

REQUEST FOR LEGAL SERVICES

RECEIVED

By Dept. of the Corporation Counsel at 11:51 am, Oct 15, 2025

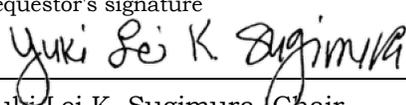
Date: October 15, 2025
From: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

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

Subject: BILL 138 (2025), BILL 139 (2025), BILL 140 (2025), AND RESOLUTION 25-186, RELATING TO WEST MAUI LAND ACQUISITIONS (WEST MAUI COMMUNITY PLAN AREA)
(BFED-7)

Background Data: Please see Bill 139, CD1 (2025) and Bill 140, CD1 (2025). Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-7.

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

Requestor's signature  Yuki Lei K. Sugimura, Chair	Contact Person <u>Kirsten Szabo or Peter Hanano</u> (Telephone Extension: <u>7662 or 8007, respectively</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): October 15, 2025
REASON: For posting on the October 24, 2025, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>KCT</u>	ASSIGNMENT NO. <u>2025-0169</u>	BY: <u>ALH</u>
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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 10/15/25 By 
(Rev. 7/03)

bfed:ltr:007acc01:kes

Attachments

ORDINANCE NO. _____

BILL NO. 139, CD1 (2025)

A BILL FOR AN ORDINANCE AMENDING
ORDINANCE 5818 (2025), RELATING TO THE ISSUANCE
OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PUBLIC WORKS)

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

SECTION 1. Ordinance 5818 (2025), 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 [~~\$154,049,407~~] \$170,242,113 (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 5818 (2025), 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 2026 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2026 (the "Fiscal Year 2026 Budget"); provided, however, that pursuant to Section 47-5, Hawaii 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 2026 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. Countywide	
a. Sewer	
(1) Countywide Environmental Protection Agency (EPA) Compliance Wastewater Reclamation Facility Renovation Projects	2,000,000
(2) Countywide Wastewater System Modifications	2,500,000
2. Kīhei-Makena Community Plan Area	
a. Sewer	
(1) Kaiola Place Sewer Extension	1,000,000
(2) Kīhei Wastewater Pump Station No. 4 Modification/Upgrade	2,000,000
3. Lāna‘i Community Plan Area	
a. Sewer	
(1) Lāna‘i Wastewater Treatment Pond Renovations	1,500,000
4. Wailuku-Kahului Community Plan Area	
a. Sanitation	
(1) Central Maui Landfill Gas System Expansion	1,000,000
(2) Central Maui Landfill Phase II/III Interface Development	1,500,000
b. Sewer	
(1) Waiehu Kou Wastewater Pump Station Modifications	3,500,000
5. West Maui Community Plan Area	
a. Sewer	
(1) Lahaina Wastewater Reclamation Facility Returned Activated Sludge (RAS)/Dewatering Upgrades	6,593,103
(2) Nāpili No. 1 Force Main Replacement	4,500,000
(3) Nāpili No. 2 Force Main Replacement	1,500,000

B. Department of Fire and Public Safety	
1. Makawao-Pukalani-Kula Community Plan Area	
a. Government Facilities	
(1) Kula Fire Station Apparatus Bay	3,080,000
2. Pā‘ia-Ha‘ikū Community Plan Area	
a. Government Facilities	
(1) Ha‘ikū Fire Station	3,400,000
C. Department of Management	
1. Wailuku-Kahului Community Plan Area	
a. Government Facilities	
(1) New County Service Center, Phase II	5,000,000
(2) 24 North Church Street Building Acquisition and Renovations	10,000,000
b. Sanitation	
(1) Central Maui Landfill Phase VII Part 1 Closure	800,000
D. Department of Parks and Recreation	
1. Pā‘ia-Ha‘ikū Community Plan Area	
a. Parks and Recreation	
(1) Alfred “Flako” Boteilho Sr. Gym Improvements	1,000,000
2. Wailuku-Kahului Community Plan Area	
a. Parks and Recreation	
(1) Kanahā Beach Park Restroom Replacement	1,000,000
E. Department of Police	
1. Countywide	
a. Government Facilities	
(1) Radiosystem Facility Upgrades	3,600,000
F. Department of Public Works	
1. Countywide	
a. Drainage	
(1) Countywide Bridge and Drainage Program	3,500,000
(2) Countywide Drainline Replacement Program	13,300,000
b. Other Projects	
(1) Countywide Rockfall and Embankment Repairs	20,450,000

- 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 Federal Aid Program 18,604,461
 - (2) Countywide Road Resurfacing and Pavement Preservation 3,000,000

2. 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) Waiale Road Extension 33,259,720

3. West Maui Community Plan Area

- a. Other Projects
 - (1) West Maui Land Acquisitions 16,192,706

G. Department of Transportation

- 1. Countywide
 - a. Other Projects
 - (1) Bus Stops and Shelters 600,000

H. Department of Agriculture

- 1. Makawao-Pukalani-Kula Community Plan Area
 - a. Other Projects
 - (1) Kula Agricultural Park Phase 1 Expansion – Upcountry Maui Ag Park 5,862,123

TOTAL [154,049,407] 170,242,113

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:



KRISTINA C. TOSHIKIYO
Department of the Corporation Counsel
County of Maui

bfed:misc:007abill01:kes

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.

