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Director of Council Services
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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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November 1, 2018

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OFFICE OF THE
COUNTY CLERK

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

**SUBJECT: AUTHORIZING THE COUNCIL CHAIR TO CONDUCT
A FISCAL AUDIT OF THE USE, MANAGEMENT, AND
EXPENDITURE OF PUBLIC FUNDS RELATING TO
THE BANYAN TREE PARK (PAF 18-285)**

May I request the attached proposed resolution, entitled "AUTHORIZING THE COUNCIL CHAIR TO CONDUCT A FISCAL AUDIT OF THE USE, MANAGEMENT, AND EXPENDITURE OF PUBLIC FUNDS RELATING TO THE BANYAN TREE PARK," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Riki Hokama", with a long, sweeping flourish extending to the right.

RIKI HOKAMA
Councilmember

paf:ldm:18-285a

Attachment

COUNTY COMMUNICATION NO. 18-408

Resolution

No. _____

AUTHORIZING THE COUNCIL CHAIR TO CONDUCT A FISCAL AUDIT OF THE USE, MANAGEMENT, AND EXPENDITURE OF PUBLIC FUNDS RELATING TO THE LAHAINA BANYAN TREE PARK

WHEREAS, pursuant to Section 3-6 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), the Council has the authority to conduct investigations of the operation of any department or function of the County and any subject upon which the Council may legislate; and

WHEREAS, by Executive Order No. 16 the State of Hawaii set aside the Lahaina Banyan Tree Park ("Park"), identified for real property tax purposes as tax map key (2) 4-6-001:009, for County public purposes; and

WHEREAS, pursuant to Section 8-6.3 of the Charter, the Director of the Department of Parks and Recreation ("Department") is responsible for planning, design, construction, maintenance, and operation of all parks and recreational facilities administered by the County, including the Park; and

WHEREAS, the Park is home to the oldest living Banyan tree on Maui and is on the List of Exceptional Trees pursuant to Section 12.24A.055, Maui County Code; and

WHEREAS, the Fiscal Year 2019 Budget Ordinance appropriated \$223,600 for a grant to The Lahaina Restoration Foundation ("LRF"); and

WHEREAS, the purpose of the grant is to maintain and preserve the Lahaina Historic District and provide maintenance and grounds keeping to areas not serviced regularly by normal, routine County programs, as well as repair and improve paths and reset the pavers at the Park; and

WHEREAS, section five of the General Terms and Conditions of the Grant Agreement of County Funds, LRF covenants and agrees to supply the County with a copy of its annual financial statements that shall be prepared by a Certified Public Accountant, allow the County to audit LRF's records, report books, and other financial records upon request of the County to determine compliance with the terms of this agreement; and

Resolution No. _____

WHEREAS, the County has received complaints regarding the use of the Park, including commercial activities; and

WHEREAS, members of the community have expressed the process by which permits are granted and the use of the Park has become exclusive and illusive; and

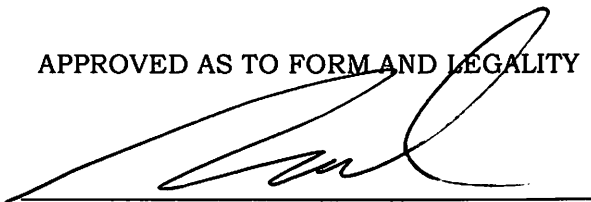
WHEREAS, the Department has temporarily stopped issuing permits for use of the Park; and

WHEREAS, a fiscal audit of the use, management, and expenditure of public funds relating to the Park would provide clarity of the operations relating to the Park; ensure compliance of all rules, regulations, and grant provisions pertaining to the Park; and help to provide comprehensive knowledge of areas of growth to ensure the Park continues to be a place that can be enjoyed by all; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby authorizes the Council Chair to contract for a fiscal audit of the use, management, and expenditure of public funds relating to the Lahaina Banyan Tree Park; and
2. That certified copies of this resolution be transmitted to the Mayor, the Managing Director, and the Director of Parks and Recreation.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to be 'M. J. ...', is written over a horizontal line.

Deputy Corporation Counsel
County of Maui

paf:ldm:18-285b