

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

December 7, 2012

Committee
Report No. _____

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

Chair and Members:

Your Policy Committee, having met on May 8, 2012, and November 20, 2012, makes reference to County Communication 12-81, from the Chief of Police, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH HAWAII AIR NATIONAL GUARD, THE 292nd COMBAT COMMUNICATIONS SQUADRON, REGARDING THE USE OF THE UKUMEHAME FIRING RANGE FOR ANNUAL MILITARY SMALL ARMS TRAINING AND CERTIFICATION".

The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the Hawaii Air National Guard, the 292nd Combat Communications Squadron ("Squadron"), for the Squadron's use of the Ukumehame Firing Range in Lahaina, Maui. The proposed Memorandum of Agreement ("Agreement") is attached as an exhibit to the proposed bill.

According to the Agreement, the Squadron does not have firing range facilities on Maui to support required annual small arms training and certification. Transporting Squadron personnel from Maui to other islands where military firing ranges are available is cost prohibitive. Use of the Department of Police's Ukumehame Firing Range would provide a convenient and cost-efficient way for Squadron personnel residing on Maui to accomplish their small arms training and certification.

The Agreement grants the Squadron use of the Department's firing range one weekend a year for small arms training and certification, or when requested due to contingencies or emergencies. The Agreement also sets forth responsibilities by the Squadron for the use of the firing range, and provides that the County shall not be liable for any injuries or damages due to the Squadron's use of the range.

The Department of Police provided your Committee with photos of the Ukumehame Firing Range and its various facilities. Your Committee notes that, in

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addition to the Department's firing range, the location also accommodates a Valley Isle Shooter's Club Firing Range, a public firing range, and a State government firing range.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII AIR NATIONAL GUARD, 292ND COMBAT COMMUNICATIONS SQUADRON, REGARDING THE USE OF THE DEPARTMENT OF POLICE'S FIRING RANGE LOCATED AT THE UKUMEHAME FIRING RANGE, LAHAINA, MAUI, FOR ANNUAL MILITARY SMALL ARMS TRAINING AND CERTIFICATION". The revised proposed bill clarifies that it is the Department of Police's firing range at Ukumehame that is subject to the agreement, and incorporates a ten-year duration and nonsubstantive revisions.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Hokama and members Baisa, Couch, Mateo, and White voted "aye". Vice-Chair Carroll and members Cochran, Pontanilla, and Victorino were excused.

Your Policy Committee RECOMMENDS the following:

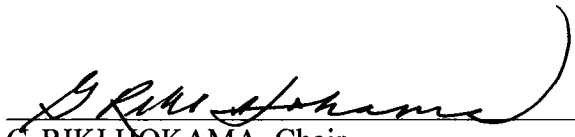
1. That Bill _____ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII AIR NATIONAL GUARD, 292ND COMBAT COMMUNICATIONS SQUADRON, REGARDING THE USE OF THE DEPARTMENT OF POLICE'S FIRING RANGE LOCATED AT THE UKUMEHAME FIRING RANGE, LAHAINA, MAUI, FOR ANNUAL MILITARY SMALL ARMS TRAINING AND CERTIFICATION", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 12-81 be FILED.

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



G. RIKI HOKAMA, Chair

pol:cr:12048aa:cmn

ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII AIR NATIONAL GUARD, 292ND COMBAT COMMUNICATIONS SQUADRON, REGARDING THE USE OF THE DEPARTMENT OF POLICE'S FIRING RANGE LOCATED AT THE UKUMEHAME FIRING RANGE, LAHAINA, MAUI, FOR ANNUAL MILITARY SMALL ARMS TRAINING AND CERTIFICATION

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

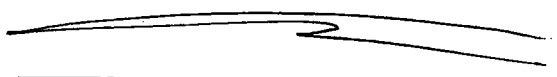
SECTION 1. Purpose. The County of Maui and the Hawaii Air National Guard wish to enter into an Intergovernmental Agreement entitled "Memorandum of Agreement Between the 292nd Combat Communications Squadron (Hawaii Air National Guard) and the Maui Police Department (County of Maui) Regarding the Use of the Ukumehame Maui Police Department Firing Range for Annual Military Small Arms Training and Certification" ("Memorandum of Agreement") to establish a contractual relationship between the parties for the use of the Department of Police's Firing Range, located at the Ukumehame Firing Range, Lahaina, Maui, and more fully described in Exhibit "1" as Ukumehame Firing Range #2. A copy of the proposed Memorandum of Agreement is attached hereto and incorporated herein by reference as Exhibit "2".

