

REQUEST FOR LEGAL SERVICES

Date: July 24, 2018
From: Riki Hokama, Chair
Budget and Finance Committee

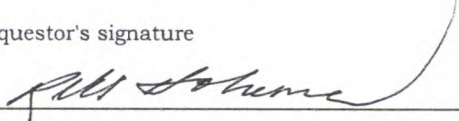
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

Subject: FISCAL YEAR 2019 BUDGET, APPENDIX B, RATES AND FEES, FOR THE DEPARTMENT OF PARKS AND RECREATION FACILITIES (BF-158)

Background Data: Revise proposed bill as indicated on the attached marked-up copy. An original hardcopy is required.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Riki Hokama	Contact Person <u>Michele Yoshimura</u> (Telephone Extension: <u>7663</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, July 25, 2019
REASON: For posting on Friday, July 27, 2018 for the August 3, 2018 Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____
(Rev. 7/03)

bf:ltr:158acc01:mmmy

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019
BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO
APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES,
DEPARTMENT OF PARKS AND RECREATION,
GENERAL FUND, CHARGES FOR CURRENT SERVICES,
SCHEDULE OF FEES AND DEPOSITS

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

SECTION 1. Ordinance No. 4861, Bill No. 57 (2018), "Fiscal Year 2019 Budget", Appendix B, "Revenues – Fees, Rates, Assessments and Taxes", is hereby amended as it pertains to the Department of Parks and Recreation, General Fund, Charges for Current Services, Schedule of Fees and Deposits, by adjusting fees, to read as follows:

"COUNTY OF MAUI REVENUES - FEES, RATES, ASSESSMENTS AND TAXES							
ACCOUNT	REVENUE SOURCE	FEE, RATE, ASSESSMENT OR TAX			HRS	COUNTY CODE	ORDINANCE
DEPARTMENT OF PARKS AND RECREATION GENERAL FUND							
CHARGES FOR CURRENT SERVICES:							
3436	Fees - Camping Permit	Adult 18 yrs & over	Children under 18	Pet		13 04A.220	
		Residents - Daily:					
		Monday - Thursday	\$5	\$3	\$3		
		Friday - Sunday and Holidays	\$10	\$6	\$6		
		Non-Residents - Daily:					
		Monday - Thursday	\$10	\$6	\$6		
		Friday - Sunday and Holidays	\$20	\$12	\$12		
	Fee - Use of Park Facilities	Includes Rental of Equipment See Table 13 04A.100				13 04A.100	
3450	Rental Fee - All Districts	See Table 13 04A.100					
		Application fee (non-refundable) for Special Events application requests, except for the Annual Department Sponsored Special Events			\$25	13 04A.100	
3452	Rental Fee - Equipment	See Table 13 04A.130				13 04A.130	
		\$50 Key Deposit Fee - For all permits except for Government permits				13 04A.100	
		\$50 key deposit will be automatically withheld if permit holder fails to pick up their key(s) during parks permit office hours and a parks employee must distribute key(s) or open a facility					

COUNTY OF MAUI
REVENUES - FEES, RATES, ASSESSMENTS AND TAXES

ACCOUNT	REVENUE SOURCE	FEE, RATE, ASSESSMENT OR TAX	HRS	COUNTY CODE	ORDINANCE
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Table 13.04A.100

