile, home-based, and telehealth services;
- e. Emergency medical response;
- f. Hospital, clinic, laboratory, pharmacy, and treatment capacity;
- g. Disability access and accommodations;
- h. Maternal, reproductive, pediatric, and family healthcare;
- i. Workforce recruitment, retention, training, and housing support;
- j. Community health workers and culturally grounded care; and
- k. Medical-system resilience, continuity, and emergency preparedness.

5. Wastewater, Sanitation, Reuse, and Nearshore Protection.

Eligible purposes may include, but are not limited to:

- a. Wastewater collection, treatment, and advanced treatment;
- b. Universal or enhanced disinfection;
- c. Pathogen and nutrient reduction;
- d. Recycled-water production, storage, transmission, and reuse;
- e. Cesspool and failing-system replacement;
- f. Sanitation infrastructure;
- g. Reduction or elimination of wastewater injection;
- h. Nearshore water-quality protection;
- i. Irrigation-reuse greenbelt and firebreak implementation and maintenance, including systems protecting leeward populations;
- j. Monitoring, source control, and permit compliance;
- k. Historical receiving-waterbody environmental remediation;
- l. Nature-based and biological polishing systems; and
- m. Infrastructure necessary to protect public health, groundwater, reefs,

fisheries, and coastal waters.

6. Reef Restoration, Marine Recovery, and Coastal Resilience.

Eligible purposes may include, but are not limited to:

- a. Coral restoration and recovery;
- b. Reef-habitat restoration;
- c. Fisheries enhancement and replenishment;
- d. Invasive-species prevention, control, and mitigation;
- e. Native biodiversity protection;
- f. Nearshore water-quality improvement;
- g. Marine debris prevention and removal;
- h. Coastal wetland, dune, and estuary restoration;
- i. Community-based subsistence and marine stewardship;
- j. Monitoring, research, and adaptive management; and
- k. Coastal resilience and protection of ecological and cultural resources.

7. Education, Workforce Development, Research, and Youth Opportunity.

Eligible purposes may include, but are not limited to:

- a. Early, primary, secondary, postsecondary, and continuing education;
- b. Workforce development and credentialing;
- c. Apprenticeships and paid training;
- d. Cultural knowledge transmission;
- e. Research, science, technology, and innovation;
- f. Skilled-trade and infrastructure workforce development;
- g. Teacher and educational-workforce support;
- h. Youth leadership, mentorship, and opportunity;
- i. Place-based and environmental education;
- j. Educational facilities, equipment, connectivity, and access; and
- k. Partnerships with schools, colleges, universities, unions, employers, cultural practitioners, and community organizations.

8. Child Care, Maternal Health, Family Stabilization, and Development.

Eligible purposes may include, but are not limited to:

- a. Child-care facilities and operating capacity;
- b. Affordable, subsidized, and no-cost child care;
- c. Maternal health and postpartum support;

- d. Early-childhood development and intervention;
- e. Family stabilization and caregiver support;
- f. Youth development and enrichment;
- g. After-school and summer programs;
- h. Scholarships and no-cost educational opportunities;
- i. Nutrition, health, and developmental services;
- j. Child-care workforce development and retention; and
- k. Programs supporting safe, healthy, stable, and culturally connected families.

9. Kūpuna Dignity, Accessibility, and Multigenerational Continuity.

Eligible purposes may include, but are not limited to:

- a. Kūpuna care and aging-in-place services;
- b. Assisted living, residential care, and supportive housing;
- c. Home accessibility and safety modifications;
- d. Transportation and mobility access;
- e. Caregiver support and respite care;
- f. Health, nutrition, social, and protective services;
- g. Digital and community access;
- h. Intergenerational housing and continuity;
- i. Cultural, social, and community participation;
- j. Palliative, hospice, and end-of-life support; and
- k. Programs preserving dignity, independence, security, connection, and quality of life.

10. Cultural Restoration, Sovereignty, and Community Stewardship.

Eligible purposes may include, but are not limited to:

- a. Cultural restoration and ‘ike kupuna;
- b. Native Hawaiian customary and traditional practices;
- c. ‘Ōlelo Hawai‘i and language perpetuation;
- d. Cultural education and intergenerational transmission;
- e. Land, water, ocean, fishpond, forest, and agricultural stewardship;
- f. Ceremonial access and continuity;
- g. Protection and restoration of cultural landscapes and wahi kūpuna;
- h. Cultural sovereignty and community self-determination in stewardship, education, language, and ceremony;
- i. Women-led, kūpuna-led, practitioner-led, and community-led stewardship systems;

- j. Nonprofit and community organizational capacity for lawful cultural stewardship, cultural education, and public-service delivery;
- k. Traditional food, healing, navigation, building, gathering, and resource-management practices; and
1. The restoration and continuation of systems sustaining Hawai‘i and its communities before modern municipal incorporation.

