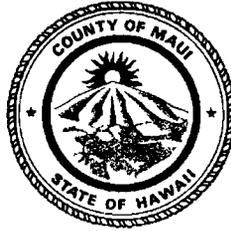


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November 21, 2016

MEMORANDUM

TO: Don S. Guzman, Chair  
Economic Development, Energy, Agriculture, and Recreation Committee

FROM: Jerrie L. Sheppard, Deputy Corporation Counsel 

SUBJECT: **LEASE AND LICENSE OF COUNTY-CONTROLLED PARCELS TO FRIENDS OF MOKU'ULA, INC (LAHAINA) (EAR-2)**

We respond to your request dated November 15, 2016, which requested a reply by November 22, 2016. Specifically, you requested proposed Second Amendments to the Lease and License with the Friends of Moku'ula in order to:

1. Explicitly terminate the First Amendment and remove the parking concession from the "Use" sections of the Lease and the License ; and
2. Include in the Lease and the License a right-of-entry in favor of the County or the County's designee for the purposes of restoration, research, parking concession operation or management, or maintenance.

This matter may require discussion in an Executive Session of the Environmental, Agriculture, and Recreation Committee ("EAR Committee"). There is no process to provide confidential, attorney-client privileged communications to Council Services in writing, therefore, a written reply is not provided herewith. As this matter is likely to be on an upcoming EAR Committee Agenda, a notation to that agenda item that an executive session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, is anticipated, is appropriate in order to discuss this matter at that proceeding.

Approved for transmittal:

  
Patrick K. Wong  
Corporation Counsel