SCHEDULE OF FEES AND DEPOSITS

	Fee by Permit							Custodial Deposit by Permit				
	Government	Community Class	General Use*	Special Events				Government	Department sponsored**** Special Events/ Community Class	General Use	Special Events	
				Department sponsored***		Non-Profit/ Political Fundraiser	Commercial**				Non-Profit/ Political Fundraiser	Commercial
				Event w/o Revenue	Event w/ Revenue							
Gymnasiums	\$0	[24] \$5	[25] \$6	[20] \$0	[95] \$94	[170] \$188	[520] \$625	\$0	\$100	\$150	\$200	\$400
w/air conditioning (add'l flat charge)	\$0	[170] \$188	[170] \$188	[20] \$0	[220] \$250	[270] \$313	[320] \$375					
Football Stadiums	\$0	[30] \$13	[70] \$63	[20] \$0	[220] \$250	[320] \$375	[1,020] \$1,250	\$0	\$250	\$500	\$500	\$1,500
w/lights (add'l flat charge 6-10 p.m.)	\$0	[70] \$63	[70] \$63	[20] \$0	[120] \$125	[170] \$188	[220] \$250					
Baseball Stadiums	\$0	[25] \$6	[70] \$63	[20] \$0	[120] \$125	[170] \$188	[520] \$625	\$0	\$125	\$250	\$250	\$750
w/lights (add'l flat charge 6-10 p.m.)	\$0	[45] \$31	[55] \$44	[20] \$0	[70] \$63	[95] \$94	[170] \$188					
Amphitheaters												
Keopuolani Park (w/o lights)	\$0	[22] \$3	[30] \$13	[20] \$0	[45] \$31	[120] \$125	[320] \$375	\$0	\$50	\$100	\$150	\$500
Lahaina Civic	\$0	[22] \$3	[30] \$13	[20] \$0	[45] \$31	[170] \$188	[420] \$500	\$0	\$50	\$100	\$150	\$500
w/lights (add'l flat charge 6-10 p.m.)	\$0	[22] \$3	[40] \$25	[20] \$0	[45] \$31	[70] \$63	[120] \$125					
Swimming Pools (Up to two lanes)	\$0	[22] \$3	[30] \$13	[20] \$0	[30] \$13	[120] \$125	[420] \$500	\$0	\$0	\$100	\$150	\$300
Community Centers: Without Air Conditioning												
Facilities w/capacities up to 100	\$0	[22] \$3	[35] \$19	[20] \$0	[40] \$25	[45] \$31	[200] \$225	\$0	\$25	\$125	\$125	\$250
Facilities w/capacities up to 200	\$0	[24] \$5	[50] \$38	[20] \$0	[55] \$44	[60] \$50	[380] \$450	\$0	\$50	\$175	\$175	\$300
Facilities w/capacities up to 300	\$0	[26] \$8	[65] \$56	[20] \$0	[80] \$75	[85] \$81	[560] \$675	\$0	\$75	\$225	\$225	\$450
Facilities w/capacities up to 400	\$0	[28] \$10	[80] \$75	[20] \$0	[95] \$94	[100] \$100	[740] \$900	\$0	\$100	\$275	\$275	\$600
Facilities w/capacities up to 500	\$0	[30] \$13	[95] \$94	[20] \$0	[110] \$113	[115] \$119	[920] \$1,125	\$0	\$125	\$325	\$325	\$750
Facilities w/capacities over 500	\$0	[32] \$15	[120] \$125	[20] \$0	[135] \$144	[140] \$150	[1,100] \$1,350	\$0	\$150	\$350	\$350	\$900
Community Centers: With Air Conditioning												
Facilities w/capacities up to 100	\$0	[24] \$5	[55] \$44	[20] \$0	[60] \$50	[65] \$56	[224] \$255	\$0	\$25	\$125	\$125	\$250
Facilities w/capacities up to 200	\$0	[28] \$10	[70] \$63	[20] \$0	[80] \$75	[85] \$81	[428] \$510	\$0	\$50	\$175	\$175	\$300
Facilities w/capacities up to 300	\$0	[32] \$15	[85] \$81	[20] \$0	[110] \$113	[115] \$119	[632] \$765	\$0	\$75	\$225	\$225	\$450
Facilities w/capacities up to 400	\$0	[36] \$20	[100] \$100	[20] \$0	[140] \$150	[145] \$156	[826] \$1,008	\$0	\$100	\$275	\$275	\$600
Facilities w/capacities up to 500	\$0	[40] \$25	[115] \$119	[20] \$0	[170] \$188	[175] \$194	[1,040] \$1,275	\$0	\$125	\$325	\$325	\$750
Facilities w/capacities over 500	\$0	[44] \$30	[140] \$150	[20] \$0	[200] \$225	[205] \$231	[1,244] \$1,530	\$0	\$150	\$375	\$375	\$900
Pavilions w/kitchen facilities	\$0	[22] \$3	[50] \$38	[20] \$0	[55] \$44	[60] \$50	[380] \$450	\$0	\$50	\$100	\$200	\$400
Pavilions w/o kitchen and bandstand	\$0	[22] \$3	[45] \$31	[20] \$0	[50] \$38	[70] \$63	[95] \$94	\$0	\$0	\$50	\$100	\$300

