

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

December 20, 2005

**Committee
Report No.**

05-174

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 5, 2005, makes reference to County Communication No. 05-345, from the Managing Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2006 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, CAPITAL IMPROVEMENT PROJECTS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)". (Budget bill)

The purpose of the proposed Budget bill is to amend the Fiscal Year (FY) 2006 Budget by adding the Boundless Playgrounds (Pa Pa'ani) to the Bond Fund, Wailuku-Kahului Community Plan District, in the amount of \$714,000.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3280, BILL NO. 36 (2005), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI". (Bond bill)

The purpose of the proposed Bond bill is to increase the general obligation bond authorization by \$714,000 for the Boundless Playgrounds (Pa Pa'ani) in the Wailuku-Kahului Community Plan District, for a total bond principal amount not to exceed \$27,388,500.

In response to a verbal request by a member of the public, the Chair of your Committee transmitted correspondence dated November 28, 2005, requesting that the Department of the Corporation Counsel review the Rules of the Council and determine whether your Committee must allow disabled persons to provide oral testimony by telephone.

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

December 20, 2005
Page 2

Committee
Report No. 05-174

By correspondence dated November 28, 2005, the Chair of your Committee transmitted correspondence dated November 22, 2005, from Jean Tessmer, Americans with Disabilities Act Design Program Access Consultant, Space Options, transmitting the State of Hawaii Disability Communications Access Board's (DCAB) accessibility review findings (ARF). The ARF identified areas of the project that do not meet the minimum design requirements set forth in Hawaii Revised Statutes, Chapter 103-50.

By correspondence dated December 1, 2005, Karleen Stillman, President, Challenge Maui, stated that the project should be redesigned due to design problems and lack of community support.

By correspondence dated December 5, 2005, the Department of the Corporation Counsel advised that the Department would not be able to provide legal advice on reasonable accommodations for testifiers at Committee meetings because the specific disabilities were not identified. After several unsuccessful attempts to contact the member of the public for information on the specific disability, your Committee was unable to consider reasonable accommodations.

At its meeting, your Committee met with the Budget Director; the Deputy Director and the Division Chief of Planning and Development, Department of Parks and Recreation; the First Deputy Corporation Counsel; and Masaru "Pundy" Yokouchi, General Coordinator, Pa Pa'ani Playground Committee.

Your Committee received public testimony from Patricia Rouse, Secretary, Challenge Maui, supporting the concept of the Boundless Playgrounds, but opposing the current design as proposed by the Department of Parks and Recreation (Department).

The Department of the Corporation Counsel submitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3280, BILL NO. 36 (2005), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI". The purpose of the revised proposed bill is the same as the bill transmitted by County Communication No. 05-345; however, the revised proposed bill deletes the \$3,050,000 appropriation for "Parks and Recreation", line 2(b), and inserts a \$3,050,000 appropriation for "Waiehu Golf Course Maintenance Building", line 2b (1), to separately identify the cost of each public improvement project.

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

December 20, 2005
Page 3

Committee
Report No. 05-174

The Budget Director explained that the FY 2005 appropriation for the Boundless Playgrounds will lapse on December 31, 2005, and that passage of the proposed bills will allow the Department to complete this project.

The Division Chief of Planning and Development stated that DCAB's ARF have been addressed, and the design plans have been completed. He also stated that most of the comments in the ARF were the result of a misunderstanding about which plans were reviewed. He further stated that the Department has received bids for playground equipment.

Your Committee was concerned about the disagreement between the Boundless Playgrounds and Pa Pa'ani Playgrounds volunteer groups, and whether their differences will jeopardize the completion of this project.

The Division Chief of Planning and Development stated that the Department is committed to complete this project, and various construction trade unions have volunteered to assist in the construction. He also stated that the project will be completed with the funds appropriated through this proposed budget amendment. He further stated that additional improvements can be made if the County is awarded a grant from the Harry and Jeanette Weinberg Foundation (HJWF).

