

COUNCIL OF THE COUNTY OF MAUI

# BUDGET AND FINANCE COMMITTEE

October 16, 2009

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on September 29, 2009, makes reference to County Communication No. 09-257, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "AUTHORIZING A GRANT TO THE MOLOKA'I LAND TRUST, PURSUANT TO SECTION 3.88, MAUI COUNTY CODE, PERTAINING TO THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES AND SCENIC VIEWS PRESERVATION FUND".

The purpose of the proposed resolution is to authorize a grant of \$480,000 from the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to the Moloka'i Land Trust (MLT) to purchase a portion of Kawaikapu Ranch, Molokai, identified as TMK No. (2) 5-7-005:021, comprised of approximately 196.4 acres, to assure the protection of the conservation lands.

The First Deputy Corporation Counsel explained that Section 3.88.060, Maui County Code, requires the administration to ensure that the grant proposal submitted is complete, request agency comments, and obtain an appraisal of the property. If the administration determines that the grant proposal should be approved, the grant proposal, the agencies' comments, the appraisal, a proposed grant agreement, and a proposed budget ordinance amendment are transmitted to the Council. She informed your Committee that a resolution was submitted to the Council with the required documents in-lieu of a budget amendment because the grant to the MLT is currently included in the Fiscal Year 2010 Budget.

According to the Director of Parks and Recreation, the proposal to preserve the property as conservation lands received broad public support at a community hearing that was held on August 25, 2009.

Butch Haase, Executive Director, MLT, stated that 100 percent of the land to be purchased is a watershed and will be managed with the East Molokai Watershed Partnership.

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Your Committee voted 9-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Pontanilla, Vice-Chair Mateo, and members Baisa, Johnson, Kaho'ohalahala, Medeiros, Molina, Nishiki, and Victorino voted "aye".

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating a non-substantive revision in the title.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING A GRANT TO THE MOLOKA'I LAND TRUST, PURSUANT TO CHAPTER 3.88, MAUI COUNTY CODE, PERTAINING TO THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES AND SCENIC VIEWS PRESERVATION FUND", be ADOPTED; and
2. That County Communication No. 09-257 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
JOSEPH PONTANILLA, Chair

# Resolution

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

AUTHORIZING A GRANT TO THE MOLOKA`I LAND TRUST, PURSUANT TO CHAPTER 3.88, MAUI COUNTY CODE, PERTAINING TO THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES AND SCENIC VIEWS PRESERVATION FUND

WHEREAS, the MOLOKA`I LAND TRUST ("MLT") has identified a portion of the Kawaikapu Ranch located at Kawaikapu, Island of Molokai, County of Maui, State of Hawaii, identified as Tax Map Key No. (2)5-7-005:021, comprising approximately 196.4 acres ("Property") as an area that should be preserved as conservation lands; and

WHEREAS, MLT hopes and intends to acquire the Property in fee simple; and

WHEREAS, MLT through the implementation of its management plan hopes to protect the area and preserve the watershed; and

WHEREAS, MLT has secured a grant of State Legacy Land Conservation Funds in the amount of SEVEN HUNDRED SIXTY-SEVEN THOUSAND NINE HUNDRED SEVENTY-SIX AND NO/100 (\$767,976.00) for the purchase of the Property; and

WHEREAS, MLT is requesting a grant in the amount of FOUR HUNDRED EIGHTY THOUSAND AND NO/100 (\$480,000.00) from the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to be used as a match against the State Legacy Land Conservation Funds, a copy of the Grant Proposal is attached

**Resolution No. \_\_\_\_\_**

as Exhibit "A" to the Grant Agreement of County Funds attached hereto as Exhibit "1"; and

WHEREAS, the Property has an appraised value of ONE MILLION TWO HUNDRED FORTY-FIVE THOUSAND AND NO/100 (\$1,245,000.00), a copy of the appraisal is attached hereto as Exhibit "2"; and

WHEREAS, pursuant to Section 3.88.060, Maui County Code, the Council of the County of Maui may authorize the grant of funds from the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund; now, therefore,

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

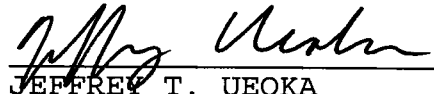
1. That it does hereby authorize the grant of FOUR HUNDRED EIGHTY THOUSAND AND NO/100 (\$480,000.00) from the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to the Moloka`i Land Trust.

2. That it does hereby authorize the Mayor, or the Mayor's duly authorized representative, to execute all necessary documents, in connection with the execution of said Grant Agreement of County Funds; and

**Resolution No.** \_\_\_\_\_

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of the Department of Parks and Recreation, and to Moloka`i Land Trust.

APPROVED AS TO FORM  
AND LEGALITY:

  
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JEFFREY T. UEOKA  
Deputy Corporation Counsel  
County of Maui

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