COUNTY OF MAUI
REVENUES - FEES, RATES, ASSESSMENTS AND TAXES

ACCOUNT	REVENUE SOURCE			FEE, RATE, ASSESSMENT OR TAX				HRS	COUNTY CODE	ORDINANCE				
	Fee by Permit								Custodial Deposit by Permit					
	Government	Community Class	General Use*	Special Events				Government	Department sponsored*** Special Events/ Community Class	General Use	Special Events			
				Department sponsored***		Non-Profit/ Political Fundraiser	Commercial**				Non-Profit/ Political Fundraiser	Commercial		
				Event w/o Revenue	Event w/ Revenue									
Meeting Rooms w/o air conditioning	\$0	[22] \$3	[30] \$13	[20] \$0	[40] \$25	[100] \$100	[130] \$138	\$0	\$100	\$150	\$200	\$400		
Meeting Rooms w/air conditioning	\$0	[24] \$5	[40] \$25	[20] \$0	[50] \$38	[115] \$119	[150] \$163	\$0	\$35	\$50	\$100	\$275		
Ball Fields	\$0	[22] \$3	[25] \$6	[20] \$0	[30] \$13	[70] \$63	[370] \$438	\$0	\$50	\$100	\$100	\$400		
w/lights (add'l flat charge 6-10 p.m.)	\$0	[22] \$3	[30] \$13	[20] \$0	[40] \$25	[70] \$63	[120] \$125							
Wrestling Room	\$0	[22] \$3	[45] \$31	[20] \$0	[50] \$38	[110] \$113	[145] \$156	\$0	\$75	\$100	\$200	\$400		
Any park premises or recreational facilities not otherwise described in	\$0	[22] \$3	[25] \$6	[20] \$0	[30] \$13	[170] \$188	[420] \$500	\$0	\$50	\$50	\$100	\$300		
w/lights (add'l flat charge 6-10 p.m.)	\$0	[25] \$6	[30] \$13	[20] \$0	[35] \$19	[70] \$63	[120] \$125							

	Fee by Permit					Custodial Deposit by Permit				
	Government	General Use *	Special Events			Government	General Use*	Special Events		
			Department sponsored***	Non-Profit/County co-sponsored/ Political Fundraiser	Commercial			Department sponsored***	Non-Profit/ County co-sponsored/ Political Fundraiser	Commercial
Small Equipment										
Stage Platforms (each)	\$0	[\$30] \$13	[\$20] \$0	[\$35] \$19	[\$50] \$38	\$0	\$15	\$0	\$15	\$30
Bleachers (each)	\$0	[\$45] \$31	[\$20] \$0	[\$55] \$44	[\$90] \$88	\$0	\$25	\$0	\$35	\$70
Picnic Tables (each)	\$0	[\$30] \$13	[\$20] \$0	[\$35] \$19	[\$45] \$31	\$0	\$15	\$0	\$15	\$25
Portable Equipment w/o utilities	\$0	[\$30] \$13	[\$35] \$19	[\$50] \$38	[\$110] \$113	\$0	\$25	\$50	\$100	\$200
Portable Equipment w/utilities	\$0	[\$45] \$31	[\$50] \$38	[\$80] \$75	[\$220] \$250	\$0	\$50	\$75	\$150	\$300
Large Equipment										
Mobile Bleachers (each)	\$0	n/a	[\$195] \$219	[\$270] \$313	[\$520] \$625	\$0	n/a	\$250	\$500	\$1,000
Showmobile Stage	\$0	n/a	[\$270] \$313	[\$520] \$625	[\$1,020] \$1,250	\$0	n/a	\$500	\$1,000	\$2,000
Portable Restroom	\$0	n/a	[\$270] \$313	[\$520] \$625	[\$1,020] \$1,250	\$0	n/a	\$500	\$1,000	\$2,000

*For General Use Permits, there shall be no charge for the use of parks or recreational facilities by senior citizen organizations, adult-supervised youth leagues, or persons with disabilities organizations. Partnership Leagues shall pay an annual custodial and key deposit of \$500.

