

COUNCIL OF THE COUNTY OF MAUI

**ECONOMIC DEVELOPMENT, AGRICULTURE,
AND RECREATION COMMITTEE**

July 1, 2011

**Committee
Report No.** _____

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

Chair and Members:

Your Economic Development, Agriculture, and Recreation Committee, having met on June 16, 2011, makes reference to County Communication No. 11-138, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A DONATION OF PLAYGROUND EQUIPMENT FROM THE STATE OF HAWAII TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept an offer from the State Department of Education to donate and install playground structures and rubberized surfacing pursuant to Chapter 3.56, Maui County Code. The Wailuku Elementary School Park improvements are valued at approximately \$100,000. The Mayor Hannibal Tavares Community Center and Upcountry Pool improvements are valued at approximately \$110,000.

Your Committee notes that pursuant to Chapter 3.56, Maui County Code, the Council may accept gifts and donations on behalf of the County by resolution.

The Deputy Director of Parks and Recreation stated that both projects have been completed. He noted that the Department of Parks and Recreation has been an active partner with the State Department of Education in the installation of the playground equipment.

Your Committee discussed general concerns regarding possible County exposure to liability when a County park that abuts a school is used by school children during school hours. Although these concerns were not resolved, your Committee was satisfied with the partnership between the State and County.

Your Committee expressed concern that the schools may limit access to the playground equipment outside of normal school hours, even though the equipment is located on County property. Your Committee supported the acceptance of State-donated

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playground equipment in County parks, provided the equipment is available for use whenever the park is open, and not only during school hours.

Your Committee voted 5-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair White, Vice-Chair Cochran, and members Baisa, Hokama, and Pontanilla voted "aye". Committee members Carroll and Couch were excused.

Your Economic Development, Agriculture, and Recreation Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "AUTHORIZING THE ACCEPTANCE OF A DONATION OF PLAYGROUND EQUIPMENT FROM THE STATE OF HAWAII TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 11-138 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MIKE WHITE, Chair

Resolution

No. _____

AUTHORIZING THE ACCEPTANCE OF A DONATION OF PLAYGROUND EQUIPMENT
FROM THE STATE OF HAWAII TO THE COUNTY OF MAUI,
DEPARTMENT OF PARKS AND RECREATION,
PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE

WHEREAS, the State of Hawaii, through its Department of Education, has offered to donate and install playground structures and rubberized surfacing at the Wailuku Elementary School Park and the Mayor Hannibal Tavares Community Center and Upcountry Pool; and

WHEREAS, Wailuku Elementary School and Pukalani Elementary School along with the general public will benefit from the playground structures; and

WHEREAS, the County of Maui, Department of Parks and Recreation ("Parks"), has reviewed the proposed playground structures and rubberized surfacing; and

WHEREAS, the Wailuku Elementary School Park playground structures and rubberized surfacing along with the costs associated with installation are valued at approximately ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00); and

WHEREAS, the Mayor Hannibal Tavares Community Center and Upcountry Pool playground structures and rubberized surfacing along with the costs associated with installation are valued at

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approximately ONE HUNDRED TEN THOUSAND AND NO/100 DOLLARS (\$110,000.00); and

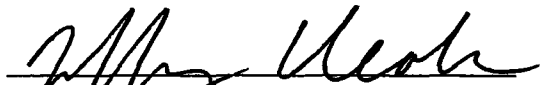
WHEREAS, Chapter 3.56, Maui County Code, authorizes the Council to accept gifts and donations on behalf of the County; now, therefore,

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

1. That it hereby expresses its appreciation and accepts the aforesaid donation on behalf of the County of Maui; and

2. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of the Department of Parks and Recreation, and the State of Hawaii, Department of Education.

APPROVED AS TO FORM
AND LEGALITY:


JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

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