

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 24, 2010

**Committee
Report No.** _____

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

Chair and Members:

Your Committee of the Whole, having met on August 5, 2010, makes reference to County Communication No. 09-274, from the Fire Chief, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING TO DOCUMENT A MUTUAL AID RELATIONSHIP BETWEEN THE STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION AND THE MAUI COUNTY DEPARTMENT OF FIRE AND PUBLIC SAFETY".

The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement/memorandum of understanding ("MOU") to document a mutual-aid relationship in emergency situations within Maui County wherein the County Department of Fire and Public Safety and the State Department of Transportation Airport Rescue and Fire Fighting units work together.

Your Committee notes that Section 2.20.020, Maui County Code, states: "Unless authorized by ordinance, the mayor shall not enter into any intergovernmental agreement or any amendment thereto, which places a financial obligation upon the county or any department or agency thereof."

The Fire Chief and representatives of the State Department of Transportation, Airports Division, emphasized the importance of continued cooperation between the County and State firefighters to ensure public safety, particularly at the State-operated Kahului Airport.

The Fire Chief informed your Committee that the list of equipment referenced in Exhibit A of the MOU should be modified to reflect the current inventory. Your Committee requested that Exhibit A be revised to identify any equipment changes that have occurred since the proposed bill was submitted to the Council in 2009.

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Committee
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Your Committee recommended that the proposed bill be revised to change the year of the bill from "2009" to "2010", and to update Exhibit A to the MOU.

Your Committee voted 9-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho'ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted "aye".

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Committee of the Whole RECOMMENDS the following:

1. That Bill No. _____ (2010), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING TO DOCUMENT A MUTUAL AID RELATIONSHIP BETWEEN THE STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION AND THE MAUI COUNTY DEPARTMENT OF FIRE AND PUBLIC SAFETY", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-274 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2010)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING TO DOCUMENT A MUTUAL AID RELATIONSHIP BETWEEN THE STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION AND THE MAUI COUNTY DEPARTMENT OF FIRE AND PUBLIC SAFETY

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

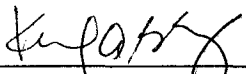
SECTION 1. Purpose. The County of Maui, Department of Fire and Public Safety, and Department of Transportation, Airports Division, State of Hawaii, wish to enter into an Intergovernmental Agreement/Memorandum of Understanding to document a mutual aid relationship in emergency situations within Maui County wherein the County and the State Airport Rescue and Fire Fighting units work together. A copy of the proposed Memorandum of Understanding is attached hereto and incorporated by reference as Exhibit "1".

Section 2.20.020 of the Maui County Code provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the County or any department or agency thereof.

SECTION 2. Authorization. The Council hereby authorizes the Mayor to execute the Memorandum of Understanding, all other necessary documents relating to the Memorandum of Understanding, and any amendments thereto.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



KIMBERLY A.B. SLOPER
Deputy Corporation Counsel
County of Maui
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MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING is entered into this _____ day of _____, 2010, by and between the STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION, by its Director of Transportation, hereinafter referred to as "STATE," whose principal place of business is 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96183-5097, and the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose principal place of business is 200 Dairy Road, Kahului, Hawaii 96732, hereinafter referred to as "COUNTY";

WITNESSTH:

WHEREAS, the parties recognize the necessity for mutual aid in emergency situations in the County; and

WHEREAS, the parties recognize that the public can be best served in certain emergencies by combining the resources, expertise and facilities of both the STATE and COUNTY; and

WHEREAS, the parties recognize that the State Airport Rescue and Fire Fighting, hereinafter referred to as "ARFF", units have expertise and resources in the area of rescue and medical response and in the use of foam to combat tank farm, aircraft and hydrocarbon fires; and

WHEREAS, the parties recognize that the County Department of Fire and Public Safety, hereinafter referred to as "MFD", has expertise and resources in the area of structural and brush fires, hazardous materials mitigation and rescue and medical response.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Mutual Aid.

A. The COUNTY and the STATE shall furnish expertise, resources, facilities and services to the other party in emergencies and for training purposes, pursuant to established criteria (Exhibit "A"), which is attached hereto and hereby incorporated by reference.