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 Agreement, all other necessary documents relating to the Memorandum of Agreement, and any amendments thereto.

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

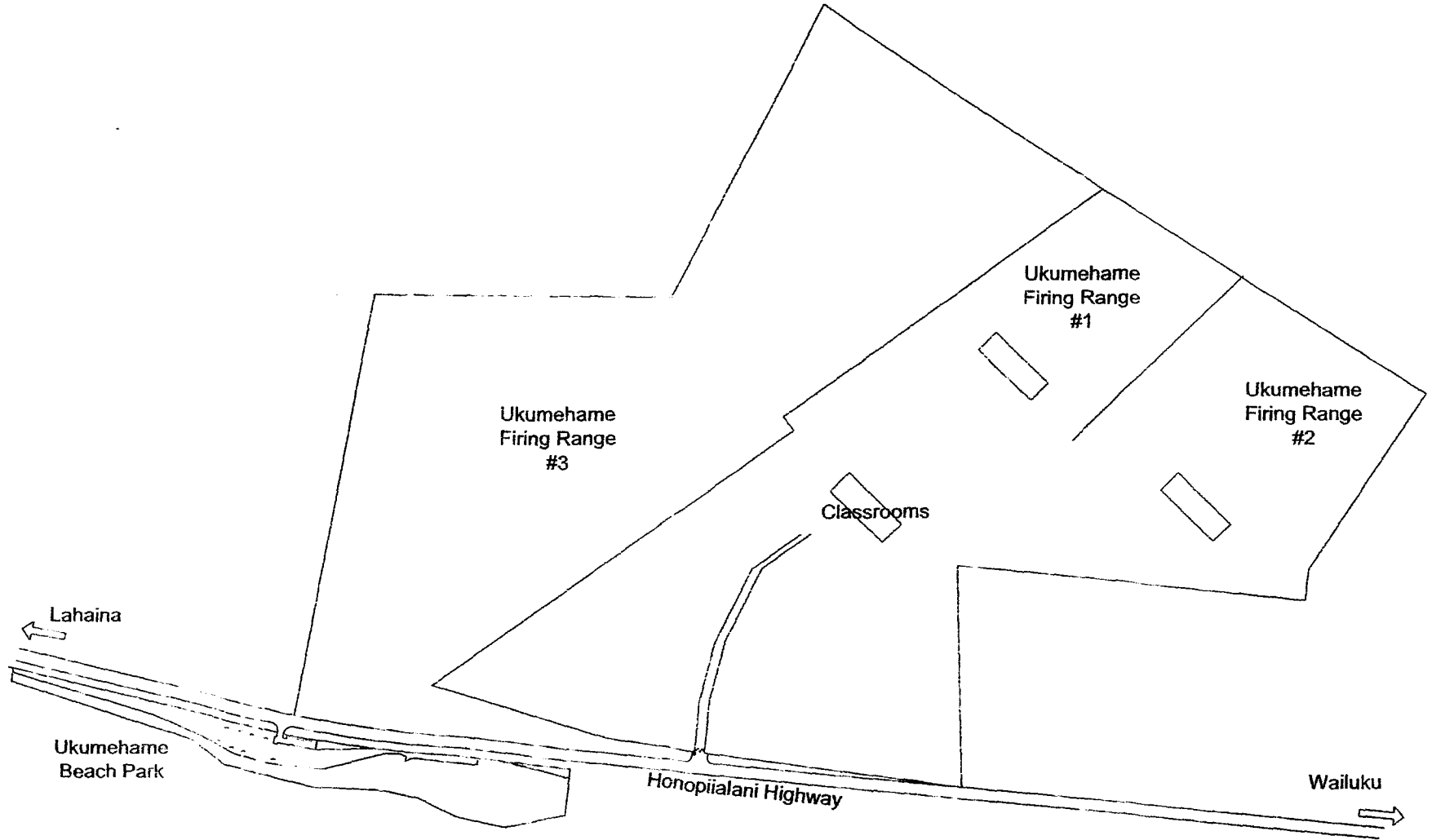
APPROVED AS TO FORM
AND LEGALITY:



SCOTT K. HANANO
Deputy Corporation Counsel
County of Maui

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EXHIBIT "1"



Maui Parks and Recreation
SITE MAP # 121
Ukumehame Firing Range
Overview and Parking



