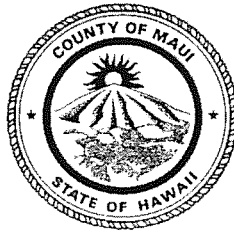


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ALAN M. ARAKAWA
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MEMO TO: Don S. Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

FROM: Mimi DesJardins *md*
Deputy Corporation Counsel

DATE: October 15, 2018

SUBJECT: **PRL-42; AUTHORIZING SECOND AMENDMENT TO MAUI
INVITATIONAL BASKETBALL TOURNAMENT LICENSE
AGREEMENT**

On September 27, 2018, our Department received your memorandum dated September 26, 2018 regarding the above subject. Please find our Department's response below:

1. Revise the currently submitted version of the Second Amendment to the License Agreement to account for the changes in the Maui County Code since the original Agreement was executed in 2004.

Response:

A revised version of the Second Amended Lease has been drafted and is pending signature by the vendor. The new version replaces references in the Lease Agreement to Section 13.04, Maui County Code, which has been repealed, with the relevant references to Section 13.04A, Maui County Code, enacted in 2017.

Don S. Guzman, Chair

October 15, 2018

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2. Since the First Amendment to the License Agreement was executed in 2012, do the 2017 changes to the county's concession ordinance impact the Second Amended License Agreement in any way?

Response:

Ordinance 4437 (2017), relating to concessions and sponsorships in County parks and recreational facilities does not have an impact on this Second Amended License Agreement. The Department of Parks and Recreation treats this Agreement, and its subsequent amendments, as a permit under Section 13.40A, Maui County Code, rather than a concession.

cc: Ka'ala Buenconsejo, Director, Department of Parks and Recreation
Brienne Zanin, Deputy Director, Department of Parks and Recreation