B. The STATE shall ensure that airport operator meets the Federal Aviation Regulation FAR Part 139 statutory requirements to support air carrier operations. The STATE shall provide at least the minimum firefighting equipment and agents for the airport index identified in Section 139.315 and 139.317 meet air carrier operations statutory requirements.

2. Joint Committee.

A. There shall be created a committee to be called the County of Maui Department of Fire and Public Safety and the State of Hawaii Airport Rescue and Fire Fighting

Memorandum of Understanding Committee, hereinafter referred to as “Committee,” which shall be responsible for implementing and administering this agreement.

B. The Committee shall be composed of the following members or their designees:

State of Hawaii

Airport Fire Chief for Maui District
Assistant Airport Superintendent
Airport Certification, Safety and Security Officer
Airport Contract Security Supervisor
One (1) Airport Operations Officer

County of Maui

Fire Chief of Maui County
Assistant Chief of Administrative Services
Assistant Chief of Operations
One (1) Battalion Chief
One (1) Rescue Captain

C. The Chairperson position of the Committee shall be held by MFD in odd-numbered years and by the State Department of Transportation, Airport Division (Managers Office or ARFF) in even numbered years.

D. The Committee shall have the following authority and responsibilities:

1. To implement and administer the terms of this agreement;
2. To organize and implement the “annual drill”;
3. To update equipment and resource capability;
4. To recommend, by unanimous vote **only**, changes in this Agreement to both parties;
5. To address other agenda items as needed;
6. To reduce all committee actions or recommendations to writing.

3. Amendments. This agreement may be amended or modified by mutual consent of the parties and the execution of a written addendum memorializing the agreed-upon changes;

4. Termination. This Agreement may be terminated by either party with nine (9) months written notice to the other;

5. Previous Agreements. All previous mutual aid agreements between parties shall terminate upon the effective date of this agreement.

IN WITNESS WHEREOF, the parties hereto, by their authorized representative, have executed this MEMORANDUM OF UNDERSTANDING on the day and year herein set forth.

APPROVED AS TO FORM:

Deputy Attorney General

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION

By _____

BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

Date: _____

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel
County of Maui

COUNTY OF MAUI

By _____

CHARMAINE TAVARES
Mayor, County of Maui

Date: _____

Date: _____

EXHIBIT A

**PROVIDED TO STATE AIRPORTS BY COUNTY OF MAUI,
DEPARTMENT OF FIRE AND PUBLIC SAFETY**

KAHULUI AIRPORT: Requested by FAA tower, ARFF, or Central Dispatch

Structural Fire Incidents: First alarm:

1. Two engines
2. One rescue company
3. One ladder company
4. One Battalion Chief

Additional alarms can be requested by first arriving MFD unit

Airport Plane Incidents Alert III: First alarm:

1. Two engines
2. One rescue company
3. One ladder company
4. One tanker company
5. One Battalion Chief

Additional alarms can be requested by first arriving MFD unit

Hazardous Materials Incident: First alarm:

1. One hazardous materials company
2. One rescue company, level A capable
3. One engine company
4. One Battalion Chief

Additional alarms can be requested by first arriving MFD unit

Brush Fire: First alarm:

1. One engine company
2. One tanker unit

Additional alarms can be requested by first arriving MFD unit

MOLOKAI AIRPORT: Requested by FAA Tower, ARFF, or Central Dispatch

Structural Fire Incidents: First alarm:

1. Two engine companies

Additional alarms can be requested by first arriving MFD unit

Airport Plane Incidents Alert III: First alarm:

1. Two engine companies
2. One tanker company
3. One Battalion Chief

Additional alarms can be requested by first arriving MFD unit

Hazardous Materials Incident: First alarm:

1. One engine company
2. One hazardous materials company (flown in by Air-One to Airport)
3. One Battalion Chief

Additional alarms can be requested by first arriving MFD unit

Brush Fire: First alarm

1. One engine company
2. One Tanker

Additional alarms can be requested by first arriving MFD unit

LANAI AIRPORT: Requested by FAA Tower, ARFF, or Central Dispatch

Structural Fire Incident: First alarm:

1. One engine company
2. One tanker company

Additional units and manpower can be requested by the Battalion Chief

Airport Plane Incidents Alert III: First alarm

1. One engine company
2. One tanker company
3. One Battalion Chief

Additional units and manpower can be requested by the Battalion Chief

Hazardous Materials Incidents: First alarm:

1. One engine company
2. One tanker company
3. One Battalion Chief

Additional units and manpower can be requested by the Battalion Chief

Brush Fire: First alarm:

1. One engine company
2. One tanker company

Additional units and manpower can be requested by the Battalion Chief

HANA AIRPORT: Requested by FAA tower, or Central Dispatch

Structural Fire Incident: First alarm

1. One engine company

Additional units and manpower can be requested by the Battalion Chief

Airport Plane Incidents Alert III: First alarm

1. One engine company
2. One rescue company (Air-One fly in crew)
3. One Battalion Chief

Additional units and manpower can be requested by the Battalion Chief

Hazardous Materials Incidents: First alarm:

1. One engine unit
2. One hazardous materials company

Additional units and manpower can be requested by the Battalion Chief

Brush Fire: First alarm

1. One engine company

Additional units and manpower can be requested by the Battalion Chief

**PROVIDED TO COUNTY OF MAUI BY STATE AIRPORT RESCUE
AND FIRE FIGHTING**

ISLAND OF MAUI: Requested by County of Maui Department of Fire and Public Safety, Battalion Chief or Central Dispatch

Tank Farm or other Hydrocarbon fuel Incident:

1. One 3000 gallon foam unit, provided there are minimum staffing levels at the Kahului Airport
2. One Chief Officer

Additional units can be requested by first in ARFF unit or State Fire Chief. Kahului Airport will not be left with less than 4,000 gallons of available foam and crews to apply the same

Plane Crash off Airport:

1. One 3000 gallon foam unit, provided there are minimum staffing levels at the Kahului Airport
2. One Chief Officer

Additional units can be requested by first in ARFF unit or State Fire Chief. Kahului Airport will not be left with less than 4,000 gallons of available foam and crews to apply the same.

ISLAND OF MOLOKAI: Requested by County of Maui Department of Fire and Safety, Battalion Chief or Central Dispatch

Tank Farm or other Hydrocarbon fuel Incident:

One 1500 gallon foam ARFF unit if available depending upon staffing and equipment.

Additional units can be requested by first in ARFF unit or State Fire Chief. Additional units to leave airport only if same is closed and/or upon state airports command authority. i.e. Airport Fire Chief

Plane Crash off Airport:

1. One 1500 gallon foam unit if available depending upon staffing and equipment.

Additional units can be requested by first in ARFF unit or State Fire Chief. Additional units to leave airport only if same is closed and/or upon state airports command authority. i.e. Airports Fire Chief

ISLAND OF LANAI: Requested by County of Maui Department of Fire and Public Safety, Battalion Chief or Central Dispatch

Tank Farm or other Hydrocarbon fuel Incident:

1. One 1500 gallon unit depending upon airport operations.

Authority to leave airport only if same is closed and/or upon state airports command authority.
i.e. Airports Fire Chief

Plane Crash off Airport:

1. One 1500 gallon unit depending upon airport operations.

Authority to leave airport only if same is closed and/or upon state airports command authority.
i.e. Airports Fire Chief

DISTRICT OF HANA: Requested by County of Maui Department of Fire and Public Safety,
Battalion Chief or Central Dispatch

Tanks Farm or other Hydrocarbon fuel Incident:

1. One skid mount and foam assembly

Authority to leave airport only if same is closed and/or upon state airports command authority.
i.e. Airports Fire Chief

Plane Crash off Airport:

1. One skid mount and foam assembly

Authority to leave airport only if same is closed and/or upon state airports command authority.
i.e. Airports Fire Chief

DISTRICT OF KAPALUA: Requested by County of Maui Department of Fire and Public
Safety, Battalion Chief or Central Dispatch

Tank Farm or other Hydrocarbon Incident:

1. One 1000 gallon unit depending upon airport operations.

Authority to leave airport only if same is closed and/or upon state command authority. i.e.
Airports Fire Chief

Plane Crash off Airport:

1. One 1000 gallon unit depending upon airport operations.

Authority to leave airport only if same is closed and/or upon state command authority. i.e.
Airports Fire Chief

This MEMORANDUM OF UNDERSTANDING to be signed by legal authorities of respective divisions; as reviewed by counsel of both departments.

