

# REQUEST FOR LEGAL SERVICES

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

**RECEIVED**

By Department of the Corporation Counsel at 1:42 pm, May 02, 2018

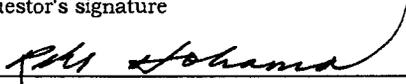
TRANSMITTAL

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

**Subject:** FISCAL YEAR 2019 BUDGET (BF-1; CC-24)

**Background Data:** Please review attached marked-up copy of proposed Lapsed Bond bill, revised to correct the name of the project to "Wailuku Civic Complex" 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  
OFFICE OF THE  
COUNTY COUNSEL  
2018 MAY -3 PM 12:27

- 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: JTU	ASSIGNMENT NO. 2018-0310	BY:
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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 5/3/18

By 

(Rev. 7/03)

bf:2019bgt:180501acc03

Attachment

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

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

A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI

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

SECTION 1. The Council of the County of Maui hereby finds and determines that: (i) the County of Maui (the "County") has heretofore issued its general obligation bonds (the "Bonds") pursuant to Ordinance Nos. 3230, 3280, 3388, 3407, 3459, 3571, 3596, 3648, 3649, 3722, 3749, 3775, 3815, 3837, 3927, 3954, 3955, 4041 and 4332 (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 which is less than the amount of Bonds proceeds appropriated therefor, resulting in \$2,195,000 in excess of the amounts required for the purposes provided in the Ordinances; (iii) there is a total of \$2,195,000 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 shall 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 shall 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 2019 Budget for the fiscal year ending June 30, 2019 (the "Fiscal Year 2019 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 shall not be applied to, purposes provided in the Ordinances to pay the cost of appropriations for the public improvements set forth herein.

SECTION 2. Pursuant to Section 47-5, HRS, and the Ordinances, the Council of the County of Maui hereby determines that \$2,195,000 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 such amount shall be reallocated to finance the appropriation made for the following capital improvement projects in the Fiscal Year 2019 Budget, to wit:

From Lapsed Bond Proceeds

- A. Department of Finance
  - 1. Wailuku-Kahului Community Plan Area
    - a. Government Facilities
      - (1) Wailuku Civic Complex 2,195,000

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

APPROVED AS TO FORM  
AND LEGALITY:



Deputy Corporation Counsel  
County of Maui

2018-0310

BF-1 CC-24 2018-05-02 Lapsed Bond Initial