GENERAL BUDGET PROVISIONS

SECTION 5. As used herein, "E/P" or equivalent personnel, is the decimal equivalent of a full-time position. A full-time position is equal to 2,080 scheduled hours of work during the fiscal year. All positions are computed as an equivalent of 2,080 scheduled hours of work or 1.0 E/P equals 2,080 hours. This method of computing the number of authorized personnel in a department or program shall not be construed to grant to an incumbent in a position any permanence beyond that already provided by law or collective bargaining contract. All positions shall be identified by an equivalent personnel designation. Disbursement shall be limited to the total number E/P identified in a program appropriation. Any transfer of E/Ps from one program to another shall be approved by the County Council. As used herein, "LTA" or Limited Term Appointment means an appointment which is made from an eligible list or through a non-competitive promotion, transfer or demotion for a specified temporary period.

SECTION 6. Appropriations for salaries and premium pay may be disbursed within the pertinent office, department, agency or program for the following: (1) a temporary position to functionally replace a permanent employee who is on long-term sick or disability leave, or who has been temporarily assigned to replace a permanent employee who is on long-term sick or disability leave; provided that disbursement shall be limited in duration to the sick or disability leave of the permanent employee who is on long-term sick or disability leave; and, provided, that disbursement shall end when the permanent employee terminates County employment and the permanent position is subsequently filled; and (2) a temporary position to be filled by a permanent employee who is deemed to have a long-term temporary disability, and who is certified by a doctor of medicine to be able to perform the duties of the temporary position; provided that disbursement shall end when the permanent employee vacates the temporary position; and (3) trainee positions for which there is an existing or anticipated vacancy for which hiring and replacing is critical to continued operations, provided, that funds are available; and (4) a temporary position to functionally replace a permanent or probationary employee who has been called to active duty in the United States Armed Forces or who has been temporarily assigned to replace a permanent or probationary employee who has been called to active duty in the United States Armed Forces; provided that disbursement shall be limited in duration to the period of the employee's active duty status in the United States Armed Forces; and, provided, that disbursement shall end when the permanent or probationary employee terminates County employment and the permanent or probationary position is subsequently filled.

SECTION 7. Unless otherwise provided herein, appropriations for each program may be disbursed for salaries, premium pay, reallocation pay, operations and equipment within the office, department, or agency for which the appropriation is made. Disbursements for salaries, premium pay and reallocation pay shall include temporary assignments pay, overtime pay, night differential pay, hazardous pay, standby pay and emergency call back pay, and for reallocations and reclassifications. Funds shall not be disbursed for reallocations and reclassifications which involve a change in supervisory duties and responsibilities until the County Council receives written notice setting forth: (1) an explanation of the reasons for the change, and (2) organizational charts showing the existing organization and the proposed organization of the department with the positions involved. The County Council shall receive notice of any reallocation or reclassification when a position is transferred from the blue collar compensation plan, white collar non-professional compensation plan, white collar professional compensation plan, uniformed fire compensation plan, or uniformed police compensation plan to a different compensation plan. The County Council shall receive notice of any temporary assignment, temporary transfer and temporary reallocation that is expected to be in effect for more than thirty (30) days with an explanation of the action. Receipt of said written notices by the County Clerk shall constitute receipt by the County Council.

SECTION 8. Any increase or decrease in revenues or any increase or decrease in appropriations to any department or program, or any transfer of funds from one department to another, or any transfer of funds within a department, shall be made in accordance with law.

SECTION 9. All provisions of law contained in the Maui County Code and Hawaii Revised Statutes, both as amended, which affect the expenditure of the revenues from the rates, fees, assessments and taxes herein adopted, are hereby referred to and incorporated by reference. All provisions of law limiting the expenditure of fund revenues are hereby referred to and incorporated by reference.

SECTION 10. All program objectives and performance plans as described in the Budget Proposal Fiscal Year 2006 are incorporated herein and made a part hereof, except as otherwise provided for in other sections of this ordinance.

GRANT REVENUES

SECTION 11. The grant revenues set forth in Appendix A, Part I (attached hereto and made a part hereof), are expected to be derived by the County from Federal, State or private sources during Fiscal Year 2006. These grant revenues are hereby appropriated in the amounts set forth in Appendix A, Part I, to the programs identified therein; provided, that disbursement is conditioned on: (1) receipt of a notification of grant award from the grantor, or receipt of notification from the grantor that the grant award will be forthcoming and that the County is authorized to incur costs pursuant to such grant award; and (2) written notice to the County Council, attached to a copy of the notification from the grantor. When a specific amount from a grant is appropriated for a specific position, the individual in that position shall be paid only the amount so specified during this fiscal year and no more, not withstanding that the terms or rules and regulations of the grant may allow additional pay for said position. Unless specifically authorized, grant revenues shall not be used for salaries and personal services for a County position.

A. Subject to the requirements of this Section, the Mayor is hereby authorized to execute any documents to receive and expend the funds for the programs identified in Part I of Appendix A.

B. Grant revenues derived during Fiscal Year 2006 which are not included in Part I of Appendix A shall be subject to Sections 12 and 13, as may be appropriate.

SECTION 12. Whenever the County is notified that grant monies are available from Federal or State sources for programs other than those identified in Part I of Appendix A, the County Council may pass a resolution authorizing the application for and acceptance of funds. The following procedure shall apply.

