

**COUNCIL OF THE COUNTY OF MAUI**  
**BUDGET AND FINANCE COMMITTEE**

December 4, 2009

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on November 17, 2009, makes reference to County Communication No. 09-313, from the Budget Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY (WWRF) TSUNAMI PROTECTION".

The purpose of the proposed bill is to amend the Fiscal Year 2010 Budget by changing a part of the funding source for the Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection project in the amount of \$2,387,759, from the Bond Fund to the State Revolving Loan Fund.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3649 (2009) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI".

The purpose of the proposed bill is to reduce the amount of the authorization for the issuance of general obligation bonds to \$28,562,241 by decreasing the appropriation for the WWRF Tsunami Protection in the amount of \$2,387,759.

3. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE WAILUKU-KAHULUI WASTEWATER RECLAMATION

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FACILITY (WWRF) TSUNAMI PROTECTION,  
WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR  
2010 BUDGET ORDINANCES”.

The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan to finance the construction of the WWRF Tsunami Protection project.

The Director of Environmental Management explained that the proposed bills make technical changes in the funding sources for the WWRF Tsunami Protection project and do not change the total cost or project details.

Your Committee voted 8-0 to recommend passage of the proposed bills on first reading and filing of the communication. Committee Chair Pontanilla, Vice-Chair Mateo, and members Baisa, Johnson, Medeiros, Molina, Nishiki, and Victorino voted “aye”. Committee member Kaho`ohalahala was excused.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2009), attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY (WWRF) TSUNAMI PROTECTION”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. \_\_\_\_\_ (2009), attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3649 (2009) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill No. \_\_\_\_\_ (2009), attached hereto, entitled “A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER

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POLLUTION CONTROL REVOLVING FUND LOAN FOR THE  
WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY  
(WWRF) TSUNAMI PROTECTION, WAILUKU-KAHULUI  
COMMUNITY PLAN AREA, FISCAL YEAR 2010 BUDGET  
ORDINANCES”, be PASSED ON FIRST READING and be ORDERED  
TO PRINT; and

4. That County Communication No. 09-313 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
JOSEPH PONTANILLA, Chair

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

BILL NO. \_\_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES,  
WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER,  
WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY (WWRF)  
TSUNAMI PROTECTION

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

SECTION 1. Ordinance No. 3651, Bill No. 38 (2009), as amended, "Fiscal Year 2010 Budget", is hereby amended as it pertains to Section 2, Estimated Revenues, by increasing the Other Intergovernmental in the amount of \$2,387,759 and by decreasing the Bond/Lapsed Bond in the amount of \$2,387,759, to read as follows:

"ESTIMATED REVENUES

FROM TAXES, FEES AND ASSESSMENTS:

Real Property Taxes		233,384,258
Circuit Breaker Adjustment		(1,426,927)
Charges for Current Services		107,283,895
Transient Accommodations Tax		17,000,000
Public Service Company Tax		6,700,000
Licenses/Permits/Others		23,626,113
Fuel and Franchise Taxes		19,000,000
Special Assessments		11,339,884
Other Intergovernmental	[13,340,000]	<u>15,727,759</u>

FROM OTHER SOURCES:

Interfund Transfers		44,984,187
Bond/Lapsed Bond	[51,410,000]	<u>49,022,241</u>
Carryover/Savings:		
General Fund		24,250,318
Sewer Fund		845,204
Highway Fund		2,450,931
Solid Waste Management Fund		4,334,720
Golf Fund		0
Liquor Fund		1,234,346
Bikeway Fund		37,851
Water Fund		<u>3,896,626</u>

TOTAL ESTIMATED REVENUES

563,691,406"

SECTION 2. Ordinance No. 3651, Bill No. 38 (2009), as amended, "Fiscal Year 2010 Budget", is hereby amended as it pertains to Section 4.D.2.d, From the Bond Fund, Wailuku-Kahului Community Plan Area, Sewer, by decreasing the appropriation for the Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection in the amount of \$2,387,759, to read as follows:

"d. Sewer

(1) Kaa Force Main Replacement		2,790,000
(2) Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection	[7,000,000]	<u>4,612,241</u>
(3) Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Concrete Restoration		1,000,000
(4) Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Mixed Liquor Channel Repair		500,000"

SECTION 3. Ordinance No. 3651, Bill No. 38 (2009), as amended, "Fiscal Year 2010 Budget", is hereby amended as it pertains to Section 4.I, From the State Revolving Loan Fund, by adding an appropriation for the Wailuku-Kahului Community Plan Area, Sewer, Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection in the amount of \$2,387,759, to read as follows:

"I. From the State Revolving Loan Fund

1. Paia-Haiku Community Plan Area

a. Water Supply

(1) Paia-Haiku Distribution System Improvements		750,000
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2. Makawao-Pukalani-Kula Community Plan Area

a. Water Supply

(1) Makawao-Pukalani-Kula Distribution System Improvements		1,500,000
(2) Makawao-Pukalani-Kula Treatment Plant Improvements		3,000,000

3. Wailuku-Kahului Community Plan Area

a. Sewer

<u>(1) Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection</u>		<u>2,387,759</u>
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[3] 4. Countywide

a. Sewer

(1) Collections Storage Renovations		500,000
(2) Countywide Pump Station Renovations		7,500,000"

SECTION 4. Material to be repealed is bracketed. New Material is underscored.