**For Special Event - Commercial Fees: Fees shown or 15% of gross receipts, whichever is greater.

***For Department sponsored events that are primarily sponsored by the department, there shall not be any fees or deposits assessed.

Fee - Use of Park Facilities

"Government Permit" means a permit issued under Chapter 13.04A for an event or activity organized and conducted by the County, or another governmental unit, for which no revenue may be generated

13.04A.030

"Community Class Permit" means lessons, instruction or classes offered to the general public and conducted by an instructor approved by the department. Class participation charges or fees are allowed within the limits established by the department. Temporary refreshment concessions in accordance with section 13.04A.140 are prohibited.

"General Use Permit" means a permit issued under Chapter 13.04A for an event or activity for which dues, registration fees, or participation fees may not be assessed, or donations accepted, except that the term includes a permit issued under this chapter for

In accordance with the community class program policies and procedures, facility fees are assessed per class. A class shall not exceed two hours.

which a youth league, ADA organization, or senior citizen organization may assess fees to offset operating expenses.

"Special Events Permit" means a permit for events, activities, fundraising activities, political fundraisers, or tournaments, determined to require a permit, but which do not meet other permit requirements.

"Department sponsored" means functions, activities, programs, or events solely sponsored by the department.

"Visiting swim team" means a swim team not from the County.

Visiting Swimming Teams

Deposit to reserve the pool, with a 90-day cancellation notice.....\$500

Daily fee.....\$4 per swimmer

Maui Invitational Basketball Tournament

Annual Rental Fee (entire 3-day tournament).....\$5,000, plus pro-rated utility costs

Custodial Deposit Fee.....\$1,000 per year

Key Deposit.....\$25 per year

License Agreement dated 12/03/2012 between County and KemperLesnik Communications, Inc (expires 12/31/2020)

Reso 12 65

3402 Maui Fair Alliance

User Fee.....\$2,000 per year

Security Deposit.....\$2,000 per year

Equipment Rental.....\$2,000 per year

License Agreement between County and Maui Fair Alliance (expires 12/31/2024)

3537 Adult Recreational/Leagues

Team Charge per Team per Game per Sport

Softball.....\$20

Basketball.....\$25

Volleyball.....\$10

Kickball.....\$20

Baseball.....\$55

Other Sports/Activities.....\$20

Recreation program and special events conducted by the department may assess registration, and/or participant fees as necessary to conduct the event, activity or program.

3453 PALS Program

The fee shall be as follows:

Participating PALS children that qualify for the Department of Education's free or reduced lunch program may be eligible for a discounted fee. Discounts shall be verified by the PALS program to be deemed eligible for that current program year.

Summer Session

First Child.....\$160

First Child (reduced lunch).....\$112

First Child (free lunch).....\$64

Discounts shall be offered for more than one sibling participating simultaneously in the program as follows:

Second Child.....\$120

Second Child (reduced lunch).....\$84

Second Child (free lunch).....\$48

Third Child (or more).....\$80 per child

Third Child (or more) (reduced lunch).....\$56 per child

Third Child (or more)(free lunch).....\$32 per child

Winter Session

First Child.....\$40

First Child (reduced lunch).....\$28

First Child (free lunch).....\$16

Discounts shall be offered for more than one sibling participating simultaneously in the program as follows:

Second Child.....\$30

Second Child (reduced lunch).....\$21

Second Child (free lunch).....\$12

Third Child (or more)	\$20 per child
Third Child (or more) reduced lunch	\$14 per child
Third Child (or more) (free lunch)	\$8 per child

