CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 16(2022)

A BILL FOR AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES OF THE CITY AND COUNTY OF HONOLULU IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE AGGREGATE OF THE AMOUNTS APPROPRIATED IN THE CAPITAL BUDGET ORDINANCE OF SAID CITY AND COUNTY FOR THE FISCAL YEAR ENDING JUNE 30, 2023, AND SPECIFIED IN SAID ORDINANCE TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF SUCH BONDS AND TO BE EXPENDED FROM THE GENERAL IMPROVEMENT BOND FUND, THE HIGHWAY IMPROVEMENT BOND FUND, SOLID WASTE IMPROVEMENT BOND FUND, OR THE HOUSING DEVELOPMENT SPECIAL FUND.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. General obligation bonds of the City and County of Honolulu (the "City and County") are hereby authorized for issuance and sale in a principal amount equal to the aggregate of the amounts appropriated in the Capital Budget Ordinance of the City and County of Honolulu for the fiscal year ending June 30, 2023, and specified in said Ordinance to be financed from the proceeds of the sale of such bonds and expended from the General Improvement Bond Fund, the Highway Improvement Bond Fund, Solid Waste Improvement Bond Fund, or the Housing Development Special Fund. Unless the Council of the City and County shall determine by resolution of one reading adopted prior to the sale of such bonds the form (including "book-entry"), date, denominations and maturities of such bonds, the place or places of payment of the principal of and interest on such bonds, the place or places of registration of such bonds, the times, prices, and method of redemption of such bonds, and the basis of award of such bonds, the Director of Budget and Fiscal Services is hereby authorized to perform such actions as provided by Section 47-7, Hawaii Revised Statutes (HRS); provided, however, that the Council of the City and County shall, in any case, determine the principal amount of such bonds to be offered for sale from time to time by resolution of one reading adopted prior to such sale; provided further, however, that such resolution shall be approved by at least two-thirds (2/3) of the members of the Council of the City and County. Without any further authorization from or action by the Council of the City and County but subject to the provisions hereof and of applicable law, the Director of Budget and Fiscal Services is hereby authorized to offer the general obligation bonds authorized hereby at one time or from time to time, at competitive sale or at negotiated sale to qualified purchasers in accordance with Section 47-8, HRS, in each case at such price or prices and upon such terms and conditions as the Director shall approve and determine to be in the best interest of the City and County. Without limiting the generality of the foregoing, with respect to the sale of any of the general obligation bonds authorized hereby, the Director of Budget and Fiscal Services is hereby authorized to retain bond counsel, paying agents,

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registrars, and financial and accounting consultants, upon such terms and conditions as the Director shall deem advisable and in the best interest of the City and County, to select the date for such sale, to publish and distribute a Notice of Sale, or to enter into a contract for the sale of such general obligation bonds, in each case in such form and containing such terms and conditions as the Director shall approve and deem advisable, to distribute an Official Statement and such other information relating to such general obligation bonds as the Director may deem advisable, to receive bids for the sale of such general obligation bonds or the portion thereof being offered and to award the sale thereof being offered to the bidder offering the lowest interest cost therefor, in accordance with the applicable Notice of Sale, if any; provided that the Director of Budget and Fiscal Services may reserve the right to reject any and all bids. Subject to the provisions hereof and applicable law, without further action of the Council of the City and County, the general obligation bonds authorized hereby or any portion thereof shall bear interest at the rates per annum as specified in the contract or contracts approved or in the bid or bids accepted. The Director of Budget and Fiscal Services and all officials of the City and County are hereby authorized to take such action and execute such orders, receipts and other documents as may be necessary in order to effectuate the sale of the general obligation bonds authorized hereby or any portion thereof, and, if any contract therefor be approved or any bid therefor be accepted, the preparation, execution, and delivery thereof, in accordance with the provisions hereof and applicable law. In connection with, and at any time before or after the issuance of, such bonds, the Director may arrange for any insurance or banking arrangements as the Director may deem necessary or desirable, including, without limitation, credit or liquidity support facilities and interest rate swaps, swaptions, floors, or caps and other similar contracts to hedge or reduce interest rate or similar risk or the cost of borrowing when used in conjunction with bonds.

SECTION 2. The proceeds of the bonds herein authorized shall only be used to pay all of or part of those appropriations for public improvements of the City and County made in the aforesaid Capital Budget Ordinance and specified therein to be financed from the proceeds of general obligation bonds and to be expended from the General Improvement Bond Fund, the Highway Improvement Bond Fund, Solid Waste Improvement Bond Fund, or the Housing Development Special Fund.

A BILL FOR AN ORDINANCE

SECTION 3. A portion of the bonds authorized hereby are bonds which shall be issued for public undertakings from which revenues are derived, to wit: for the development of housing by the City and County for sale or for rental by the City and County, respectively, and for which the interest and principal payments on said bonds shall be a charge upon and paid from the General Fund of the City and County; provided, however, that the Director of Budget and Fiscal Services shall reimburse the General Fund for the payment of the principal of and interest on bonds, the proceeds of which have been expended from the Housing Development Special Fund as provided in Chapter 6, Article 46, Revised Ordinances of Honolulu 1990, as amended, from revenues derived from the sale or rental of housing developed from moneys on deposit in the Housing Development Special Fund.

SECTION 4. Pursuant to Section 47-16, HRS, the Director of Budget and Fiscal Services is hereby authorized to issue and sell general obligation bond anticipation notes in anticipation of the issuance of all or any portion of the bonds authorized hereby. The notes authorized hereby may be sold at one time or in part from time to time in such principal amounts as the Director of Budget and Fiscal Services shall determine to be in the best interest of the City and County; provided, however, that the Council of the City and County shall determine the principal amount of such notes to be offered for sale from time to time by resolution of one reading adopted prior to such sale. Nothing herein shall prohibit the contemporaneous issuance and sale of general obligation bonds and notes.

SECTION 5. The City and County of Honolulu shall comply with all applicable provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended, and applicable regulations of the Internal Revenue Service proposed or promulgated thereunder in the issuance of the bonds and notes authorized hereby and the application of the proceeds thereof.

SECTION 6. Any part of the bonds herein authorized remaining unissued and not required for any part of the appropriations hereinabove referred to made in the aforesaid Capital Budget Ordinance shall lapse as provided by the Charter.

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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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SECTION 7. This Ordinance takes effect upon its approval.

INTRODUCED BY:

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DATE OF INTRODUCTION: _____

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MAR 3 2022
Honolulu, Hawaii

_____
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

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Rick Blangiardi, Mayor
City and County of Honolulu