MEMORANDUM OF AGREEMENT

BETWEEN

THE 292ND COMBAT
COMMUNICATIONS SQUADRON
(HAWAII AIR NATIONAL GUARD)

AND

THE MAUI POLICE DEPARTMENT
(COUNTY OF MAUI)

REGARDING THE USE OF THE UKUMEHAME
MAUI POLICE DEPARTMENT FIRING RANGE FOR
ANNUAL MILITARY SMALL ARMS TRAINING AND
CERTIFICATION

1. **PURPOSE:** To establish an agreement with the Maui Police Department for the Hawaii Air National Guard's use of the Ukumehame Maui Police Department Firing Range located at Ukumehame, Lahaina, Maui, Hawaii (Tax Map Key Number (2) 4-8-002:046, owned by the County of Maui), for annual military small arms training and certification.

The Ukumehame Maui Police Department Firing Range is outlined on attached Exhibits "A", "B", "C", "D", and "E", all of which are incorporated herein and made a part of this Memorandum of Agreement.

2. **DEFINITION:** The term Hawaii Air National Guard and the 292nd Combat Communications Squadron located at 75 Kuleana Street, Kahului, Hawaii 96732, are synonymous.

3. **BACKGROUND:** The Hawaii Air National Guard does not have firing range facilities on the Island of Maui to support mandated annual U.S. Air Force small arms training and certification. Transporting Hawaii Air National Guard personnel from Maui to other islands where military firing ranges are available is cost prohibitive. The Ukumehame Maui Police Department Firing Range provides the Hawaii Air National

Guard a convenient and efficient way for Hawaii Air National Guard personnel (who are resident to Maui) to accomplish their small arms training and certification. The Maui Police Department is gracious in approving "just in time" requests on an annual basis for the use of its firing range by the Hawaii Air National Guard via letters of inquiry to the Office of the Chief, Maui Police Department. However, U.S. Air Force instructions require that U.S. Air Force small arms training and certification conducted at non-military ranges have a memorandum of agreement between the military user and the range operator regarding long-term military use of the range to ensure inter-agency understanding and to address any liability issues.

4. **SCOPE:** Due to its deployed combat mission, the Hawaii Air National Guard requires its members to complete U.S. Air Force small arms training and certification, typically, once on an annual basis on either the M-16A2 (5.56mm) rifle or the Beretta 92F (9mm) pistol. Training and certification is conducted and completed during a single weekend within the calendar year and will normally involve a total of 40-70 trainees.

5. **AGREEMENT:**

A. **Hawaii Air National Guard Responsibilities:**

- Will request annual use of the Ukumehame Maui Police Department Firing Range at least three months prior to its intended use through a letter addressed to the Maui Chief of Police for approval.
- Will provide its own U.S. Air Force-qualified small arms instructors and range safety officers and will abide by the strictest U.S. Air Force range safety rules and procedures.
- Will conduct its own safety and suitability surveys of the range to ensure it can support U.S. Air Force small arms training and certification activities.
- Will provide its own small arms, ammunition, magazines, holsters (for pistols), hearing and eye protection, and target paper.
- Will secure the firing range after training and certification is concluded.
- Will ensure the firing range incurs no physical damage and will be liable to repair any such damage, to include replacing Maui Police Department range target frames that are damaged or worn due to Hawaii Air National Guard use.

- Will ensure the firing range is cleared of all brass cartridges or debris produced by Hawaii Air National Guard use.
- Will report to Maui Police Department any evidence of trespassing noticed upon entering the firing range, trespassing that occurs during training and certification, any range damage observed prior to Hawaii Air National Guard use, and damage caused due to Hawaii Air National Guard use.
- Will not hold the Maui Police Department and the County of Maui liable for any injuries, illnesses, or deaths sustained by Hawaii Air National Guard personnel and for any damage to Hawaii Air National Guard equipment utilized at the Ukumehame Maui Police Department Firing Range.
- Will replace any other Maui Police Department supplies that are used.

B. Maui Police Department Responsibility:

- Grant Hawaii Air National Guard use of the Ukumehame Maui Police Department Firing Range one weekend a year for small arms training and certification (or when requested due to real world national contingencies or emergencies) when the range is determined to be available by the Maui Police Department for Hawaii Air National Guard utilization.

