

REQUEST FOR LEGAL SERVICES

D a t e: January 26, 2024
F r o m: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

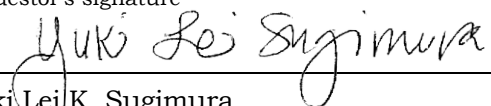
TRANSMITTAL

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

Subject: BILL 137 AND BILL 138 (2023): AMENDING THE FISCAL YEAR 2024 BUDGET: CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION (WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAR MEMORIAL FOOTBALL STADIUM AND TRACK REHABILITATION) (BFED-64)

Background Data: Please see attached Bill 138, CD1 (2023). Please transmit your response to bfed.committee@mauicounty.us.

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

Requestor's signature  Yuki Lei K. Sugimura	Contact Person <u>James Krueger</u> (Telephone Extension: <u>7761</u>)
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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): January 31, 2024
REASON: For posting for the February 9, 2024, Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. 138, CD1 (2023)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 5530 (2023),
RELATING TO THE ISSUANCE, SALE, AND DELIVERY OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
(DEPARTMENT OF PARKS AND RECREATION)

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

SECTION 1. Ordinance 5530 (2023), 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 [~~\$59,195,043~~] \$62,825,091 (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 5530 (2023), 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 2024 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2024 (the "Fiscal Year 2024 Budget"); provided, however, that pursuant to Section 47-5, Hawai‘i 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 2024 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 Agriculture	
1. Makawao-Pukalani-Kula Community Plan Area	
a. Other Projects	
(1) Kula Agricultural Park Phase 1 Expansion-Upcountry Maui Kula Ag Park	10,000,000
B. Department of Environmental Management	
1. Kīhei-Mākena Community Plan Area	
a. Sewer	
(1) Kaiola Place Sewer Extension	1,000,000
(2) Kīhei Wastewater Pump Station No. 9 Modification/Upgrade	500,000
2. Wailuku-Kahului Community Plan Area	
a. Sanitation	
(1) Central Maui Landfill Land Purchase	2,000,000
(2) Central Maui Landfill Phase II/III Interface Development	1,200,000
(3) Central Maui Landfill Phase III-B Lateral Expansion	400,000
b. Sewer	
(1) Kahului Beach Road Sewer Line Upgrade	1,500,000
(2) Wailuku/Kahului Environmental Protection Agency (EPA) Compliance Sewer Rehabilitation	1,000,000
3. West Maui Community Plan Area	
a. Sewer	
(1) Lāhainā Wastewater Reclamation Facility R-1 Process Expansion	1,350,000
(2) Nāpili No. 2 Force Main Replacement	1,500,000
(3) Nāpili Wastewater Pump Station No. 2 Modifications	1,000,000
(4) West Maui Environmental Protection Agency (EPA) Compliance Sewer Rehabilitation	2,000,000
C. Department of Management	
1. Wailuku-Kahului Community Plan Area	
a. Government Facilities	
(1) 60 South Church Street Building Renovations	150,043
(2) Wailuku Civic Hub	3,515,000

D. Department of Parks and Recreation	
1. Hāna Community Plan Area	
a. Parks and Recreation	
(1) Old Hana School Improvements	3,000,000
2. <u>Wailuku-Kahului Community Plan Area</u>	
a. <u>Parks and Recreation</u>	
(1) <u>War Memorial Football Stadium and Track Rehabilitation</u>	<u>3,630,048</u>
E. Department of Police	
1. Countywide	
a. Government Facilities	
(1) Radiosystem Facility Upgrades	3,980,000
F. Department of Public Works	
1. Countywide	
a. Drainage	
(1) Countywide Drainline Replacement Program	5,000,000
b. Government Facilities	
(1) Countywide Facilities Maintenance Program	4,250,000
(2) Countywide DPW Baseyard Facilities Program	2,300,000
c. 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 Road Resurfacing and Pavement Preservation	8,050,000
2. Hāna Community Plan Area	
a. Other Projects	
(1) East Maui Rockfall and Embankment Repairs	3,900,000
3. Wailuku-Kahului 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) Maui Lani Parkway Extension	1,000,000
G. Department of Transportation	
1. Countywide	
a. Other Projects	
(1) Bus Stops and Shelters	600,000

TOTAL [59,195,043] 62,825,091

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.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

bfed:misc:064abill01:jgk

BFED Committee

From: BFED Committee
Sent: Friday, January 26, 2024 12:42 PM
To: CorpCounselRFLS@co.maui.hi.us
Cc: BFED Committee
Subject: OCS - re: (BFED-64) BILL 137 AND BILL 138 (2023); reply due 01/31/2024
Attachments: 064acc01 YLS-signed.pdf