ORDINANCE NO. _____

BILL NO. 140, CD1 (2025)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 5819 (2025),
RELATING TO APPLICATION OF LAPSED BOND PROCEEDS
(DEPARTMENT OF PUBLIC WORKS)

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

SECTION 1. Ordinance 5819 (2025), is amended by amending Section 1
to read as follows:

“SECTION 1. The Council of the County of Maui hereby finds and determines that: (i) the County of Maui (the "County") has previously issued its general obligation bonds (the "Bonds") pursuant to Ordinance Nos. 3459, 3649, 3837, 4130, 4228, 4331, 4454, 4858, 4931, 4985, 5062, 5068, 5101, 5219, and 5531 (the "Ordinances"); (ii) certain of the purposes for which the Bonds were issued as set forth in the Ordinances have been completed or will be completed at a cost that is less than the amount of the proceeds of the Bonds appropriated for such purposes, resulting in [~~\$3,926,861~~] \$7,884,155 in excess of the amounts required for the purposes provided in the Ordinances; (iii) there is a total of [~~\$3,926,861~~] \$7,884,155 of the proceeds of the Bonds issued pursuant to the Ordinances which are in excess of the amounts required for the purposes provided in the Ordinances or which should not be applied to purposes provided in the Ordinances; (iv) pursuant to Section 47-5, Hawaii Revised Statutes ("HRS"), and the Ordinances, the amount of the proceeds of the Bonds which are in excess of the amounts required for the purposes provided in the Ordinances and the amounts of the proceeds of the Bonds which should not be applied for the purposes provided in the Ordinances may be applied to finance such other public improvements of the County as the Council of the County shall, by ordinance approved by an affirmative vote of two-thirds of all of its members, determine; (v) the Fiscal Year 2026 Budget for the fiscal year ending June 30, 2026 (the "Fiscal Year 2026 Budget"), includes appropriations for public improvements to be financed from the proceeds of general obligation bonds; and (vi) it is in the best interests of the County to apply the proceeds of the Bonds issued pursuant to the Ordinances which are in excess of, or should not be applied to, purposes provided in the Ordinances to pay the cost of appropriations for the public improvements set forth herein.”

SECTION 2. Ordinance 5819 (2025), is amended by amending Section 2

to read as follows:

“SECTION 2. Pursuant to Section 47-5, HRS, and the Ordinances, the Council of the County of Maui hereby determines that [~~\$3,926,861~~] \$7,884,155 of the proceeds of the general obligation bonds of the County issued pursuant to the Ordinances is in excess of the amounts required for the purposes provided in the Ordinances for which such bonds were issued, and this amount shall be reallocated to finance the appropriation made for the following capital improvement projects in the Fiscal Year 2026 Budget, to wit:

From Lapsed Bond Proceeds

- A. Department of Environmental Management
 - 1. West Maui Community Plan Area
 - a. Sewer
 - (1) Lahaina Wastewater Reclamation Facility Returned Activated Sludge (RAS)/Dewatering Upgrades 3,406,897

- B. Department of Water Supply
 - 1. Countywide
 - a. Water Supply
 - (1) Countywide Upgrades and Replacements 519,964

- C. Department of Public Works
 - 1. West Maui Community Plan Area
 - a. Other Projects
 - (1) West Maui Land Acquisitions 3,957,294”

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:

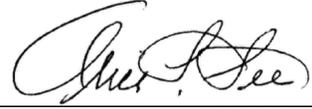


KRISTINA C. TOSHIKIYO

Department of the Corporation Counsel
County of Maui

bfed:misc:007abil02:kes

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.

BFED Committee

From: Kristina C. Toshikiyo <Kristina.C.Toshikiyo@co.maui.hi.us>
Sent: Wednesday, October 15, 2025 1:44 PM
To: BFED Committee
Cc: Kirsten E. Szabo; Alice L. Hale
Subject: Transmitting Bills 139, CD1 and 140, CD1
Attachments: BFED-7 2025-10-15 RAFL Closing Bills 139 and Bill 140 Ordinance.pdf

Hi,

Please see the attached approved bills.

Thank you!

Kristina

***Department of the Corporation Counsel emails may contain attorney-client privilege information and should not be forwarded without approval.

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