This agreement is to facilitate response to major incidents in the County of Maui as outlined above. As mutual aid in a multi-island environment is limited to the resources on island; it is proclaimed to be very beneficial to all parties to work together to provide the best emergency service possible by:

1. Annual training in joint operations on all islands to include:

A. Development of standard terminology through the National Incident Management System (NIMS) and Incident command System (ICS) Structure.

1) The Incident Commander (IC) at any incident occurring within Airports Operations Area (AOA) will be the officer in charge of ARFF units.

2) The IC at any incident occurring outside the AOA will be the officer in charge of MFD companies.

3) A Command Post shall be set up and manned by the highest ranking officer of each responding department on scene.

B. Development of multi-agency radio communications.

1) Upon dispatch to respective jurisdictions each department will have their respective Incident Commander use the radio frequency or device of the requesting agency for approach and operational instructions.

C. Development of staging areas for airports and tank farm incidents.

D. Development of duties per NIMS/ICS system for arriving companies.

This MEMORANDUM OF UNDERSTANDING for Mutual Aid to show the concern and professional response needed to serve the State Airports and County of Maui.

1. Joint use of supplies and resources to include:

A. ARFF or other type foam if used by either party for the others mutual benefit will be reimbursed at no cost.

B. Labor costs to be borne by respective departments

C. Inventory of supplies and equipment at State Airports Rescue and Fire Fighting

1) KAHULUI AIRPORT

2-1500 Oshkosh Striker (1) #700 D/C, (1) #500 Halotron
1-T3000 Oshkosh w/500 lb Halotron
1-3000 Oshkosh Striker Snozzle #500
1-Quad w/CAF system #250 Halotron, #250 D/C
NOT ON APPARATUS
Kahului Airport
145 Stretchers
131 Backboards
98 Body bags
2115 gallons 3% foam Concentrate, AFFF
1480 lbs. Dry Chemical
695 lbs. Halotron

2) MOLOKAI AIRPORT

1-1500 E-1 Titan W/500 lbs. Dry Chemical
1-T1500 Oshkosh w/700 lbs. Dry Chemical
NOT ON APPARATUS
48 Stretchers
13 Backboards
0 Body bags
400 gallons 3% foam Concentrate, AFFF
700lbs. Dry Chemical

3) LANAI AIRPORT

1-1500 E-1 Titan #500 D/C
1-T1500 Oshkosh #500 D/C
NOT ON APPARATUS
27 Stretchers
12 Backboards
41 Body bags
400 gallons 3% foam Concentrate, AFFF
700lbs. Dry Chemical

4) HANA AIRPORT

1-Skid mount/ltr 100 gals. pre-mixed 3% AFFF
NOT ON APPARATUS
9 Stretchers
9 Backboards
9 Body bags
45 gallons 3% foam Concentrate, AFFF
0lbs. Dry Chemical

5) KAPALUA AIRPORT

1-1000 Oshkosh #500 D/C
1-Quad vehicle CAF system 100 gals H₂O #250 D/C, #250 Halotron
NOT ON APPARATUS
40 Stretchers
38 Backboards
107 Body bags
335 gallons 3% foam Concentrate, AFFF
1600 lbs. D/C

D. Inventory of Equipment and supplies for the County of Maui Department of Fire and Public Safety.

1) KAHULUI FIRE STATION E10, T10, R10, H10

1-1500gpm pumper w/40 gallons 3% AFFF
1-Heavy Duty Rescue Vehicle
1-Light Duty Rescue Vehicle
1-3500 Gallon Water Tanker
1-22' Rescue Boat
1-Hazmat Trailer
1-Mass Casualty Trailer
1-Hazmat Vehicle
1-Light-duty Hazmat Vehicle
2-ATVs, Trailers
NOT ON APPARATUS
1-Personal Watercraft
100 gallons AFFF 3% foam concentrate
50 Body bags