A. These revenues are deemed appropriated upon enactment of an ordinance adding the estimated revenues to Part I of Appendix A; provided, that disbursement is conditioned on: (1) receipt of a notification of grant award from the grantor, or receipt of notification from the grantor that the grant award will be forthcoming and that the County is authorized to incur costs pursuant to such grant award; and (2) written notice to the County Council, attached to a copy of the notification from the grantor.

B. Subject to the requirements of this Section, the Mayor is hereby authorized to execute any documents to receive and expend the funds for the programs identified in the grant award.

SECTION 13. Whenever the County receives donations of monies from private sources not provided for in Part I of Appendix A, the County Council may approve its acceptance and authorize its expenditure in accordance with Chapter 3.56, Maui County Code.

SECTION 14. The special purpose revenues set forth in Appendix A, Part II (attached hereto and made a part hereof) are expected to be on hand as of June 30, 2005, or derived by the County during Fiscal Year 2006, from the programs or activities described in the Maui County

Code at the references set forth under A through O therein. The balance remaining in each of the revolving or special funds as of June 30, 2005, is hereby reappropriated to the particular fund for expenditure for the purposes identified in the ordinance establishing the revolving or special fund. Revenues derived from the particular program or activity during the fiscal year are hereby appropriated for expenditure for the purposes identified in the ordinance establishing the revolving or special fund.

FEES, RATES, ASSESSMENTS AND TAXES

SECTION 15. The fees, rates, assessments and taxes as set forth in Appendix B (attached hereto and made a part hereof) are hereby adopted and set in accordance with Section 9-7 of the Revised Charter of the County of Maui (1983), as amended.

ENCUMBERED AND UNENCUMBERED FUNDS

SECTION 16. The several amounts listed below are declared to be the estimated encumbered and unencumbered County funds on hand as of July 1, 2005. The estimated amounts set forth in this section are shown in accordance with Section 9-3 of the Revised Charter of the County of Maui (1983), as amended. The actual amounts of any encumbered and unencumbered funds that the County will have on hand as of June 30, 2005, will be set forth in the Comprehensive Annual Financial Report.

Encumbered funds	$51,523,173
Unencumbered funds (carryover/savings)	$22,207,317

FINANCIAL PROCEDURES

SECTION 17. For the purpose of this section, "County fund" excludes pension or retirement funds, funds under the control of any independent board or commission, funds set aside for the redemption of bonds or the payment of interest thereon, park dedication funds, or special purpose funds. In the event there are monies in any County fund that, in the judgment of the Director of Finance, are in excess of the amounts necessary for the immediate requirements of the respective funds, and where in the judgment of the Director of Finance, such action will not impede the necessary or desirable financial operation of the County, the Director of Finance may make temporary transfers or loans therefrom without interest to the Bond Fund or the Housing Interim Financing and Buy-Back Revolving Fund. The amount of such temporary transfers or loans shall not exceed the amount of general obligation bonds or notes authorized but not issued. At any time the aggregate amount of such transfers and loans which shall be unreimbursed shall not exceed $30,000,000. Monies transferred or loaned shall be expended only for appropriations from the Bond Fund or the Housing Interim Financing and Buy-Back Revolving Fund which are specified to be financed from the sale of general obligation bonds or notes. The fund from which transfers or loans are made shall be reimbursed by the Director of Finance from the proceeds of the sale of general obligation bonds or notes upon the eventual issuance and sale of such bonds or notes. Within 30 days after each transfer or loan, the Director of Finance shall report to the County Council on: (1) the amount of transfer or loan requirement; (2) the reason or justification for the transfer or loan; (3) the source of funding to reimburse or repay the transfer or loan; and (4) the time schedule proposed for reimbursement or repayment of the transfer or loan. The transfer or loan shall be reimbursed or repaid within eighteen (18) months after the later of: (i) the date of the transfer or loan; or (ii) the date that the public improvement funded by the transfer or loan was placed in service, but in no event later than three (3) years after the expenditure has been made.

At the close of each quarter, the Director of Finance shall submit to the County Council a Combined Statement of Cash Receipts and Disbursements showing for each month for each individual fund the cash balance at the start of the accounting period, the cash receipts and disbursements during the period, and the cash balance at the end of the period. Within thirty (30) days after the close of each quarter, the Director of Finance shall submit a separate report showing the accumulated balance of any fund or account which exceeds $100,000, and which would be available for appropriation upon certification by the Mayor.

SECTION 18. The Director of Finance is hereby authorized to establish appropriate individual and separate accounts for receipts and expenditures except as otherwise provided herein.

SECTION 19. The Director of Finance is further authorized to establish accounts for items of receipt and expenditures for the departments, agencies, or divisions as required by law in order to establish accounting and financial procedures under utility and other enterprise fund accounting.

SECTION 20. Whoever intentionally or knowingly violates this ordinance shall be fined not more than $1,000 or imprisoned not more than thirty (30) days or both.

SECTION 21. If any appropriation set forth in this ordinance is held invalid by a court of competent jurisdiction, the self insurance fund appropriation shall be adjusted to the extent necessary to maintain the equality of estimated revenues, proposed expenditures and total appropriations, as required by Section 9-5 of the Revised Charter of the County of Maui (1983), as amended.

SECTION 22. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 23. This ordinance shall take effect on July 1, 2005.

APPROVED AS TO FORM AND LEGALITY:

Traci Fujita Villarosa
First Deputy Corporation Counsel
County of Maui