

RUSH

REQUEST FOR LEGAL SERVICES

RECEIVED CORPORATION COUNSEL

Date: February 12, 2020
From: Keani N.W. Rawlins-Fernandez, Chair
Economic Development and Budget Committee

'20 FEB 12 P2:01

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: David Galazin, Esq.

Subject: CENTRAL MAUI LANDFILL LAND PURCHASE (EDB-48)

Background Data: Please see attached marked-up bill.

Work Requested: [X] FOR APPROVAL AS TO FORM AND LEGALITY
[] OTHER:

Requestor's signature: Keani Rawlins-Fernandez
Contact Person: Shelly Espeleta (Telephone Extension: 7134)

- [] ROUTINE (WITHIN 15 WORKING DAYS)
[] RUSH (WITHIN 5 WORKING DAYS)
[] PRIORITY (WITHIN 10 WORKING DAYS)
[] URGENT (WITHIN 3 WORKING DAYS)

[X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): February 12, 2020

REASON: To meet posting deadline for next Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: DGA ASSIGNMENT NO. 2019-0048 BY: MM

TO REQUESTOR: [X] 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: 2-13-20

By: [Signature]

(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985,
BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT – CENTRAL MAUI LANDFILL EXPANSION)

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

SECTION 1. Ordinance No. 4985, Bill No. 34 (2019), 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 [~~\$53,277,700~~] \$65,777,700 (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 No. 4985, Bill No. 34 (2019), 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 2020 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2020 (the "Fiscal Year 2020 Budget"); provided, however, that pursuant to Section 47-5, Hawaii Revised Statutes, the part of such proceeds which are 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 2020 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. Hana Community Plan Area	
a. Sanitation	
(1) Hana Landfill Office Trailer and PV Expansion	25,000
2. Wailuku-Kahului Community Plan Area	
a. Sanitation	
(1) CML Storage Facility/Infrastructure	300,000
(2) CML Customer Drop-Off Area Improvements	67,000
(3) Central Maui Landfill Entrance Facility	50,000
(4) <u>Central Maui Landfill Expansion</u>	<u>12,500,000</u>
b. Sewer	
(1) Lower Main Street Sewer Upgrade	2,500,000
(2) Wailuku-Kahului Recycled Water Force Main	500,000
3. West Maui Community Plan Area	
a. Sewer	
(1) West Maui Recycled Water System Expansion	1,500,000
4. Kihei-Makena Community Plan Area	
a. Sewer	
(1) Kihei-Makena Sewer Expansion	1,000,000
B. Department of Finance	
1. Countywide	
a. Other Projects	
(1) Countywide Equipment	5,405,000

C.	Department of Fire and Public Safety		
	1. Lanai Community Plan Area		
	a. Government Facilities		
	(1) Lanai Fire Station Improvements		1,872,000
	2. Molokai Community Plan Area		
	a. Government Facilities		
	(1) Pukoo Fire Station Relocation		455,000
D.	Department of Management		
	1. Wailuku-Kahului Community Plan Area		
	a. Government Facilities		
	(1) New County Service Center		1,500,000
	(2) Information Technology Data Center Improvements		350,000
E.	Department of Parks and Recreation		
	1. Hana Community Plan Area		
	a. Government Facilities		
	(1) Old Hana School Improvements		350,000
	(2) Helene Hall Improvements		800,000
	b. Parks and Recreation		
	(1) ADA Access to Hana Ball Park		50,000
	2. Lanai Community Plan Area		
	a. Parks and Recreation		
	(1) Lanai Youth Center and Skate Park		3,500,000
	(2) Lanai Parks System		533,700
	3. Paia-Haiku Community Plan Area		
	a. Parks and Recreation		
	(1) Alfred "Flako" Boteilho, Sr. Gym Improvements		225,000
	4. Wailuku-Kahului Community Plan Area		
	a. Parks and Recreation		
	(1) War Memorial Complex Paving Improvements		2,750,000
	(2) Central Maui Regional Sports Complex Maintenance Operations and Storage Buildings		1,750,000
F.	Department of Police		
	1. Wailuku-Kahului Community Plan Area		
	a. Government Facilities		
	(1) Wailuku Police Station Improvements		1,500,000
G.	Department of Public Works		
	1. Countywide		
	a. Drainage		
	(1) Countywide Drainage Improvements		3,000,000

2. Hana Community Plan Area		
a. Drainage		
(1) Mahalawa Bridge Replacement		1,200,000
(2) Waikakoi Bridge Replacement		850,000
b. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs and maintenance, safety and utilities, accessibility for persons with disabilities) including:		
(1) Koukouai Bridge Replacement		2,000,000
3. Kihei-Makena 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) North South Collector Road (Namauu Place to Kulanihakoi Street)		1,000,000
(2) South Kihei Road Sidewalk Improvements		1,900,000
(3) Ohukai Road Sidewalk Improvements		600,000
4. Makawao-Pukalani-Kula 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) Pukalani Terrace Subdivision Pavement Reconstruction		2,000,000
(2) Iolani Street, Loha Street, and Makani Road Pavement Rehabilitation		400,000
5. Paia-Haiku 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) Kaupakalua Road Pavement Reconstruction		2,247,000
6. Wailuku-Kahului Community Plan Area		
a. Government Facilities		
(1) Emergency Management Office Renovation		500,000
(2) Kalana O Maui 2nd Floor Deck Repair Above Emergency Management Agency		600,000
(3) Kalana O Maui Fire Sprinkler System, Phase 2		450,000
(4) Kalana Pakui Building AC Replacement		600,000
b. Drainage		
(1) Certification of Levees and Additional Work for Levee No. 27		380,000
(2) Wailuku Heights Drainline and Outlet Repair		1,000,000

- 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) Waiale Road Improvements (Kaohu Street to Waiinu Road) 600,000
 - (2) Wakea Avenue and Kamehameha Avenue Intersection Improvements 250,000

7. 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) Papalaua Street Traffic Signal Improvements at Wainee Street 632,000
 - (2) Kahana Nui Bridge Replacement 1,076,000
 - (3) Napili 4/5 Culvert at Lower Honoapiilani Road 3,910,000
 - (4) West Maui Drainline Assessment 500,000
 - (5) Lower Honoapiilani Road Erosion at Kaopala Bay 600,000

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 shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:


 Deputy Corporation Counsel
 County of Maui
 2019-0098/2019-0483
 EDB-48 2020-02-13 GO Bonds DEM CML Expansion