SECTION 5. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
 TRACI FUJITA VILLAKOSA

First Deputy Corporation Counsel

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

BILL NO. \_\_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3649  
(2009) RELATING TO THE ISSUANCE OF  
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI

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

SECTION 1. Ordinance No. 3649 (2009), 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 [\$30,950,000] \$28,562,241 (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. 3649 (2009), 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 2010 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2010 (the "Fiscal Year 2010 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 2010 Budget, to be financed with proceeds from the sale of the Bonds, are as follows:

Public Improvements:

Estimated Project Cost

1. Hana 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) Kaholopoo Bridge Replacement \$ 700,000
  
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) Kamehameha Avenue Traffic Signal at Hina Avenue \$ 150,000
    - (2) Lower Main Street and Kanaloa Avenue Slurry Sealing \$ 150,000
    - (3) Market Street Improvements, Phase 2 \$ 900,000
  - b. Sanitation
    - (1) Central Maui Landfill (CML) 3,000 Gallon Diesel Tank and Pad Construction \$ 400,000
    - (2) Central Maui Landfill (CML) Gas Collection System Expansion \$ 2,000,000
  - c. Sewer
    - (1) Kaa Force Main Replacement \$ 2,790,000

(2)	Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection	[\$ 7,000,000]	<u>\$ 4,612,241</u>
(3)	Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Concrete Restoration		\$ 1,000,000
(4)	Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Mixed Liquor Channel Repair		\$ 500,000
d.	Water Supply		
(1)	Central Maui Source Improvements		\$ 1,500,000
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)	Resurface Ohukai Road		\$ 75,000
4.	West Maui Community Plan Area		
a.	Drainage		
(1)	Lahaina Watershed Flood Control		\$ 6,275,000
5.	Countywide		
a.	Drainage		
(1)	Island of Maui Drainage and Erosion Control Assessment		\$ 100,000
b.	Sewer		
(1)	Countywide Environmental Protection Agency (EPA) Consent Decree Wastewater Reclamation Facility (WWRF) Renovation Projects		\$ 1,500,000
(2)	Countywide Injection Well Rehabilitation		\$ 2,000,000
(3)	Countywide Pump Station Renovations		\$ 500,000
(4)	Countywide Wastewater System Modifications		\$ 2,000,000
c.	Water Supply		
(1)	Countywide Facility Improvements		\$ 1,410,000

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 replaced is bracketed. New material is underscored.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



TRACI FUJITA VILLAROSA  
First Deputy Corporation Counsel  
County of Maui

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

BILL NO. \_\_\_\_\_ (2009)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE  
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL  
AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING  
FUND LOAN FOR THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY  
(WWRF) TSUNAMI PROTECTION, WAILUKU-KAHULUI COMMUNITY PLAN AREA,  
FISCAL YEAR 2010 BUDGET ORDINANCES

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

SECTION 1. Request for Loan. The County of Maui, pursuant to Section 342D-83 through Section 342D-87, Hawaii Revised Statutes, has submitted an application for a State Water Pollution Control Revolving Fund Loan ("SRF loan") to the Director of the Department of Health, State of Hawaii, to finance the construction of the Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection, Wailuku-Kahului Community Plan Area, Fiscal Year 2010 Budget Ordinances.

Under the terms and conditions anticipated with regard to such SRF loan, the County will initially be provided assistance from the State Revolving Fund in the form of a loan for the principal amount of \$2,387,759. Pursuant to the federal "American Recovery and Reinvestment Act of 2009", said principal amount of \$2,387,759 will be forgiven. No interest shall accrue on the principal amount.

SECTION 2. Council Authorization. Pursuant to Section 2.20.020, Maui County Code, the Council of the County of Maui hereby authorizes the Mayor to enter into an intergovernmental agreement, which would include the execution of all necessary documents between the State of Hawaii and the County of Maui

relating to the SRF loan to finance the construction of the Wailuku-Kahului Wastewater Reclamation Facility (WWRF) Tsunami Protection, Wailuku-Kahului Community Plan Area, Fiscal Year 2010 Budget Ordinances, including a pledge of the County's full faith and credit as security for the loan and a covenant to exercise the County's authority as needed.

SECTION 3. Effective Date. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



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DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui

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