Mr. Yokouchi stated that a formal application for a grant will be submitted because the Board of Trustees for the HJWF has changed their grant application process. He also stated that he is optimistic that the grant will be approved.

Mr. Yokouchi provided a brief history of the project and stated that the Boundless Playgrounds volunteer group welcomes any recommendations that will improve the playground. He also stated that the primary goal is to construct a playground where all children, regardless of disability, can play together.

Your Committee requested that Ms. Rouse transmit the report prepared by Challenge Maui's General Services Administration federally certified accessibility consultant that identified "more than 34 major Americans with Disabilities Act errors".

The First Deputy Corporation Counsel suggested that the Budget bill and the Bond bill be revised to delete the name "Pa Pa'ani" because of the possibility that the volunteer group may elect not to participate in the project.

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

December 20, 2005
Page 4

Committee
Report No. 05-174

Your Committee requested that the Department of the Corporation Counsel revise the Budget bill and the Bond bill by deleting the project's title and inserting in its place, "Keopuolani Playgrounds (Horseshoe Pitching Courts)".

Your Committee voted to recommend the passage of the revised Budget bill and the revised Bond bill on first reading, and filing of the communication.

Your Committee is in receipt of the revised Budget and Bond bills incorporating your Committee's recommendations.

Your Budget and Finance Committee RECOMMENDS the following:

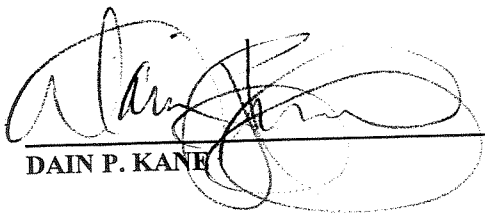
1. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2006 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, CAPITAL IMPROVEMENT PROJECTS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3280, BILL NO. 36 (2005), 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. 05-345 be FILED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

December 20, 2005
Page 5

Committee
Report No. 05-174



DAIN P. KANE Chair

DANNY A. MATEO Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

MICHELLE ANDERSON Member

JOSEPH PONTANILLA Member

ROBERT CARROLL Member

CHARMAINE TAVARES Member

JO ANNE JOHNSON Member

ORDINANCE NO. _____

BILL NO. _____ (2005)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2006 BUDGET FOR THE
COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES,
CAPITAL IMPROVEMENT PROJECTS, AND TOTAL APPROPRIATIONS (OPERATING
AND CAPITAL IMPROVEMENT PROJECTS)

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

SECTION 1. Ordinance No. 3289, Bill No. 45 (2005), Draft 1, as amended ("Fiscal Year 2006 Budget"), Section 2, is hereby amended as it pertains to the Estimated Revenues by increasing Bond/Lapsed Bond in the amount of \$714,000, to read as follows:

"ESTIMATED REVENUES

FROM TAXES, FEES AND ASSESSMENTS:

Real Property Taxes		\$162,744,070
Circuit Breaker Adjustment		(\$1,043,009)
Charges for Current Services		\$71,680,657
Transient Accommodations Tax		\$18,840,000
Public Service Company Tax		\$4,600,000
Licenses/Permits/Others		\$19,456,904
Fuel and Franchise Taxes		\$19,048,142
Special Assessments		\$11,291,000
Other Intergovernmental		\$7,160,000

FROM OTHER SOURCES:

Interfund Transfers		\$23,983,031
Bond/Lapsed Bond	[\$30,249,500]	<u>\$30,963,500</u>
Carryover/Savings:		\$9,787,494
General Fund		\$382,821
Wastewater Fund		\$3,947,799
Highway Fund		\$1,544,255
Solid Waste Fund		\$10,200
Golf Fund		\$588,330
Liquor Fund		\$60,963
Bikeway Fund		\$5,885,455
Water Supply Fund		

TOTAL ESTIMATED REVENUES

[\$390,217,612]