6. **ADMINISTRATION:** This Memorandum of Agreement is effective upon the latest date of signature, will remain effective for a period of ten (10) years, and supersedes any and all previous agreements, oral or written, relating to the subject matter. The Hawaii Air National Guard will review this Memorandum of Agreement once a year to ensure its suitability to all parties involved and if any changes are required, will develop an addendum to this memorandum and will forward the addendum to the Office of the Chief, Maui Police Department, for concurrence or non-concurrence. This Memorandum of Agreement may be terminated by the County of Maui at any time upon the giving of thirty (30) days written notice.

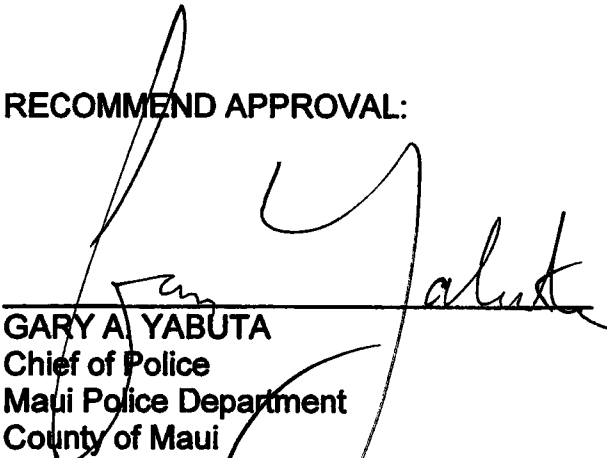
7. **SIGNATURES:** Signing acknowledges each agency's obligation and commitment to uphold this agreement detailed in this memorandum.



DAVID M. KASHIWAMURA
Lieutenant Colonel (Commander)
292nd Combat Communications Squadron
Hawaii Air National Guard

RECOMMEND APPROVAL:

COUNTY OF MAUI



GARY A. YABUTA
Chief of Police
Maui Police Department
County of Maui

ALAN M. ARAKAWA
Its: Mayor
DATE: _____

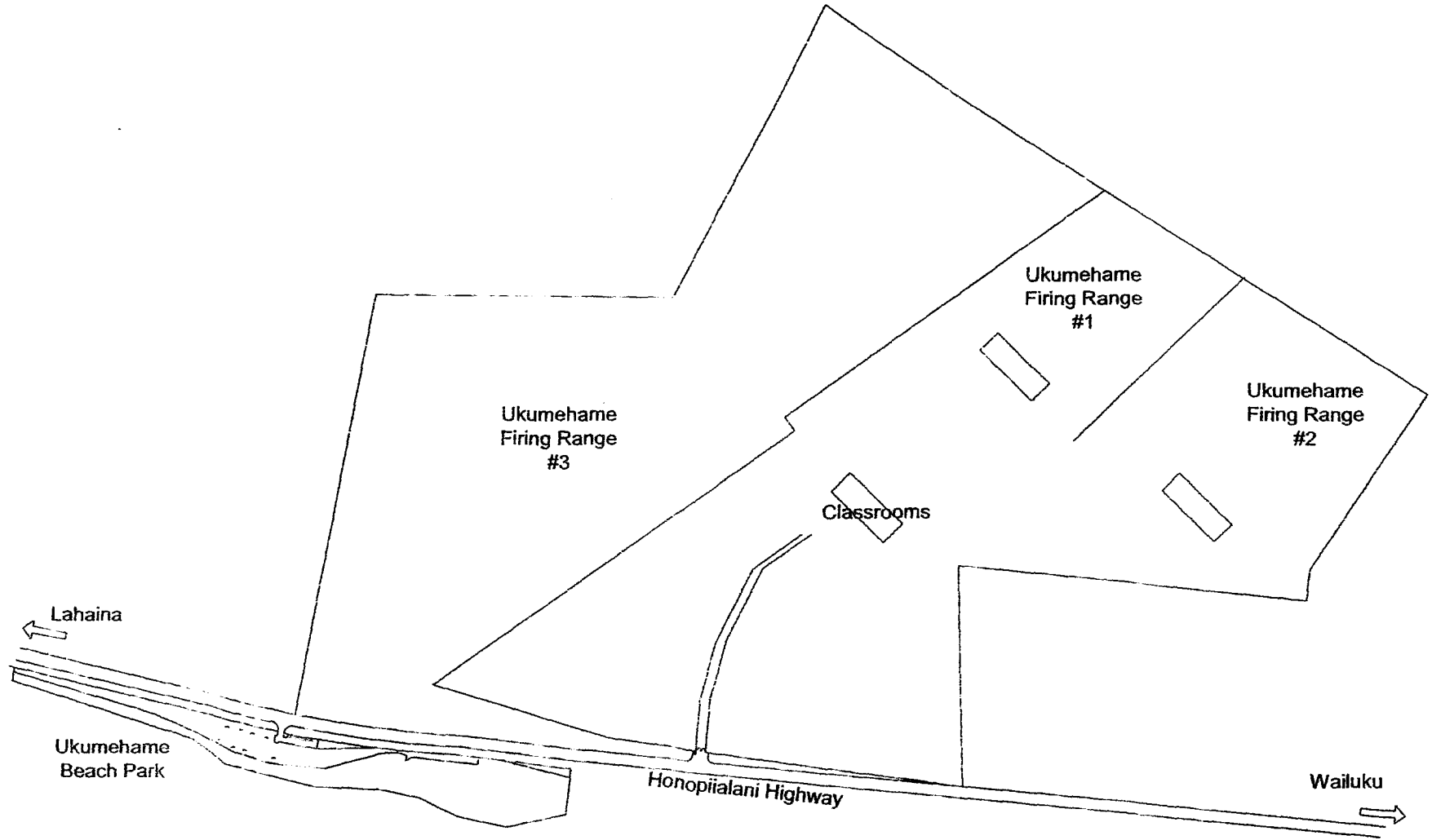
**APPROVAL AS TO FORM
& LEGALITY:**



SCOTT K. HANANO
Deputy Corporation Counsel
County of Maui

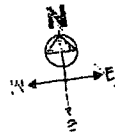
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EXHIBIT "A"



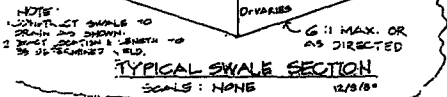
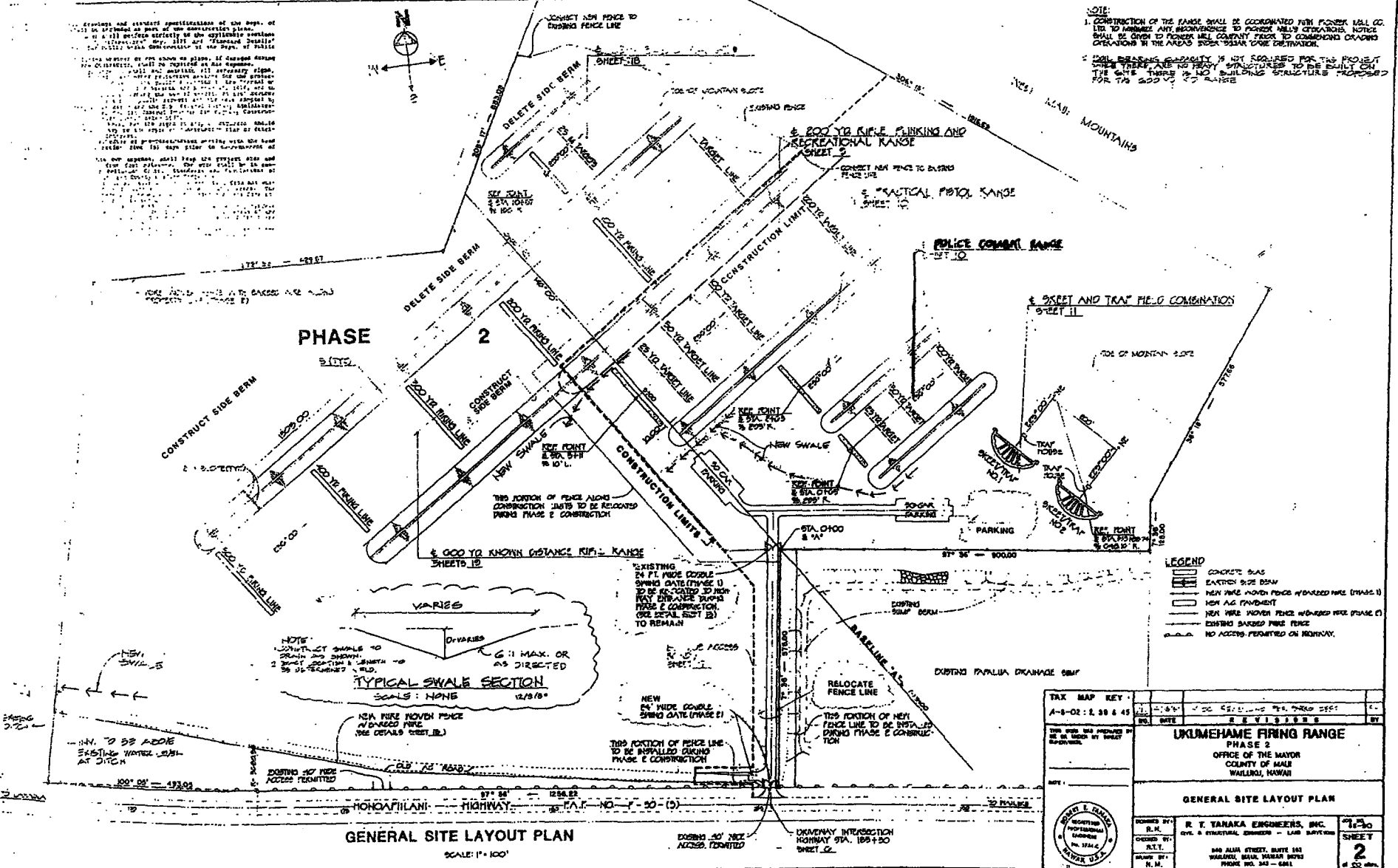
Maui Parks and Recreation
SITE MAP # 121
Ukumehame Firing Range
Overview and Parking

