

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

January 15, 2010

**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 December 15, 2009, makes reference to County Communication No. 09-310, from the Budget Director, transmitting 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 increase the authorization for the issuance of general obligation bonds, to provide \$1,000,000 in funding for a material recovery facility project. A material recovery facility will process recycled materials.

By correspondence dated December 7, 2009 the Budget Director transmitted 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, COUNTYWIDE, SANITATION, COUNTYWIDE SOLID WASTE PROCESSING, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

The purpose of the proposed bill is to amend the Fiscal Year 2010 Budget by increasing the appropriation from the Bond Fund by \$500,000 and changing a project title from "Material Recovery Facility" to "Countywide Solid Waste Processing".

2. A revised 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".

COUNCIL OF THE COUNTY OF MAUI

# BUDGET AND FINANCE COMMITTEE

January 15, 2010  
Page 2

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

The purpose of the revised proposed bill is to increase the authorization for the issuance of general obligation bonds by \$1,500,000, providing \$1,500,000 in funding for a Countywide Solid Waste Processing project.

The Director of Environmental Management explained that the project title was broadened to allow the Department to study appropriate uses for land adjacent to the Central Maui Landfill that would be purchased with the funding authorized by the proposed bills transmitted by the Budget Director's correspondence dated December 7, 2009. She stated that the Department is considering a baseyard, construction debris facility, and a material recovery facility on the 25-acre subject property.

She further explained that the funding will be used to purchase the property, to conduct preliminary survey work, and to secure necessary land use entitlements. Subdivision approval will be required before the purchase can be completed. Engineering reports, environmental assessments, and land use permits will be required before any construction on this site. Construction is expected to begin in 2012 or 2013.

Your Committee notes that land acquisition requires separate Council approval by resolution, pursuant to Section 3.44.015, Maui County Code.

Your Committee voted 6-1 to recommend passage on first reading of the proposed bills transmitted by the Budget Director's correspondence dated December 7, 2009 and filing of the communication. Committee Chair Pontanilla, and members Kaho'ohalahala, Medeiros, Molina, Nishiki, and Victorino voted "aye". Vice-Chair Mateo voted "no". Committee members Baisa and Johnson were excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, to correct certain balances.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2010), as revised herein and 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, COUNTYWIDE, SANITATION, COUNTYWIDE SOLID WASTE PROCESSING, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT;

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

January 15, 2010  
Page 3

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

2. That Bill No. \_\_\_\_\_ (2010), as revised herein and 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; and
3. That County Communication No. 09-310 be FILED.

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

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

bf:cr:10057aa:ghr

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

BILL NO. \_\_\_\_\_ (2010)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES,  
COUNTYWIDE, SANITATION, COUNTYWIDE SOLID WASTE PROCESSING,  
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

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 Bond/Lapsed Bond in the amount of \$500,000, and by increasing Total Estimated Revenues in the amount of \$500,000, 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		15,902,759

FROM OTHER SOURCES:

Interfund Transfers		44,984,187
Bond/Lapsed Bond	[49,022,241]	<u>49,522,241</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	[563,866,406]	<u>564,366,406"</u>
--------------------------	---------------	---------------------

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.5.c, From the Bond Fund, Countywide, Sanitation, by changing the project title from "Material Recovery Facility" to "Countywide Solid Waste Processing", and by increasing the appropriation in the amount of \$500,000, to read as follows:

"c. Sanitation  
(1) [Material Recovery Facility] Countywide Solid Waste Processing [1,000,000] 1,500,000"

SECTION 3. The Total Capital Improvement Project Appropriations is amended to reflect an increase of \$500,000, to read as follows:

"TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS [101,897,290] 102,397,290"


SECTION 4. The Total Appropriations (Operating and Capital Improvement Projects) is amended to reflect an increase of \$500,000, to read as follows:

"TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS) [563,866,406] 564,366,406"

SECTION 5. Material to be repealed is bracketed. New Material is underscored.

SECTION 6. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
TRACI FUJITA VILLAROSA  
First Deputy Corporation Counsel

S:\BUDGET\FY2010\001-COM BUDGET\101-AMENDMENTS\021-PROPOSED\11BD-BA\_10-11b\_EM\_GOB\_Countywide Solid Waste Processing.xls]Sheet 1

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

BILL NO. \_\_\_\_\_ (2010)

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 [\$28,562,241] \$30,062,241 (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 2009 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	\$ 4,612,241
	(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.	<u>Sanitation</u>	
	<u>(1) Countywide Solid Waste Processing</u>	<u>\$ 1,500,000</u>
[b.]c.	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.]d. 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 FUNITA VILLAROSA  
First Deputy Corporation Counsel  
County of Maui

S:\CLERICAL\BK\ORDS\FY10\2010gobondam3649materialrecoveryfacilityproject.wpd