**DEPARTMENT OF PARKS AND RECREATION
GOLF FUND**

**CHARGES FOR CURRENT
SERVICES:**

3460	Playing Fees - Green Fees - Golf	Rates - weekdays:	13.16.030
		Daily	
		Residents with Resident Card	\$15
		Military	\$23
		Retirees with Resident Card	\$10
		Non-Maui County Hawaii Residents with Hawaii Driver License or Hawaii State Identification Card	\$23
		Non-Resident	\$58
		Students of State of Hawaii through age 18	\$2
		Rates - weekends and holidays:	
		Daily	
		Residents with Resident Card	\$22
		Military	\$28
		Retirees with Resident Card	\$14
		Non-Maui County Hawaii Residents with Hawaii Driver License or Hawaii State Identification Card	\$28
		Non-Residents	\$63
		Students of State of Hawaii through age 18	\$3
		The nine-hole rate and twilight rate are one-half the daily rate, except for students of the State of Hawaii through age 18, who shall be charged the daily rate.	
		Fee Exemptions Professional golfers and other golf officials who are bona fide members of the Professional Golfer's Association or Golf Course Superintendent's Association shall be exempt from paying any playing or tournament fees.	
		Rates - monthly:	
		Students of State of Hawaii through age 18	\$20
		Club No Show Fee (unused pre- booked blocked time)	\$10/person
		Tournament Fee	\$18/person
		Replacement Maui County Resident Card Fee	\$5
			13.16.015
			13.16.032
			13.16.037

**DEPARTMENT OF PARKS AND RECREATION
SPECIAL REVENUE AND TRUST AND AGENCY FUNDS**

MISCELLANEOUS:

Park Assessment	The director of parks and recreation shall require each subdivider, as a condition of approval of a subdivision, to:	18.16.320
	1. Provide land in perpetuity or dedicate land for park and playground purposes; or	
	2. Pay the County a sum of money; or	
	3. Provide an improvement to a park in the community plan area, or	
	4. Provide an equivalent combination thereof, pursuant to subsection C of Section 18.16.320, Maui County Code.	

The land provided or dedicated shall have an area of five hundred square feet for each lot or unit, in excess of three, resulting from the subdivision; provided, for residential workforce lots or units within a subdivision, the land area shall be 250 square feet for each lot or unit.

In lieu of providing land in perpetuity or dedicating land, the director of parks and recreation shall require the subdivider to:

1. Pay to the County a sum of money equal to the number of square feet that would have been required by Section 18.16.320.B.2.c multiplied by the average of the following values, determined at subdivision approval, in accordance with the most recent certified assessment for real property tax purposes in the respective community plan area where the subdivision is located:
 - a. The average value per square foot of lands classified as residential, and
 - b. The average value per square foot of lands classified as apartment.
2. Combine the payment of money with land to be provided or dedicated, on the basis of five hundred square feet per each lot or unit, in excess of three, resulting from the subdivision; provided, for residential workforce lots or units within a subdivision, the land area shall be 250 square feet for each lot or unit; or
3. Provide improvement to parks and playgrounds in the community plan area where the subdivision is located. The value of such improvements shall be at least equal to the sum of money required to be paid pursuant to this section. The estimate for the cost of the improvements provided shall be based upon cost estimates certified by an engineer licensed to practice in the State of Hawaii. For subdivisions which qualify as affordable housing or residential workforce housing projects, this park assessment fee shall be deferred for either one year from the date of final subdivision approval or until 50% of the dwelling units of the affordable housing project are sold or rented, whichever occurs first.

Permits Commercial Ocean Recreational Activity

Application Fee\$100 processing fee, non-refundable if permits are denied
 CORA Permit Fee\$1,000 per permit per park per activity, annually, for the first two permits issued per business or entity. Each permit thereafter shall be \$500 per permit per park per activity

13 04A 310

Fees – Maui Interscholastic League

All fees paid for Hawaii high school athletic events shall be deposited to the Maui Interscholastic League Fees Fund

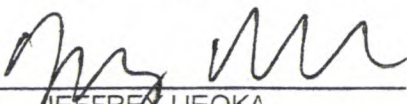
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SECTION 2. Material to be repealed is bracketed. New material is underscored.

SECTION 3. *For the period July 1, 2018 through August 31, 2018, the facility rates pursuant to Ordinance 4456 shall be in effect.*

SECTION 3. This Ordinance shall take effect upon its approval *on September 1, 2018.*

APPROVED AS TO FORM AND LEGALITY:



 JEFFREY UEOKA
 Deputy Corporation Counsel