Drawings and standard specifications of the Dept. of Public Works shall be observed as part of the construction plans. All work shall be done in accordance with the specifications of the Department of Public Works. The contractor shall be responsible for obtaining all necessary permits and for coordinating with the appropriate agencies. The contractor shall be responsible for maintaining access to all existing utilities and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing roads and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing structures and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing trees and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing landmarks and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing features and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing conditions and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing materials and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing information and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing resources and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing opportunities and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing possibilities and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing potential and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing prospects and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing hopes and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing dreams and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing aspirations and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing ambitions and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing goals and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing dreams and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing aspirations and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing ambitions and for protecting them during construction. The contractor shall be responsible for maintaining access to all existing goals and for protecting them during construction.



NOTE:
 1. CONSTRUCTION OF THE RANGE SHALL BE COORDINATED WITH POWER LINE CO. LTD. TO MINIMIZE ANY INTERFERENCE TO POWER LINE OPERATIONS. NOTICE SHALL BE GIVEN TO POWER LINE COMPANY PRIOR TO COMMENCING DRIVING OPERATIONS IN THE AREA'S SUBJECT TO THE DISTRACTION.
 2. SOIL BEARING CAPACITY IS NOT REQUIRED FOR THE PROJECT UNLESS THERE ARE TO BE ANY STRUCTURES TO BE BUILT ON THE SAME. THERE IS NO BUILDING STRUCTURE PROPOSED FOR THE 200 YD RANGE.

PHASE 2



- LEGEND**
- [Symbol] CONCRETE SLAB
 - [Symbol] EXISTING SIDE BEAM
 - [Symbol] NEW FIRE MOUND FENCE AND NEED FENCE (PHASE 1)
 - [Symbol] NEW AS FUNDAMENT
 - [Symbol] NEW FIRE MOUND FENCE AND NEED FENCE (PHASE 2)
 - [Symbol] EXISTING BARBED WIRE FENCE
 - [Symbol] NO ACCESS PERMITTED ON HIGHWAY

TAX MAP KEY	A-8-02: 2, 30 & 45	DATE	1/20/00	BY	
DATE FOR THIS PROJECT TO BE IN FORCE AT TIME OF SUBMITTAL		REVISIONS			
UKUMEHAME FIRING RANGE					
OFFICE OF THE MAYOR COUNTY OF MAUI HAWAII					
GENERAL SITE LAYOUT PLAN					
DESIGNED BY	R. T. TANAKA ENGINEERS, INC.	SCALE	1"=40'	SHEET 2	
CHECKED BY	CIVIL & STRUCTURAL ENGINEERS - LAND SURVEYORS	DATE	1/20/00		
DRAWN BY	N. M.	PROJECT NO.	240 ALMA STREET, SUITE 102 WAILAND, MAUI, HAWAII 96793 PHONE NO. 343-6811		

GENERAL SITE LAYOUT PLAN
 SCALE: 1"=100'

DATE: 1/20/00
 TIME: 1:25P
 BY: N.M.