\$390,931,612

SECTION 2. Ordinance No. 3289, Bill No. 45 (2005), Draft 1, as amended ("Fiscal Year 2006 Budget"), Section 4.D., is hereby amended as it pertains to the Bond Fund by adding an appropriation for the Keopuolani Playgrounds (Horseshoe Pitching Courts) in the amount of \$714,000, to read as follows:

"D. From the Bond Fund

1. Paia-Haiku Community Plan District	\$1,185,000
a. Government Facilities	
(1) Wellness Center at Kaunoa Senior Center	
2. Wailuku-Kahului Community Plan District	\$400,000
a. Government Facilities	
(1) Management Information Systems (MIS) Computer Room Improvements	
b. Parks and Recreation	
(1) Waiehu Golf Course Maintenance Building	\$3,050,000
(2) <u>Keopuolani Playgrounds (Horseshoe Pitching Courts)</u>	<u>\$714,000</u>
c. Sanitation	
(1) Central Maui Landfill, Phase I and II Closure	\$5,525,000
(2) Central Maui Landfill, Phase IV-B	\$3,000,000
(3) Central Maui Landfill, Phase IV Improvements	\$85,000
3. West Maui Community Plan District	\$1,000,000
a. Sewer	
(1) Lahaina Wastewater Reclamation Facility (WWRF) Modifications, Stage IA	
4. Molokai Community Plan District	\$500,000
a. Road Improvements	
(1) Kaunakakai Drainage Improvement System	
b. Sanitation	\$325,000
(1) Molokai Integrated Solid Waste Facility, Cell 3	
5. Countywide	
a. Government Facilities	
(1) Hardened Shelters for 800MHz	\$210,000
(2) Information Technology System, Phase III	\$2,000,000
(3) Americans with Disabilities Act (ADA) Improvements for Various County Facilities	\$400,000
(4) Old Wailuku Post Office acquisition TMK No. (2) 3-4-013-014; Kalana O Maui Wells Annex design; and Kalana O Maui Kaohu Annex design	\$3,300,000
b. Sewer	
(1) Countywide Environmental Protection Agency (EPA) Consent Decree Wastewater Reclamation Facility (WWRF) Renovation Projects	\$1,700,000
(2) Environmental Protection Agency (EPA) Consent Decree Compliance	\$1,000,000

c. Other

\$2,994,500

(1) Countywide Equipment

Provided, that the Countywide Equipment Bond shall be for the purchase of the following equipment:

- (a) Department of Parks and Recreation, Waiehu Golf Course - Dump Truck, Top Dresser, Greens Mower and Utility Carts
- (b) Department of Public Works and Environmental Management, Solid Waste Division - Automated Refuse Collection Trucks and Bins , Track Escavator, D-7 Bulldozer, and Rear Loader Refuse Truck"

SECTION 3. The Total Capital Improvement Project Appropriations is amended to reflect an increase in the amount of \$714,000, to read as follows:

"TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS	[\$73,352,327]	<u>\$74,066,327"</u>
---	----------------	----------------------

SECTION 4. The Total Appropriations (Operating and Capital Improvement Projects) is amended to reflect an increase in the amount of \$714,000, to read as follows:

"TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)	[\$390,217,612]	<u>\$390,931,612"</u>
--	-----------------	-----------------------

SECTION 5. Material to be replaced is bracketed. New material is underscored. In printing this ordinance, the County Clerk need not include the brackets, the bracketed materials or the underscoring.

