

REQUEST FOR LEGAL SERVICES

Date: February 21, 2019
From: Keani N.W. Rawlins-Fernandez, Chair
Economic Development and Budget Committee

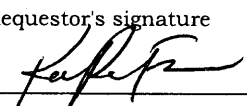
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

Subject: AMENDING THE FISCAL YEAR 2019 BUDGET: DEPARTMENT OF PUBLIC WORKS (FRONT STREET IMPROVEMENTS) (EDB-23)

Background Data: Please revise the proposed Bond bill as indicated on the attached marked-up copy. A hard copy of the revised proposed bill is requested with your response.

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

| | |
|--|--|
| Requestor's signature  Keani N.W. Rawlins-Fernandez | Contact Person Leslee Matthews (Telephone Extension: 7662) |
|--|--|

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): February 27, 2019
REASON: To submit for posting on the March 8, 2019 Council agenda.

FOR CORPORATION COUNSEL'S RESPONSE

| | | |
|--------------|----------------|-----|
| ASSIGNED TO: | ASSIGNMENT NO. | BY: |
|--------------|----------------|-----|

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)

edb:ltr:023acc01:ldm

Attachment

ORDINANCE NO. _____

BILL NO. ____ (2018) (2019)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858,
BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PUBLIC WORKS - FRONT STREET
IMPROVEMENTS)

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

SECTION 1. Ordinance No. 4858, Bill No. 54 (2018), is amended by

amending Section 1 to read as follow^(S):

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 ~~[\$76,200,000]~~ ~~\$76,351,580~~ (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. [~~\$76,438,100~~ \$76,589,680]

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 2019 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2019 (the "Fiscal Year 2019 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 2019 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 Makai Berm Waste Removal | 1,000,000 |
| 2. Wailuku-Kahului Community Plan Area | |
| a. Drainage | |
| (1) Central Maui Landfill Stormwater Management Improvements | 750,000 |
| b. Sanitation | |
| (1) Central Maui Landfill Monitoring Well Design/Construction | 500,000 |
| (2) Central Maui Landfill Land Purchase | 250,000 |
| (3) Central Maui Landfill Phase III | 250,000 |
| B. Department of Finance | |
| 1. Countywide | |
| a. Other Projects | |
| (1) Countywide Equipment | 5,526,000 |
| C. Department of Management | |
| 1. Countywide | |
| a. Other Projects | |
| (1) Public Safety Radio System Replacement | 1,200,000 |
| 2. Wailuku-Kahului Community Plan Area | |
| a. Government Facilities | |
| (1) Wailuku Civic Complex | 42,000,000 |
| D. Department of Parks and Recreation | |
| 1. Makawao-Pukalani-Kula Community Plan Area | |
| a. Parks and Recreation | |
| (1) Waiakoa Gym Improvements | 175,000 |
| 2. Paia-Haiku Community Plan Area | |
| a. Parks and Recreation | |
| (1) Alfred "Flako" Boteilho, Sr. Gym Improvements | 1,500,000 |
| (2) Paia-Haiku Parks System | 950,000 |

| | | | |
|----|--|--|-----------|
| 3. | Wailuku-Kahului Community Plan Area | | |
| | a. Parks and Recreation | | |
| | (1) War Memorial Complex Paving Improvements | | 500,000 |
| | (2) Wells Park Master Plan Implementation | | 150,000 |
| 4. | West Maui Community Plan Area | | |
| | a. Parks and Recreation | | |
| | (1) West Maui Parks System | | 286,000 |
| 5. | Lanai Community Plan Area | | |
| | a. Parks and Recreation | | |
| | (1) Lanai Parks Maintenance Building | | 1,200,000 |
| | (2) Lanai Community Center Commercial Kitchen | | 900,000 |
| E. | Department of Public Works | | |
| | 1. Countywide | | |
| | a. Drainage | | |
| | (1) Countywide Drainage Improvements | | 1,300,000 |
| | 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) Countywide Federal Aid Program | | 2,000,000 |
| | 2. Hana Community Plan Area | | |
| | a. Drainage | | |
| | (1) Mahalawa Bridge Replacement | | 250,000 |
| | 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) Kalepa Revetment and Seawall Repairs | | 500,000 |
| | (2) Maka'ala'e Road Resurfacing | | 550,000 |
| | 3. Kihei-Makena Community Plan Area | | |
| | a. Drainage | | |
| | (1) South Maui Drainline Repairs | | 2,300,000 |
| | 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) | North South Collector Road (Namaau Place to Kulanihakoi Street) | 500,000 |
| | | |
| 4. | Molokai Community Plan Area | |
| a. | Drainage | |
| (1) | Kaunakakai Drainage System B | 2,000,000 |
| b. | Government Facilities | |
| (1) | Molokai Baseyard | 250,000 |
| | | |
| 5. | Wailuku-Kahului Community Plan Area | |
| a. | Drainage | |
| (1) | Central Maui Drainline Repairs | 1,500,000 |
| (2) | Central Maui Drainline Assessment | 700,000 |
| (3) | Hauoli Street Drainage Basin & Outlet Repair | 1,000,000 |
| (4) | Iao Stream Bank Stabilization at Millyard | 500,000 |
| 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) | Waiale Road Improvements (Kaohu Street to Waiinu Road) | 150,000 |
| (2) | Kamehameha Avenue at Maui Lani Parkway Intersection Improvements | 2,865,000 |
| | | |
| 6. | 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 Breakwall Repair Fronting Lahaina Center | 500,000 |
| (2) | Front Street Deck and Rail Repair Near Lahainaluna Road | 700,000] |
| (1) | <u>Front Street Improvements</u> | <u>1,351,580</u> |
| | | |
| F. | Department of Transportation | |
| 1. | Wailuku-Kahului Community Plan Area | |
| a. | Government Facilities | |
| (1) | Central Maui Transit Hub | 650,000 |
| | | |
| G. | Department of Police | |
| 1. | Countywide | |
| a. | Government Facilities | |
| (1) | Countywide Police Facilities | 848,000 |

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

2018-0310

2018-11-29 Accompany Bond PW Front Street Improvements