

REQUEST FOR LEGAL SERVICES

RECEIVED

By Dept. of the Corporation Counsel at 3:11 pm, May 23, 2025

Date: May 23, 2025
From: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

TRANSMITTAL
Memo to:

DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristina C. Toshikiyo, Esq.

Subject: BILL 64 (2025), AMENDING ORDINANCE 5659, BILL 62, CD1 (2024), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF MANAGEMENT) (BFED-40)

Background Data: Please see Bill 64, CD1 (2025). Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-40.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

| | |
|---|--|
| Requestor's signature <u>Yuki Lei K. Sugimura</u> Yuki Lei K. Sugimura, Chair | Contact Person <u>Kirsten Szabo and James Krueger</u> (Telephone Extension: 7662 and 7761, respectively) |
|---|--|

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 28, 2025
REASON: For posting for the June 6, 2025, Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

| | | |
|-------------------------|---------------------------------|----------------|
| ASSIGNED TO: <u>KCT</u> | ASSIGNMENT NO. <u>2025-0169</u> | BY: <u>ALH</u> |
|-------------------------|---------------------------------|----------------|

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): _____

Date 5/26/25

DEPARTMENT OF THE CORPORATION COUNSEL
Kristina C. Toshikiyo, Esq.
By _____

(Rev. 7/03)

bfed:ltr:040acc01:kes

Attachment

cc: Mayor Richard T. Bissen, Jr.
Budget Director

ORDINANCE NO. _____

BILL NO. 64, CD1 (2025)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 5659,
BILL 62, CD1 (2024), RELATING TO THE ISSUANCE
OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF MANAGEMENT)

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

SECTION 1. Ordinance 5659, Bill 62, CD1 (2024), is amended by amending Section 1

to read as follows:

“SECTION 1. Authorization of General Obligation Bonds. Pursuant to Chapter 47, Hawaii Revised Statutes, as amended, and particularly Part I thereof, there are hereby authorized to be issued and sold from time to time general obligation bonds of the County of Maui, State of Hawaii (the "County") in an aggregate principal amount not to exceed [~~\$114,173,839~~] \$117,423,839 (the "Bonds"), the proceeds derived from the sale of which shall be used to pay all or part of the cost of appropriations for the public improvements of the County described in Section 2 hereof.”

SECTION 2. Ordinance 5659, Bill 62, CD1 (2024), is amended by amending Section 2

to read as follows:

“SECTION 2. Disposition of Bond Proceeds. All or any portion of the proceeds derived from the sale of the Bonds or any notes issued in anticipation of the Bonds shall be used to pay all or part of the cost of any of the public improvements listed below in accordance with appropriations contained in the Fiscal Year 2025 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2025 (the "Fiscal Year 2025 Budget"); provided, however, that pursuant to Section 47-5, Hawaii Revised Statutes, the part of such proceeds which is in excess of the amounts required for the purposes for which the Bonds are initially issued from time to time, or which may not be applied to such purposes, or which the Council deems should not be applied to such purposes, may be applied to finance such other public improvements of the County as the Council shall, by ordinance approved by an affirmative vote of two-thirds of all of its members, determine; and provided further that the actual use and application of the proceeds of Bonds issued pursuant to this ordinance shall not in any way affect the validity or legality of such Bonds. No proceeds of the Bonds shall be applied to any public improvement listed in this section unless and until there shall be a valid appropriation of general obligation bond proceeds in effect for such public improvement. The public improvements provided for or to be provided for in the Fiscal Year 2025 Budget, to be financed with proceeds from the sale of the Bonds, are as follows:

Public Improvements:

