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August 19, 2024

Via email only at Great.committee@mauicounty.us

Honorable, Chair Nohelani U'u-Hodgins
Government Relations, Ethics, and Transparency
Committee, County of Maui
Wailuku, Hawaii 96793

SUBJECT: BILL NO. 116, CD 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM, AND CHAPTER 3.40, MAUI COUNTY CODE, RELATING TO CONCESSION AWARDS AND RENTAL OR LEASE OF COUNTY PROPERTY

Dear Chair U'u-Hodgins:

Please find attached our revisions to Bill No. 116, CD 1. The original bill had various drafting errors which we have corrected here.

Should you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Andrew Nelson".

ANDREW V. NELSON
Deputy Corporation Counsel

AVN:lak
LF2024-1285

ORDINANCE NO. _____

BILL NO. 116, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36,
MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY
GRANTS PROGRAM, AND CHAPTER 3.40, MAUI COUNTY CODE,
RELATING TO CONCESSION AWARDS AND RENTAL OR LEASE
OF COUNTY PROPERTY

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

SECTION 1. This Ordinance's purpose is to exempt real property to be leased or rented at a charge below fair market value in connection with an affordable housing or residential workforce housing program of an agency from requirements related to bidding and grants of public property.

SECTION 2. Section 3.36.150, Maui County Code, is amended to read as follows:

"3.36.150 Applicability. A. All grants of County funds and County real property are subject to this chapter[.], except as described in section 3.36.150(B). Nothing in this chapter [shall restrict] restricts the council from appropriating grants for public purposes, except for noncompliance under section 3.36.130, provided that sections 3.36.070 to 3.36.140 [shall] apply.

B. Real property to be leased or rented at a charge below fair market value within the price range established by the director for persons or families whose incomes are identified as 140 percent or less of the area median income for the County as determined by the United States Department of Housing and Urban Development in connection with a program of an agency is not subject to this chapter."

SECTION 3. Section 3.40.180, Maui County Code, is amended to read as follows:

"3.40.180 Leases—~~[Exemptions]~~ exemptions from bidding.

The director of finance may award contracts to lease, rent or let property on terms, conditions and rentals which have been approved by the corporation counsel without calling for public bids when:

A. Real property ~~[and/or]~~ including improvements thereon have been acquired by the County by eminent domain proceedings, negotiated purchase or exchange, and where the ~~[finance director]~~ director of finance determines that the immediate use by the County of the property acquired is not necessary. The property ~~[shall]~~ must be rented on a month-to-month tenancy and ~~[shall]~~ be revocable at the option of the County after the tenant has been given ~~[thirty]~~ 30 days' written notice to vacate. The total tenancy under any such lease or rental agreement ~~[shall]~~ must not exceed the period of one year from the date of the execution of such lease or rental agreement. No renewal or extension of the tenancy beyond the one-year period ~~[shall]~~ may be permitted without consent of the council. The provisions of this subsection ~~[shall]~~ may not be construed as prohibiting the director of finance from leasing, renting, or letting the property by public bidding and for a period in excess of one year, ~~[pursuant to the provisions of]~~ as provided in this chapter.

B. Real property including improvements thereon are to be leased, rented, or let to employees of the County or the ~~[state.]~~ State. The property ~~[shall]~~ must be leased, rented, or let only under the following conditions:

1. The party or parties to whom the property is leased, rented, or let must be and continue to be an employee of the County or the ~~[state]~~ State during the term of the demise[; and].

2. The leasing, renting, or letting of property to the employee must be necessary in order to perform the service of ~~[his]~~ the employee's employment.

C. Real property including improvements thereon are to be leased, rented, or let to the ~~[state]~~ State or its political subdivisions, the United States or other states and territories, or their political subdivisions, the ~~[state]~~ State university or any of its colleges, the ~~[Board of Education,]~~ board of education, and other government agencies authorized to hold real property in lease-hold.

D. Real property ~~[and/or]~~ including improvements thereon are to be leased or let for a period not to exceed ~~[fourteen]~~ 14 days. No extension of such lease ~~[shall]~~ may be permitted without calling for public bids.

E. Real property to be leased, rented, or set aside without any charge or at a charge below fair market value."

SECTION 4. Section 3.40.190, Maui County Code, is amended to read as follows:

"3.40.190 Concessions—[Exemptions] exemptions from bidding. A. The bidding requirements of this chapter [shall] do not apply to concession space or space on public property set aside for the following purposes:

1. Operation of ground transportation services at airports[;].
2. Lei vendors[;].
3. Airline and aircraft operations[;].
4. Coin-operated vending machines, except coin-operated insurance vending machines[;].
5. Operations on concessions set aside without any charge[;].
6. Operation of concessions for the use of handicapped persons, or blind persons[;].
7. Operation of concessions on permits revocable on notice of [thirty] 30 days or less; provided, that no such permits [shall] may be issued unless the premises covered [therein shall] will no longer be used for the existing purposes and that the permit is issued as a temporary use of the premises until the governmental agency proceeds to apply the premises for the new use [thereof]; and provided further, that no permits [shall] may be issued for more than one year.

B. The bidding requirements of this section [shall] do not apply to any nonrenewable disposition granting rights for a period not in excess of [fourteen] 14 days.

C. The bidding requirements of this section do not apply to concession or concession spaces to be leased, rented, or set aside without any charge or at a charge below fair market value."

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

SECTION 6. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



ANDREW V. NELSON
DEPUTY CORPORATION COUNSEL
Department of the Corporation Counsel
County of Maui
LF#2024-1285 Ord Amd Ch. 3.36 and 3.40

Great Committee

From: Lisa Kahuhu <Lisa.Kahuhu@co.maui.hi.us>
Sent: Sunday, August 18, 2024 1:54 PM
To: Great Committee
Subject: Transmittal of Revised Bill 116, CD 1 (2024)
Attachments: 2024-08-12 Ord Amd Ch 3.36 and 3.40.PDF; 2024-08-19 Memo Transmittal to GREAT re Bill 116 CD 1.pdf

Aloha:?? Please see attached.

Mahalo,

Lisa A. Kahuhu
Administrative Assistant II
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