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

APPROVED AS TO FORM AND LEGALITY:



 TRACI FUJITA VILLAROSA
 First Deputy Corporation Counsel

s:\mayor\budget\2006\ordinance amendments\fy06-bgtordrev-07parks-boundless-rev120905.xls

ORDINANCE NO. _____

BILL NO. _____ (2005)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3280,
BILL NO. 36 (2005), 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. 3280, Bill No. 36 (2005) 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 [\$26,674,500] \$27,388,500 (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. 3280, Bill No. 36 (2005) 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 Operating Budget
and Capital Improvements Program Ordinance, including amendments
and supplements thereto, duly adopted by the Council of the County
for the fiscal year ending June 30, 2006; 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 this
Council deems should not be applied to such purposes, 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;

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 Operating Budget and Capital Improvements Program Ordinance, to be financed with proceeds from the sale of the Bonds, are as follows:

Public Improvements:

Estimated Project Cost

1.	Paia-Haiku Community Plan District	
	a. Government Facilities	\$ 1,185,000
	(1) Wellness Center at Kaunoa Senior Center	
2.	Wailuku-Kahului Community Plan District	\$ 400,000
	a. Government Facilities	
	(1) Management Information Systems Computer Room Improvements	
	b. Parks and Recreation	[\$ 3,050,000]
	(1) Waiehu Golf Course Maintenance Building	<u>\$ 3,050,000</u>
	(2) <u>Keopuolani Playgrounds (Horseshoe Pitching Courts)</u>	<u>\$ 714,000</u>
	c. Sanitation	
	(1) Central Maui Landfill, Phase I and II Closure	\$ 5,525,000
	(2) Central Maui Landfill, Phase IV-B	\$ 3,000,000
	(3) Central Maui Landfill, Phase IV Improvements	\$ 85,000
3.	West Maui Community Plan District	\$ 1,000,000
	a. Sewer	
	(1) Lahaina Wastewater Reclamation Facility (WWRF) Modifications, Stage 1A	
4.	Molokai Community Plan District	\$ 500,000
	a. Road Improvements	
	(1) Kaunakakai Drainage Improvement System	
	b. Sanitation	\$ 325,000
	(1) Molokai Integrated Solid Waste Facility, Cell 3	

5. Countywide

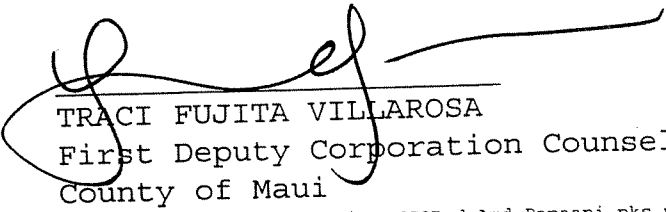
- a. Government Facilities
- | | | |
|-----|---|--------------|
| (1) | Hardened Shelters for 800 MH ₂ | \$ 210,000 |
| (2) | Information Technology System, Phase III | \$ 2,000,000 |
| (3) | ADA Improvements for Various County Facilities | \$ 400,000 |
| (4) | Old Wailuku Post Office, TMK No. (2)3-4-013:014; Kalana O Maui Wells Annex design; and Kalana O Maui Kaohu Annex design | \$ 3,300,000 |
- b. Sewer
- | | | |
|-----|--|--------------|
| (1) | Countywide Environmental Protection Agency (EPA) Consent Decree Wastewater Reclamation Facility (WWRF) Renovation Projects | \$ 1,700,000 |
| (2) | Environmental Protection Agency (EPA) Consent Decree Compliance | \$ 1,000,000 |
| | | \$ 2,994,500 |
- c. Other
- (1) Countywide Equipment
Provided, that the Countywide Equipment Bond shall be for the purchase of the following equipment:
- (a) Department of Parks and Recreation, Waiehu Golf Course - Dump Truck, Top Dresser, Greens Mower and Utility Carts
- (b) Department of Public Works and Environmental Management, Solid Waste Division - Automated Refuse Collection Trucks and Bins, Track Excavator, D-7 Bulldozer, and Rear Loader Refuse Truck

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. In printing this ordinance, the County Clerk need not include the brackets, the bracketed material or the underscoring.

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

S:\CLERICAL\PJK\ORDS\FY06\2006GOBnd Amd Papaani.pks.wpd