3.XX.070 Cultural stewardship safeguards.

No Category 10 allocation may be released until the cultural stewardship designee or designated team certifies in writing that the proposed use:

1. Advances a lawful public purpose;
2. Respects Native Hawaiian cultural knowledge, intellectual property, customary practice, and community protocols;
3. Provides appropriate participation by affected practitioners, kūpuna, families, or communities;
4. Includes safeguards governing the collection, ownership, publication, commercialization, or secondary use of cultural knowledge and data;
5. Avoids unauthorized extraction, appropriation, displacement, or misrepresentation of cultural resources;
6. Supports cultural sovereignty, continuity, reciprocity, mālama, and community self-determination; and
7. Complies with applicable law and the equal protection of all persons.

Nothing in this chapter may be construed to adjudicate, extinguish, diminish, waive, or otherwise affect any existing or asserted Native Hawaiian right, claim, title, status, trust responsibility, customary practice, or sovereignty claim. Certification or consultation under this section does not replace environmental review, historic-preservation review, consultation, permitting, or approval required by chapters 6E or 343, Hawaii Revised Statutes, or other applicable law.

3.XX.080 Program agreements.

Before the release of funds, the Mayor or designee must execute an agreement identifying:

1. The donor or funding source;
2. The amount and form of the contribution;
3. Any lawful donor restrictions;
4. The applicable MLAST category or categories;
5. The implementing entity or selection process;

6. The project scope and public purpose;
 7. The expenditure budget;
 8. The implementation schedule;
 9. Measurable or qualitative performance measures;
 10. Reporting and documentation requirements;
 11. Procurement requirements;
 12. Environmental and cultural compliance requirements;
 13. Audit and record-access rights;
 14. Disbursement conditions;
 15. Retainage, suspension, termination, and recovery provisions;
 16. Ownership, maintenance, and disposition of funded assets;
 17. Insurance and indemnification requirements where applicable;
- and
18. Procedures for the return, reallocation, or lawful disposition of unspent funds.

A master or supplemental program agreement may govern multiple categories or projects if each allocation is separately identified, budgeted, measured, reported, and audited. No program agreement may take effect until approved as to form and legality by the Corporation Counsel and certified by the Director of Finance to the extent required by the Charter or other applicable law.

No program agreement creates third-party-beneficiary rights unless the agreement expressly provides otherwise and the creation of those rights is authorized by law.

3.XX.090 Conditions of release.

No MLAST funds may be released unless all of the following conditions are satisfied:

1. The applicable contribution has been lawfully accepted or received, and any monetary contribution has been deposited;
2. The funds are legally available and appropriated;
3. The applicable agreement has been executed;
4. A defined scope of work, budget, and schedule have been approved;
5. Measurable and auditable performance measures have been established;
6. The implementing entity has been lawfully selected;
7. Procurement compliance or a lawful exemption has been documented;
8. Environmental compliance has been certified where applicable;
9. Cultural compliance and stewardship review have been completed

where applicable;

10. A reporting plan has been established;
11. Audit and record-access requirements have been accepted;
12. Applicable insurance has been verified;
13. Conflicts of interest have been disclosed and resolved; and
14. The Director of Finance has certified that the proposed expenditure is fully supported by deposited donated funds and creates no unfunded County obligation.

3.XX.100 Disbursement.

Unless otherwise approved by the Council:

1. Funds may be released in quarterly or milestone-based increments;
2. No more than 25 percent of an annual project allocation may be released in a single quarter;
3. A subsequent installment may not be released until required reports for the preceding installment have been accepted;
4. Failure to meet a material milestone may result in suspension of additional disbursement;
5. Material changes to scope, budget, recipient, or performance measures require written approval;
6. Unspent funds shall remain in or revert to the MLAST Fund, subject to lawful donor restrictions; and
7. Emergency or accelerated disbursement may occur under applicable emergency authority or with Council approval and may not waive the deposit, appropriation, Finance certification, reporting, or audit requirements.

3.XX.110 Implementation and procurement.

Implementing entities must be selected consistently with applicable procurement, grants, ethics, and public-purpose requirements.

Eligible implementation mechanisms may include, but are not limited to:

1. County departments and agencies;
2. Intergovernmental agreements;
3. Grants and contracts;
4. Nonprofit partnerships;
5. Community organizations;
6. Educational institutions;

7. Healthcare institutions;
8. Utilities and infrastructure entities;
9. Cultural-practitioner and stewardship organizations;
10. Fiscal agents;
11. Public-private partnerships; and
12. Other lawful entities capable of performing the approved scope.

