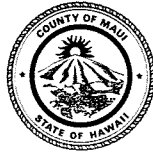


KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

August 23, 2022

RECEIVED
2022 AUG 23 PM 4:08
OFFICE OF THE
COUNTY CLERK

Honorable Kelly T. King, Chair
Climate Action, Resilience, and Environment Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair King:

By letter dated August 11, 2022 (County Communication No. 22-203), the Director of Finance transmitted 96 contracts/grants for filing with the County Clerk.

At the August 23, 2022 Council meeting, the foregoing communication was filed; however, Grant G5563-1 was referred to your Committee at your request. Transmitted is a copy of the grant.

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. Kaohu".

KATHY L. KAOHU
County Clerk

/jym

Enclosures

cc: Director of Council Services

AMENDMENT TO GRANT CERTIFICATION

I, **SCOTT K. TERUYA**, Director of Finance of the County of Maui, State of Hawaii,
do certify that there is available appropriation or balance of an appropriation over and above all
outstanding contracts, sufficient to cover the amount required by the foregoing contract, i.e.

Appropriation Index	Title	Amount Required
------------------------	-------	-----------------

<u>101432</u> ✓	<u>LAND ACQ/MA'ALAEA MAUKA</u>	<u>(6317)</u> ✓ <u>\$ 0.00</u> ✓
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Grant No. G 5563 THE TRUST FOR PUBLIC LAND

Amendment No. 1 Dated:

Dated this 15 day of JULY 2022

Extension of Grant: December 31, 2022 ✓

Original amount	\$ 40,000.00
Prior amendments	\$ 0.00
This amendment	<u>\$ 0.00</u>
Total	<u>\$ 40,000.00</u> ✓


SCOTT K. TERUYA
Director of Finance

Time extension only
Ma'alaea Mauka Acquisition for MYR

FY 2023

jh ji 52196

ji

GRANT OF COUNTY FUNDS
G5563 AMD 1 THE TRUST FOR PUBLIC LAND

Grant Number: G5563
Department: Office of the Mayor
Project Title: Ma'alaea Mauka Acquisition
Certification Requested from County:

101432 Open Space Preservation

-0-

THIS FIRST AMENDMENT TO GRANT AGREEMENT OF COUNTY FUNDS is made this 22nd day of July, 2022, by and between THE TRUST FOR PUBLIC LAND, a Hawai'i nonprofit corporation, whose mailing address is 1164 Bishop Street, Suite 1512, Honolulu, Hawai'i 96813, hereinafter called "Grantee," and the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose principal place of business is 200 South High Street, Wailuku, Maui, Hawai'i 96793, hereinafter called "County," collectively referred to as the "Parties."

W I T N E S S E T H:

WHEREAS, the COUNTY and GRANTEE entered into that certain Grant Agreement of County Funds (#G5563) (the "Grant Agreement"), dated January 14, 2022, on file with the Director of Finance and incorporated herein by reference, to provide grant funds to THE TRUST FOR PUBLIC LAND for its Program; and

WHEREAS, the parties desire to amend the Grant Agreement to provide for an extension of the Performance Schedule in the existing Grant Agreement, pursuant to Exhibit "A," attached hereto and incorporated herein;

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the parties hereby agree to amend the Grant Agreement to read as follows:

GRANT OF COUNTY FUNDS
G5563 AMD 1 THE TRUST FOR PUBLIC LAND

1. Paragraph 4., Performance Schedule, is hereby amended in its entirety to read as follows:

"4. Performance Schedule. The duration of this Agreement shall begin on the County's Notice to Proceed, and Grantee shall complete its Program by December 31, 2022, subject to such extensions as may be agreed to in writing by the County, and unless sooner terminated as provided herein. The Parties acknowledge that the funding stated above relates only to the County's current fiscal year, which ends June 30, 2022, and funding for subsequent fiscal years is subject to appropriation by the County Council in its sole and absolute discretion."

2. All other terms and conditions as provided in the Grant Agreement shall continue in full force and effect.

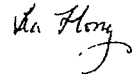
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day, month and year first above written.

GRANT OF COUNTY FUNDS
G5563 AMD 1 THE TRUST FOR PUBLIC LAND

GRANTEE'S EXECUTION PAGE

GRANTEE:

THE TRUST FOR PUBLIC LAND

By  Digitally signed by Lea Hong
DN: cn=Lea Hong, o=The Trust for Public Land,
ou=Hawaiian Islands Program,
email=leahong@tpl.org, c=US
Date: 2022.06.24 08:34:22 -10'00'

Lea Hong (Signature)

(Print Name)
State Director
Its _____
(Title)

GRANT OF COUNTY FUNDS
G5563 AMD 1 THE TRUST FOR PUBLIC LAND
COUNTY'S EXECUTION PAGE

COUNTY OF MAUI:

By Michael P. Victorino
MICHAEL P. VICTORINO
Its Mayor

APPROVAL RECOMMENDED:

Tyson K. Miyake
TYSON K. MIYAKE
Chief of Staff
Office of the Mayor

Michele M. Yoshimura
MICHELE M. YOSHIMURA
for Budget Director

APPROVED AS TO FORM
AND LEGALITY:

Keola R. Whittaker
KEOLA R. WHITTAKER
Deputy Corporation Counsel
County of Maui
LF2021-1576



Exhibit "A"

HAWAII

1164 Bishop St., Ste. 1512
Honolulu, HI 96813
tpl.org

June 21, 2022

HAWAII BOARD

Steve Kelly, Chair
James Campbell Company LLC

Blake Oshiro, Vice Chair
Capitol Consultants of Hawaii

Dr. Noa Emmett Aluli
Molokai General Hospital

Stanford S. Carr
Stanford Carr Development

Kā'eo Duarte
Kamehameha Schools

Mahina Paishon-Duarte
The Waiwai Collective

Bob Hines
Mediator

Chris Hochuli
Merrill Lynch

Mark Linscott
Conservationist

Earlynn Maile
Young Brothers

Kurt Matsumoto
Pūlama Lānaʻi

John Meier
Conservationist

Mino McLean
Island Sotheby's Intl. Realty

Catherine Ngo
Central Pacific Bank

Jeff Overton
G70

Mike B. Pietsch
Title Guaranty

Brad Punu
Anatha

Kirstin Punu
AES

Race Randle
Lendlease Americas

Tom Reeve
Conservationist

Ka'iulani Sodaro
Ward Village/Howard Hughes

Jan Sullivan
Oceanit

Maria Ornellas, Grants Manager
Maui County, Office of the Mayor
Office of Climate Change, Resiliency & Sustainability
200 S. High Street, 9th floor
Wailuku, HI 96793

RE: G5563 – Trust for Public Land Ma'alaea Mauka Acquisition

Aloha Ms. Ornellas:

The Trust for Public Land is the grantee for Maui County Office of Economic Development Grant G5563 pertaining to the Ma'alaea Mauka acquisition. The term for this grant agreement ends on June 30, 2022. We are writing because we wish to request an extension to our grant agreement to give us until December 30, 2022 to enter into a purchase and sale agreement with the new landowner and conduct required due diligence. We would ask that any remaining grant funds not used for due diligence at the end of the year be put into an escrow account to go directly to the land acquisition costs. Please let us know if you require any additional information.

Mahalo –

Lea Hong
Associate Vice-President, Hawai'i State Director
Edmund C. Olson Trust Fellow