

# REQUEST FOR LEGAL SERVICES

Date: May 2, 2018  
From: Riki Hokama, Chair  
Budget and Finance Committee

**RECEIVED**  
By Dept. of Corporation Counsel at 12:18 pm, May 03, 2018

TRANSMITTAL  
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Jennifer Oana, Esq.

Subject: **FISCAL YEAR 2019 BUDGET** (BF-1; CC-22)

Background Data: Please review attached marked-up copy of proposed Drinking Water SRF Loan bill, revised to incorporate the Pookela Well B Development and, if appropriate, approve it as to form and legality. A hard copy of the approved bill is requested with your response.

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

Requestor's signature  Riki Hokama	Contact Person Traci Fujita (Telephone Extension: 7687)
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RECEIVED  
2018 MAY -3 PM 12:27  
OFFICE OF THE COUNTY CLERK

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 4, 2018  
REASON: For posting on the May 18 Council meeting agenda

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <b>JMO</b>	ASSIGNMENT NO. <b>2018-0310</b>	BY: <b>maa</b>
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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 05/03/18 By Jennifer M.P.E. Oana (Rev. 7/03)

bf:2019bgt:180501acc01:tnf

Attachment

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

BILL NO. \_\_\_\_\_ (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI SOURCE DEVELOPMENT, FISCAL YEAR 2019 BUDGET ORDINANCE

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

SECTION 1. Request for Loan. The County of Maui, pursuant to Chapter 340E, Hawaii Revised Statutes, has submitted an application for a loan from the Drinking Water Treatment Revolving Loan Fund ("DWTRLF") to the Director of the Department of Health, State of Hawaii, to finance the following projects:

- (1) West Maui Reliable Capacity
  - a. West Maui Source Development.....\$4,250,000.00
- (2) Upcountry Reliable Capacity
  - a. Pookela Well B Development.....\$4,000,000.00

Under the terms and conditions anticipated with regard to such DWTRLF loan, the County shall repay, over a term of twenty years, the principal amount, which shall not exceed the amounts stated above, at a fixed rate of interest that shall not exceed the annual rate of the weekly Bond Buyer's 20-year general obligation index bond interest rate.

SECTION 2. Council Authorization. Pursuant to Section 2.20.020, Maui County Code, the Council of the County of Maui hereby authorizes the Mayor to enter into an intergovernmental agreement, which would include the execution of all necessary documents, including any amendments thereto, between the State of Hawaii and the County of Maui relating to the DWTRLF loan, to finance the construction of the projects, including a pledge of the County's full faith and

credit, including but not limited to the County's general taxing power, as security for repayment of the loan and payment of interest and loan fees, and a covenant to exercise the County's authority as needed. The repayment of principal, interest, and any loan fees shall be a first charge on the General Fund of the County.

SECTION 3. Effective Date. This ordinance shall take effect on July 1, 2018.

APPROVED AS TO FORM  
AND LEGALITY:



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JENNIFER M.P.E. OANA  
Deputy Corporation Counsel  
County of Maui

2018-0310

2018-05-03 SRF Loan for DWS

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

BILL NO. \_\_\_\_\_ (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI SOURCE DEVELOPMENT, FISCAL YEAR 2019 BUDGET ORDINANCE

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(2) Upcountry Reliable Capacity

a. Pookela Well B Development

\$ 4,000,000

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APPROVED AS TO FORM  
AND LEGALITY:



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JENNIFER M.P.E. OANA  
Deputy Corporation Counsel  
County of Maui

2018-0310

2018-03-16 SRF Loan for DWS