

**COUNCIL OF THE COUNTY OF MAUI**  
**PUBLIC WORKS AND**  
**FACILITIES COMMITTEE**

January 25, 2008

**Committee**  
**Report No.**

\_\_\_\_\_ 08-16

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Facilities Committee, having met on January 9, 2008, makes reference to County Communication No. 07-314, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE TO OCCUPY COUNTY REAL PROPERTY TO TOM MORROW EQUESTRIAN ARENA".

The purpose of the proposed resolution is to grant a five-year license to the Tom Morrow Equestrian Arena (TMEA), a nonprofit organization, to occupy a portion of the Fourth Marine Division Memorial Park in Haiku, Maui, for the operation of a community equestrian center on approximately 5.7 acres of County real property at TMK: (2) 2-7-02:137 and (2) 2-7-02:portion of 076, for an annual nominal rental of \$1. The fair market rental value is \$40,500 per annum.

By correspondence dated January 8, 2008, the Council Chair transmitted the following: (1) a copy of correspondence dated November 13, 2007 to the Director of Parks and Recreation, requesting documentation attesting to the Grants Review Committee's (GRC) review of the request; and (2) a copy of correspondence dated November 27, 2007 from the Director of Parks and Recreation, transmitting a copy of correspondence dated November 20, 2007, from the Director of Housing and Human Concerns, confirming the GRC's review and approval of the request for the subject license and supporting documents.

At its meeting, your Committee met with the Director of Parks and Recreation; the Special Events/Grants Coordinator, Department of Parks and Recreation; the Deputy Director of Housing and Human Concerns; a Deputy Corporation Counsel; and Susan Guille, President, TMEA.

Ms. Guille testified in support of the proposed resolution. She stated that she is the Volunteer Manager of the TMEA, and has been involved with the organization since it was formed. She stated she would prefer that the subject agreement be extended from 5 years to 25 years.

**COUNCIL OF THE COUNTY OF MAUI**  
**PUBLIC WORKS AND**  
**FACILITIES COMMITTEE**

January 25, 2008  
Page 2

**Committee**  
**Report No.**      08-16

The Director provided an overview of the matter. She stated that the partnership between the Department and TMEA has been a successful one, and acknowledged the TMEA's maintenance of the facility at no cost to the County. The Director stated that although the GRC recommended approval for a license over five years ago, documents were never executed and the TMEA has been operating since that time under a permit. She further stated that the Department supports the request for a license with a longer duration.

The Deputy Corporation Counsel stated that a license, instead of a lease, is recommended in this situation because only a portion of one of the parcels is being utilized by TMEA.

Your Committee discussed reporting and review requirements for similar grants and licenses. Your Committee questioned whether TMEA had completed an audit, and whether the usage fees charged by TMEA were subject to outside review since the fee is not set forth in the Budget Ordinance.

The Special Events/Grants Coordinator stated that the fees allow TMEA to be financially self-sufficient, and primarily cover maintenance and insurance costs. She further stated that audits and reports are not required, but the fee structure is reviewed by the Department.

The Deputy Director stated that ongoing discussions between the Department of Housing and Human Concerns and the Department of Parks and Recreation will clarify the procedure for processing grants of real property so that appropriate grant management procedures can be implemented.

Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

**COUNCIL OF THE COUNTY OF MAUI**  
**PUBLIC WORKS AND**  
**FACILITIES COMMITTEE**

January 25, 2008  
Page 3

**Committee**  
**Report No.**      08-16

Your Public Works and Facilities Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING A GRANT OF A LICENSE TO OCCUPY COUNTY REAL PROPERTY TO TOM MORROW EQUESTRIAN ARENA", be ADOPTED; and
2. That County Communication No. 07-314 be FILED.

Adoption of this report is respectfully requested.

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COUNCIL OF THE COUNTY OF MAUI  
**PUBLIC WORKS AND  
FACILITIES COMMITTEE**

January 25, 2008  
Page 4

Committee  
Report No. 08-16

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**BILL KAUAKEA MEDEIROS** Co-Chair

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**DANNY A. MATEO** Member

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**MICHAEL P. VICTORINO** Co-Chair

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**JOSEPH PONTANILLA** Member

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**G. RIKI HOKAMA** Member