2) WAILUKU FIRE STATION E1

1-1500 gpm pumper – CAF
1-500 gpm mini pumper - CAF

3) PAIA FIRE STATION E2

1-1500 gpm pumper-CAF
1-Mini Pumper 250 GPM

- 4) LAHAINA FIRE STATION E3, L3, T3
 - 1-1500 gpm pumper w/40gallons 3% AFFF – CAF 4x4
 - 1-105 ft. Aerial Ladder Truck
 - 1-Tanker 2000 gal. 6x6
 - 1-26' Rescue Boat
 - 1-Light Utility Vehicle

- 5) KIHEI FIRE STATION E6
 - 1-1500 gpm pumper w/40gallons 3% AFFF

- 6) MAKAWAO FIRE STATION E5
 - 1-1500 gpm pumper w/40 gallons 3% AFFF

- 7) HANA FIRE STATION E7, Mini 7, T7
 - 1-1250 gpm pumper w/40 gallons 3% AFFF – CAF
 - 1-Tanker 500 gpm w/30 gal foam, 1800 gal tank
 - 1-Personal Watercraft
 - 1-Mini Pumper 500 gpm – CAF
 - 1-Utility (light vehicle)

- 8) NAPILI FIRE STATION E11, Mini 11
 - 1-1000 gpm pumper w/CAF (4x4)
 - 1-Mini pumper 500 gpm- CAF

- 9) PUKOO FIRE STATION E12
 - 1-750 gpm pumper
 - 1-Light duty utility vehicle

- 10) KAUNAKAKAI FIRE STATION E-4
 - 1-Light utility
 - 1-1500 gpm pumper
 - 1-2200 Tanker 6x6
 - 1-Personnel Water Craft
 - 1-22'Boat

- 11) HOOLEHUA FIRE STATION E-9
 - 1-1000 gpm w/CAF 4x4
 - 1-Personnel Water Craft

12) LANAI FIRE STATION E8, T8

- 1-1000 gpm pumper w/CAF
- 1-2000 gallon water tanker 6x6
- 1-Light utility vehicle
- 1-1500 gpm pumper

13) KULA FIRE STATION E13, Mini 13

- 1-1250 gpm pumper
- 1-Mini Pumper 500 gpm
- 1-Utility vehicle (SUV 4x4)

14) WAILEA FIRE STATION E14, L14, T14

- 1-1500 gpm pumper
- 1-3000 gallon water tanker
- 1-95 ft. Aerial ladder truck
- 1-SUV light utility

2. Hours of Operation.

- A. Kahului Airport: 24 hours, Contact number Ph. 872-3888
- B. Molokai Airport: 0600-1900 hrs. Contact number Ph. 567-9663
- C. Lanai Airport: 0700-1800 hrs. Contact number Ph. 565-7941
- D. Hana Airport: 0745-1630 hrs. Contact number Ph. 248-4861
- E. All County of Maui Fire Stations manned 24hrs a day. 911 Dispatch

3. Radio frequencies.

A. Airport Rescue and Fire Fighting

- 1. Operations Frequency
- 2. Tactical Frequency

B. Maui Fire Department

- 1. Molokai Repeater
- 2. Lanai Repeater
- 3. Hana Repeater
- 4. FD1
- 5. FD1A
- 6. Talk FD
- 7. FD4
- 8. FD5 Molokai
- 9. D3PD Hana

4. Alert Status descriptions for ARFF.

A. Alert I (Minor Difficulty). This indicates an aircraft approaching the airport with feathered propeller on a multi-engine aircraft, alarm indicator “on” on jet aircraft. Overheated engine, oil leak, etc.

B. Alert II (Major Difficulty). This indicates an aircraft approaching the airport with an engine on fire, faulty landing gear, low hydraulic pressure, etc.

C. Alert III (Accident). This indicates that an aircraft is involved in an accident on or near the airport.

5. Alarm description for the County of Maui, Department of Fire & Public Safety.

A. First Alarm as described by first alarm assignment in this plan.

B. Second Alarm and Special Alarm additional fire units per Maui Fire Department alarm assignments.

6. Helicopter Capability. The Department of Fire & Public Safety has 1 Helicopter on standby at all times.