

ORDINANCE NO. _____

BILL NO. 32 (2024)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI,
GENERAL BUDGET PROVISIONS,
SECTION 18

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

SECTION 1. Ordinance No. 5528, Bill No. 22, CD1, FD2 (2023), as amended, "Fiscal Year 2024 Budget", General Budget Provisions, Section 18 is amended to read as follows:

"GENERAL BUDGET PROVISIONS"

SECTION 18. **Transfers and loans.** 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. If there is money in any County fund that the Director of Finance determines to be in excess of the amount necessary for the fund's immediate requirements, the Director of Finance may make a temporary transfer or interest-free loan from the fund to the Bond Fund or the Housing Interim Financing and Buy-Back Revolving Fund, if the transfer or loan will not impede the County's necessary or desirable financial operation. The amount of temporary transfers or loans must not exceed the amount of general obligation bonds, state loans, or notes authorized but not issued. At any time, the aggregate amount of transfers and loans that must be unreimbursed must not exceed [\$55,000,000] 10 percent of the total operating budget. In case of a disaster or emergency as defined in section 127A-2, Hawaii Revised Statutes, and resulting in a proclamation of a state of emergency or local state of emergency under section 127A-14, Hawaii Revised Statutes the Council may, by ordinance, increase the allowable aggregate amount of transfers and loans by an additional 10 percent. Money transferred or loaned must be expended only for appropriations from the Bond Fund or the Housing Interim Financing and Buy-Back Revolving Fund, which appropriations are specified to be financed from the sale of general obligation bonds or notes. The fund from which transfers or loans are made must be reimbursed from time to time, in whole or in part, as determined by the Director of Finance, and must be reimbursed from the proceeds of the sale of general obligation bonds, notes, or state loans, when issued. Within 30 days after the date each transfer or loan is made, the Director of Finance must provide the following information to the County Council:

- (A) the amount of each transfer or loan made to date and the accumulated total;
- (B) the budgetary bonding authorization for each transfer or loan made to date; and
- (C) the time schedule for the sale of proposed general obligation bonds, notes, or state loans proposed for reimbursement or repayment of each transfer or loan made to date.

Proceeds of tax-exempt general obligation bonds, state loans, or notes may be applied to reimburse or repay a transfer or loan that was used to fund public improvement costs paid before the issuance date, if the expenditure was:

(A) not made prior to 60 days before the County's adoption of a declaration of official intent to finance the public improvement or the approval by ordinance authorizing the projects to be funded with general obligation bonds, notes or state loans,

(B) not made more than 18 months prior to the issuance date or the date the public improvement funded by the transfer or loan was placed-in-service, whichever is later, and

(C) not made more than three years prior to the issuance date, unless the cost is attributable to a "preliminary expenditure." For this purpose, preliminary expenditure means architectural, engineering, surveying, soil testing and similar costs incurred prior to the commencement of construction or rehabilitation of the public improvement funded by the transfer or loan, but does not include land acquisition, site preparation and similar costs incident to the commencement of acquisition, construction or rehabilitation of the public improvement funded by the transfer or loan. Preliminary expenditures funded with proceeds of tax-exempt general obligation bonds or notes may not exceed 20 percent of the issue of tax-exempt general obligation bonds or notes.

The Budget Director must consult with the Director of Finance from time to time as to the timing and eligibility of accrued expenditures eligible for reimbursement by tax-exempt general obligation bonds or notes. The Budget Director must annually provide the Director of Finance with a list of capital expenditures to be financed from the proceeds of tax-exempt general obligation bonds, notes, or state loans prior to their final inclusion in the County's annual budget.

Nothing in this ordinance precludes the County from reimbursing temporary transfers or loans from taxable bonds or notes.

At the close of each quarter, the Director of Finance must 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 45 days after the close of each quarter, the Director of Finance must submit a separate report showing the accumulated balance of any fund or account that exceeds \$100,000, and which would be available for appropriation upon certification by the Mayor.

Within 45 days after the end of each quarter, the Director of Finance must submit to the County Council a report of the Countywide capital improvement projects for which an appropriation has been made, that includes a breakdown of all expenditures made the preceding quarter and a brief description of each expenditure, by CBS number and project title.

Furthermore, the Managing Director must submit to the County Council a report of all capital improvement projects for which an appropriation has been made, that includes a brief description of the status of each project, and the estimated start and completion date of the project.”

SECTION 2. Material to be repealed is bracketed. New material is underscored.

SECTION 3. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "James R. Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.