Estimated Project Cost

| <u>PROJECT TITLE</u> | <u>APPROPRIATION</u> |
|--|----------------------|
| A. Department of Environmental Management | |
| 1. Countywide | |
| a. Sewer | |
| (1) Countywide Environmental Protection Agency (EPA) Compliance Projects | 2,700,000 |
| 2. Kīhei-Makena Community Plan Area | |
| a. Sewer | |
| (1) North Kīhei Mauka Transmission System | 6,000,000 |
| (2) North Kīhei Reuse Distribution Expansion | 1,500,000 |
| 3. Pā‘ia-Ha‘ikū Community Plan Area | |
| a. Sewer | |
| (1) Spreckelsville Force Main Replacement | 2,600,000 |
| 4. Wailuku-Kahului Community Plan Area | |
| a. Sanitation | |
| (1) Prefabricated Building with Solar Power at Central Maui Landfill | 1,000,000 |
| (2) Central Maui Landfill Land Acquisition | 2,000,000 |
| 5. West Maui Community Plan Area | |
| a. Sewer | |
| (1) Nāpili Wastewater Pump Station No. 1 Modifications | 5,500,000 |
| B. Department of Fire and Public Safety | |
| 1. Pā‘ia-Ha‘ikū Community Plan Area | |
| a. Government Facilities | |
| (1) Ha‘ikū Fire Station | 14,500,000 |
| C. Department of Management | |
| 1. Countywide | |
| a. Other Projects | |
| (1) Pump Station Temporary Repairs | 5,000,000 |
| (2) Road and Sidewalk Repairs Related to the August 2023 Wildfires | 5,000,000 |
| (3) Roadway Connectivity for Evacuations | 5,000,000 |
| (4) Roadway Connectivity for Evacuations – Land Acquisition | 8,000,000 |

| | |
|--|------------------|
| (5) Storm Drainage, Flood Control, and Water Quality Improvements | 8,000,000 |
| 2. Makawao-Pukalani-Kula Community Plan Area | |
| a. Other Projects | |
| (1) Von Tempsky Kula Property Acquisition | 5,000,000 |
| 3. Wailuku-Kahului Community Plan Area | |
| a. Government Facilities | |
| (1) <u>Acquisition of 105 North Market Street Building and Property</u> | <u>3,250,000</u> |
| D. Department of Public Works | |
| 1. Countywide | |
| a. Drainage | |
| (1) Countywide Drainline Replacement Program | 3,000,000 |
| b. Government Facilities | |
| (1) Countywide DPW Baseyard Facilities Program | 7,950,000 |
| c. Other Projects | |
| (1) Countywide Rockfall and Embankment Repairs | 7,400,000 |
| d. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including: | |
| (1) Countywide Federal Aid Program | 10,435,000 |
| (2) Countywide Road Resurfacing and Pavement Preservation | 1,700,000 |
| 2. West Maui Community Plan Area | |
| a. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including: | |
| (1) Front Street Sidewalk, Railing, and Seawall Repair | 688,839 |
| E. Department of Transportation | |
| 1. Countywide | |
| a. Other Projects | |
| (1) Bus Stops and Shelters | 600,000 |
| 2. Wailuku-Kahului Community Plan Area | |
| a. Government Facilities | |
| (1) Transportation Baseyard Facility | 2,600,000 |

F. Department of Water Supply

1. Countywide

a. Water Supply

(1) Fire Flow Improvements to Water System

\$8,000,000

TOTAL

[\$114,173,839] \$117,423,839

The cost of issuance of the Bonds or any series thereof, including without limitation, the initial fee of paying agents and registrars, the fees of financial consultants and bond counsel, the cost of preparation of any Official Statement relating to the Bonds, any notices of sale and forms of bid and the definitive Bonds, and the costs of publication of any notices of sale, may be paid from the proceeds of the Bonds or any series thereof and such costs shall be allocated pro rata to each of the foregoing projects financed from such proceeds.”

SECTION 3. 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 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO

Department of the Corporation Counsel
County of Maui

bfed:misc:040abill01:kes

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.

BFED Committee

From: Kristina C. Toshikiyo <Kristina.C.Toshikiyo@co.maui.hi.us>
Sent: Wednesday, May 28, 2025 9:10 AM
To: BFED Committee
Cc: Alice L. Hale; Kirsten E. Szabo
Subject: Transmitting revised Bill 64, CD1 (BFED-40)
Attachments: BFED-40 2025-05-26 RAFL Bill 62 CD1 Amd Ord 5659 Bond Authorization r1.pdf

Aloha,

Please see the revised bill.

Mahalo!

Kristina

***Department of the Corporation Counsel emails may contain attorney-client privilege information and should not be forwarded without approval.

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