Local workforce, resident businesses, apprenticeships, Native Hawaiian practitioners, women-led organizations, kūpuna-led organizations, and community-led implementation should be encouraged to the extent legally permissible. Reporting, audit, procurement, environmental, cultural, and ethics safeguards must be applied in a manner that preserves public accountability while permitting operational flexibility, rapid response, decentralized implementation, and community-directed stewardship.

A grant or grant-loan must comply with chapter 3.36 unless the Council expressly provides otherwise by ordinance.

No sole-source, emergency, or other noncompetitive award may be made without a written determination identifying the legal authority, factual justification, scope, price basis, duration, and approving procurement officer.

Before money is transferred to a nongovernmental entity, the administering department must make a written finding that the expenditure serves a predominant public purpose, provides measurable public benefits, uses objective eligibility or selection criteria, and prevents more than incidental private benefit.

Outreach, technical assistance, capacity building, and participation goals may be used to broaden access to MLAST opportunities. No race-, ancestry-, sex-, or residency-based contracting or grant preference may be applied unless specifically authorized by law.

A donor recommendation does not constitute a procurement or grant preference.

3.XX.120 Reporting, audit, and transparency.

The Mayor or designee must transmit annual reports to the Council no later than 45 days after the end of each fiscal year.

Each report must identify:

1. Contributions received;
2. Contribution restrictions;
3. Investment earnings;
4. Amounts appropriated;
5. Amounts allocated and expended;
6. Administrative and indirect costs;
7. Implementing entities;
8. Contracts, grants, and agreements;
9. Project locations;
10. Performance measures and results;
11. Milestones achieved or missed;
12. Retainage amounts;
13. Suspensions, terminations, recoveries, or reallocations;
14. Audit findings and corrective actions; and
15. The available balance of each category and the Fund as a whole.

A publicly accessible MLAST transparency dashboard shall display current financial, contracting, project, performance, and audit information, subject to lawful protections for privacy, security, confidential cultural knowledge, and legally protected records. The County Auditor, Department of Finance, Corporation Counsel, Council, and other legally authorized audit or oversight authorities must have full access to MLAST records.

A donor may receive access to records concerning its contribution to the extent provided by agreement and permitted by law.

3.XX.130 Reallocation.

Within an approved project and category, the Mayor or designee may approve nonmaterial budget adjustments consistent with the approved scope, donor restrictions, performance measures, and applicable law, and may include reallocation between the ten categories.

Unused or underperforming category funds may be reallocated by the Mayor, designee(s) or Council to another eligible category based on:

1. Performance;
2. Demonstrated need;
3. Emergency conditions;
4. Project readiness;

5. Cultural or ecological benefit;
6. Equity;
7. Community continuity;
8. Resilience; or
9. Other documented public benefit.

3.XX.140 Nonperformance and recovery.

Unspent funds shall remain in or revert to the MLAST Fund, subject to applicable law and donor restrictions.

Missed milestones may result in:

1. Corrective-action requirements;
2. Delayed or reduced disbursement;
3. Proportional reduction of future installments;
4. Reallocation;
5. Suspension;
6. Termination; or
7. Recovery of funds.

Material nonperformance, false reporting, fraud, misuse, conflict-of-interest violations, unauthorized expenditures, or breach of agreement must result in suspension and may result in termination, debarment, civil recovery, referral to law enforcement, or other remedies available by law. Each agreement must provide the County with appropriate recovery, inspection, audit, and enforcement rights.

3.XX.150 Donation conditions and ethics.

A donation:

1. May designate an eligible category, community, island, or lawful public purpose;
2. May establish lawful performance conditions;
3. May not confer procurement preference;
4. May not require selection of a specific vendor except when legally permissible and expressly approved;
5. May not purchase governmental action, access, regulatory treatment, employment, contract rights, or political influence;
6. May not impair County police powers, permitting authority, enforcement authority, or legislative discretion;
7. May not create donor ownership or control of County governmental functions;

8. Must comply with County ethics and disclosure requirements; and
9. May be declined when its conditions conflict with law, ethics, public policy, administrative feasibility, or the public interest.

The identity of each donor, the amount donated, material conditions, and use of funds must be publicly disclosed unless confidentiality is expressly authorized or required by law.

3.XX.160 Legal compliance.

