

REQUEST FOR LEGAL SERVICES

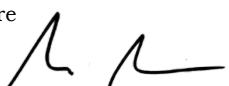
Date: March 27, 2026
From: Gabe Johnson, Chair
Agriculture, Diversification, Environment, and Public Transportation Committee

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Adrian Reifsnyder, Esq.

Subject: BILL 13, CD1 (2026), ADVERTISING INSIDE COUNTY TRANSIT BUSES
(ADEPT-6)

Background Data: Please see attached Bill 13, CD1 (2026). Please submit your response to adept.committee@mauicounty.us with a reference to ADEPT-6.

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

Requestor's signature  Gabe Johnson, Chair	Contact Person <u>Ellen McKinley</u> (Telephone Extension: <u>7661</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): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: APR	ASSIGNMENT NO. 2025-0172	BY: jap for maa
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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): _____

Please note recommended revisions included in routing slip and word version.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 04/15/2026

By 
(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. **13, CD1** (2026)

A BILL FOR AN ORDINANCE AMENDING SECTION 11.02.040, MAUI COUNTY CODE, ON ADVERTISING INSIDE COUNTY TRANSIT BUSES

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

SECTION 1. This Ordinance’s purpose is to amend the requirements for advertising inside County transit buses.

SECTION 2. Section 11.02.040, Maui County Code, is amended to read as follows:

“11.02.040 Advertising inside County transit buses. A. The department may [rent or let] use advertising spaces inside County transit buses[,provided that the following types of advertising shall not be accepted:] to promote County-sponsored programs or events that the County is solely responsible for or is supporting through a formal agreement that includes County funding.

B. Advertisements by other entities may be displayed inside County transit buses only if they propose a legitimate commercial transaction, and the advertiser pays the standard fee under subsection D.

C. Advertising inside County transit buses is prohibited if it does any of the following:

1. [Advertising that contains political or campaign speech.] Promotes or opposes a political party, political candidate, ballot measure, legislation, or otherwise constitutes electioneering or campaign-related advocacy.

2. [Advertising that, by reason of design, format, or subject matter, promotes] Promotes or appeals to racial, religious, or ethnic prejudice or violence[.] through its design, format, or subject matter.

3. [Advertising that contains] Contains obscene, illicit, or pornographic pictures, words, or symbols [of an obscene, illicit or pornographic character].

4. [Advertising that promotes] Promotes illegal activities.

5. [Advertising of any] Promotes a product or service that is prohibited by law to be sold or offered for sale to minors.

6. [Advertising that contains] Contains profanity, as defined in section 11.01.020, or depicts violence[.], including acts of physical assault, bloodshed, or threats of physical harm in a manner that is likely to shock or disturb a reasonable viewer.

7. [Advertising that contains] Contains false or misleading information, copyright or trademark infringement, or is otherwise unlawful.

8. [Any material that implies] Implies or declares an endorsement by the County of any service, product, or point of view, without prior written authorization by the department.

9. [Advertising that contains] Contains libelous speech.

10. [Advertising that is harmful to or disruptive to the transit system.] Will substantially interfere with the safe, efficient, or orderly delivery of transit services.

11. [Advertising that emits] Emits lights, noise, or special effects.

[B. A tax-exempt organization shall not be denied the use of advertising space in a County transit bus solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the event is not owned or operated by the tax-exempt organization. All such advertising shall be provided on a space available basis, in consideration of revenue generating advertisements described under subsection 11.02.040(C).]

[C.]D. Rates for renting or [letting of] leasing advertising spaces in County transit buses [shall] must be set [forth] in the annual budget. The department is authorized to enter into contracts for advertising with private vendors [provided that] if all procurement laws are met. [and in accordance with the following:] In addition:

1. The County's share of the revenues generated [shall] must be placed in the County highway fund.

2. An annual report of revenues received [shall] must be transmitted to the county council during the annual budget process.”

SECTION 3. 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 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

adept:misc:006abill01:ebm

DEPARTMENT OF THE CORPORATION COUNSEL

ROUTING SLIP

Date RFLS 03/27/2026 No. LF 2025-0172 Due: 4/9/2026
Received Date:

Subject:
BILL 13, CD1 (2026), ADVERTISING INSIDE COUNTY TRANSIT BUSES

To: APR Date Received 3/27/2026
For Initial Review:

Date Done Reviewing: 4/9/26

Approved _____ Revise as Noted

From: Adrian Reifsnnyder Date Done _____
Reviewing: _____
Date Done _____

To: Candace Stahl @ Reviewing: 04/13/2026

Comments: reviewed minor edits made; clean copy printed; packet to MDJ

To: Lisa Kahuhu Date Received: _____ Date Done _____
Reviewing: _____

Approved _____ Revise as Noted _____

Comments:

To: Mimi DesJardins Date Received: _____ Date Done _____
Reviewing: 4/15/26

Approved X Revise as Noted _____

Comments:

Approved for Transmittal:

Mimi DesJardins
MIMI DESJARDINS
First Deputy Corporation Counsel

ORDINANCE NO. _____

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B. Advertisements by other entities may be displayed inside County transit buses only if the advertiser pays the standard fee under subsection D and follows all requirements under Title 11.

C. Advertising inside County transit buses is prohibited if it does any of the following:

1. [Advertising that contains political or campaign speech.] Promotes or opposes a political party, political candidate, ballot measure, legislation, or otherwise constitutes electioneering or campaign-related advocacy.

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APPROVED AS TO FORM AND LEGALITY:



Adrian P. Reifsnyder
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF 2025-0172

2026-04-13 Bill 13 CD2 re Advertising in Cnty Bus

ADEPT Committee

From: Adrian P. Reifsnyder <Adrian.P.Reifsnyder@co.maui.hi.us>
Sent: Wednesday, April 15, 2026 10:21 AM
To: ADEPT Committee
Cc: Melody A. Andrion; Candace H. Stahl; Ellen B. McKinley
Subject: RE: ADEPT-6, Bill 13, CD1 (2026), Advertising Inside County Transit Buses
Attachments: 2026-04-13 Bill 13 CD1 2026 re Advertising in Cnty Bus (FINAL).docx; 2026-04-15 MDJ Approved Routing Slip re Bill 13 CD1 Ord Amd Ch 11.02.040 Bus Advertising.pdf; [Comments] 2026-04-15 RFLS McKinley ADEPT-6 Bill 13 CD1_Bus Advertising.pdf

Good morning,

Please see attached RFLS for review of Bill 13, CD1 (2026) along with the routing slip and word version with suggestions included. We made a slight revision to Subsection B and the bracketing before Subsection D but otherwise looks good.

Please let me know if you have any questions.

Mahalo,
Adrian

Adrian P. Reifsnyder
Deputy Corporation Counsel
Dept. of the Corporation Counsel
County of Maui
200 S. High Street, 3rd floor
Wailuku, HI 96793
Ph: 808-270-7579
Adrian.P.Reifsnyder@co.maui.hi.us

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