

ORDINANCE NO. 5220

BILL NO. 49 (2021)

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 previously issued its general obligation bonds (the "Bonds") pursuant to Ordinance Nos. 4041, 4081, 4130, 4228, 4331, 4414, 4454, 4792, and 4858 (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 Bonds proceeds appropriated for such purposes, resulting in \$1,872,000 in excess of the amounts required for the purposes provided in the Ordinances; (iii) there is a total of \$1,872,000 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 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 2022 Budget for the fiscal year ending June 30, 2022 (the "Fiscal Year 2022 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. Pursuant to Section 47-5, HRS, and the Ordinances, the Council of the County of Maui hereby determines that \$1,872,000 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 this amount shall be reallocated to finance the appropriation made for the following capital improvement projects in the Fiscal Year 2022 Budget, to wit:

From Lapsed Bond Proceeds

- A. Department of Management
  - 1. Wailuku-Kahului Community Plan Area
    - a. Government Facilities
      - (1) 60 North Church Street Building Renovations 1,872,000

SECTION 3. This ordinance shall take effect on July 1, 2021.

APPROVED AS TO FORM  
AND LEGALITY:

*/s/Kristina C. Toshikiyo*

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KRISTINA C. TOSHIKIYO  
Deputy Corporation Counsel  
County of Maui  
2021-0374/2020-0931  
2021-03-23 FY2022 Lapsed Bond Bill

WE HEREBY CERTIFY that the foregoing BILL NO. 49 (2021)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 4th day of June, 2021, by the following vote:

Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 10th day of June, 2021.

DATED AT WAILUKU, MAUI, HAWAII, this 10th day of June, 2021.

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OFFICE OF THE MAYOR

ALICE L. LEE, CHAIR  
Council of the County of Maui

KATHY L. KAOHU, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 18th DAY OF June, 2021.

MICHAEL P. VICTORINO, MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5220 of the County of Maui, State of Hawaii.

KATHY L. KAOHU, COUNTY CLERK  
County of Maui

Passed First Reading on May 21, 2021  
Effective date of Ordinance July 1, 2021

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5220, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

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OFFICE OF THE COUNTY CLERK