All MLAST activities must comply with applicable:

1. Federal, State, and County law;
2. Budget and appropriation requirements;
3. Procurement and grant requirements;
4. Environmental review;
5. Historic-preservation requirements;
6. Cultural-resource and customary-practice protections;
7. Labor, prevailing-wage, and workplace requirements;
8. Civil-rights and accessibility requirements;
9. Ethics and conflict-of-interest requirements;
10. Public-record and open-government requirements;
11. Tax, accounting, and audit requirements; and
12. Health, safety, licensing, and permitting requirements.

Nothing in this chapter waives a permit, review, consultation, approval, or legal standard otherwise required by law.

3.XX.170 Insurance, liability, and ownership.

Implementing entities must maintain insurance appropriate to their activities and risks. Agreements must include indemnification, defense, limitation-of-liability, and risk-allocation provisions appropriate to the project and permitted by law. No donation or agreement may expand County liability beyond funds lawfully available or waive any defense, immunity, limitation, or protection available to the County. Ownership, maintenance, operation, replacement, and eventual disposition of infrastructure or other durable assets must be identified before funds are released.

Title to property acquired by a County department must vest in the County as required by section 13-3 of the Revised Charter of the County of Maui. All donated or acquired durable property must be inventoried and administered under applicable County requirements.

3.XX.180 Appropriation and fiscal safeguards.

A. This chapter establishes program and Fund authority but does not appropriate money.

B. No Fund money may be expended unless:

1. The applicable contribution has been accepted as required by law;

2. The money has been received and deposited;

3. The money is legally available;

4. An appropriation has been enacted for the expenditure; and

5. The Director of Finance has certified the availability of money for the proposed obligation.

C. An annual or supplemental budget ordinance may appropriate or reappropriate Fund money and establish total, departmental, category-specific, project-specific, or recipient-specific expenditure ceilings.

D. No County general funds, County tax revenues, debt issuance, guarantee, credit support, entitlement, unfunded mandate, or fixed future financial obligation is created by this chapter.

E. County liability remains limited to money actually received, deposited, appropriated, and legally available.

F. Nothing in this chapter obligates a future Council to make an appropriation or creates a right to renewal, continuation, reimbursement, or replacement of donated resources.

G. Unexpended cash may remain in the Fund and may not revert to the General Fund except as required by law or a lawful donor restriction. Expenditure authority remains subject to section 9-11 of the Revised Charter of the County of Maui and other applicable appropriation-lapse requirements.

H. Aggregate administrative and indirect costs, including County administrative expenses, fiscal-agent fees, and implementing-entity overhead, may not exceed five percent of the amount expended under each appropriation unless the Council expressly approves a higher amount.

I. A multiyear agreement must contain a non-appropriation clause and remain contingent upon lawful annual appropriation and the continuing availability of contributed money.

J. If no contributions are received and appropriated, this chapter has no fiscal effect.

3.XX.190 Review and sunset.

The Mayor or designee must submit a formal program review to the Council no later than the end of Fiscal Year 2031.

The review must evaluate:

1. Funds received and expended;
2. Performance by category;
3. Administrative costs;
4. Audit findings;
5. Community and cultural outcomes;
6. Environmental and public-health outcomes;
7. Equity and geographic distribution;
8. Unmet needs;
9. Program integrity; and
10. Recommended amendments.

The Council may prospectively modify the framework, conditions, categories, ceilings, oversight structure, or program term. The initial MLAST framework terminates at the end of Fiscal Year 2036 unless extended by ordinance. Termination does not eliminate lawful audit, reporting, recovery, maintenance, or contractual obligations relating to funds previously expended.

3.XX.200 Construction. This chapter must be liberally construed to preserve the County's lawful ability to receive and direct contributed resources toward stabilization of living life-support systems and community continuity in forms adaptive to changing environmental, cultural, economic, financial, emergency, and intergenerational conditions.

In administering this chapter, the County may recognize stewardship systems grounded in reciprocity, mālama, 'ike kupuna, cultural sovereignty, community self-determination, decentralized participation, and the long continuity of practices sustaining Hawai'i before modern municipal incorporation. Nothing in this chapter

authorizes an expenditure, delegation, exemption, preference, exercise of governmental jurisdiction, or other act prohibited by law.

Nothing in this chapter may be construed to adjudicate, extinguish, diminish, waive, or otherwise affect an existing or asserted Native Hawaiian right, claim, title, status, trust responsibility, customary practice, or sovereignty claim.”

SECTION 3. If any provision of this ordinance, or its application to any person, entity, project, agreement, or circumstance, is held invalid, the invalidity does not affect any other provision or application that can be given effect without the invalid provision or application. The provisions of this ordinance are severable.

SECTION 4. This ordinance takes effect upon approval.

INTRODUCED BY:
