

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

December 6, 2013

Committee
Report No. _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on October 14, 2013, makes reference to County Communication 13-304, from the Chief of Police, transmitting the following:

1. A proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A 2013 KAWASAKI PRAIRIE 360 4X4 ALL TERRAIN VEHICLE TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The purpose of the proposed resolution is to authorize the acceptance of a 2013 Kawasaki Prairie 360 4x4 all-terrain vehicle valued at \$7,695.89 from the Maui Hotel & Lodging Association to the Department of Police, to patrol the shoreline from Makena to Maalaea.

2. A proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF SIX (6) TREK BICYCLES TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The purpose of the proposed resolution is to authorize the acceptance of six Trek police model bicycles valued at \$5,321.45 from the Maui Hotel & Lodging Association to the Department of Police, Lahaina District.

A representative of the Department of Police informed your Committee the Maui Hotel & Lodging Association ("MHLA") intended to donate a 2013 Kawasaki Prairie 360 4x4 all-terrain vehicle. However, because that particular make and model was not available at the time of delivery, MHLA instead donated a 2013 Honda Rancher ES 4x4 all-terrain vehicle ("Honda ATV"). According to the representative, the Honda ATV has

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

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the same value of \$7,695.89. Your Committee revised the proposed resolution to reflect the correct make and model of the vehicle.

The representative of the Department of Police explained the Honda ATV will be used primarily to patrol the shoreline from Makena to Maalaea. However, he noted the Department may use it in other locations as needed.

The representative further explained the six bicycles will be used to patrol areas in the Lahaina district.

He noted ATVs and bicycles are excellent forms of transportation for police officers to use in addition to police cars. Police officers operating ATVs and bicycles are more accessible to members of the public than officers operating police cars. This accessibility promotes greater communication between the police officers and the public.

Your Committee expressed its appreciation to the MHLA for their generous donations of the Honda ATV and the six bicycles, which will be particularly useful in the South Maui and Lahaina districts.

Your Committee voted 9-0 to recommend adoption of the revised proposed resolution relating to the Honda ATV, adoption of the proposed resolution relating to the bicycles, and filing of the communication. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

Your Committee is in receipt of a revised proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A 2013 HONDA RANCHER ES 4X4 ALL TERRAIN VEHICLE TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE", approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Policy and Intergovernmental Affairs Committee **RECOMMENDS** the following:

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

1. That Resolution _____, as revised herein and attached hereto, entitled “AUTHORIZING ACCEPTANCE OF DONATION OF A 2013 HONDA RANCHER ES 4X4 ALL TERRAIN VEHICLE TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE”, be ADOPTED;

2. That Resolution _____, attached hereto, entitled “AUTHORIZING ACCEPTANCE OF DONATION OF SIX (6) TREK BICYCLES TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE”, be ADOPTED; and

3. That County Communication 13-304 be FILED.

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

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Committee
Report No. _____

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



G. RIKI NOKAMA, Chair

pia:cr:13048aa:kmh

Resolution

No. _____

AUTHORIZING ACCEPTANCE OF DONATION OF A
2013 HONDA RANCHER ES 4X4 ALL TERRAIN VEHICLE
TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE,
PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE

WHEREAS, Maui Hotel & Lodging Association wishes to donate one (1) 2013 Honda Rancher ES 4x4 All Terrain Vehicle with an approximate value of \$7,695.89, including freight, handling, sales tax and document fees, to the Department of Police, County of Maui, as reflected in Exhibit "A" attached hereto; and

WHEREAS, this equipment is for use to patrol the shoreline from Makena to Maalaea; 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

Resolution No. _____

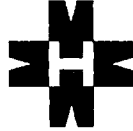
2. That certified copies of this resolution be transmitted to the Mayor; the Director of Finance; the Chief of Police; and Maui Hotel & Lodging Association.

APPROVED AS TO FORM
AND LEGALITY



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

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Maui Hotel & Lodging
ASSOCIATION

June 18, 2013

Mr. Gary Yabuta, Chief
Department of Police
County of Maui
Wailuku, Hawaii 96793

Dear Chief Yabuta:

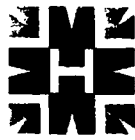
On June 18, 2013, the Maui Hotel & Lodging Association (MHLA) presented a 2013 Honda Rancher ES 4X4 All Terrain to the Maui Police Department. The ATV will be used to patrol the shoreline from Makena to Maalaea. On hand to receive the new ATV were Captain Tivoli S. Faaumu, Sergeant Tod Wong and Officer Ryan Ehlers from the Kihei District.

We are sending this letter to confirm the donation on behalf MHLA and for transmittal to the Maui County Council for possible acceptance pursuant to Maui County Code, Section 3.56.

Please feel free to contact me with any questions.

Sincerely,

Lisa H. Paulson
Executive Director
808-244-8625



Maui Hotel & Lodging
ASSOCIATION

June 17, 2013

Captain Tivoli Faaumu
Kihei District Commander
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

Dear Tivo,

On behalf of the board of directors of the Maui Hotel & Lodging Association, it is my pleasure to present you with a check for \$7,695.89 (SEVEN THOUSAND SIX HUNDRED NINETY-FIVE DOLLARS AND 89/100). The funding is to purchase a new All Terrain Vehicle (ATV) for Maui Police Department's Kihei District precinct. We have approved the donation to purchase a 2013 Kawasaki ATV (model KVE360) from Cycle City Maui.

MHLA is glad to provide new equipment to "Maui's finest" to help you keep our beaches safe for our residents and visitors. We also welcome any publicity you might kindly disseminate as a result of this donation.

The Maui Hotel & Lodging Association is a nonprofit organization founded in 1987 to advocate for the Visitor Industry. The organization also provides educational opportunities and scholarships, and gives back to the community via the annual Visitor Industry Charity Walk, Excellence in Education golf tournament and Kupuna Dinner.

We wish you all the best,

Lisa H. Paulson
Executive Director

LHP/le

Enclosure

MAUI HOTEL ASSN CHARITY WALK
(SPECIAL ACCOUNT)
1727 B WILI PA LOOP
WAILUKU, HI 96793

193
59-101/1213

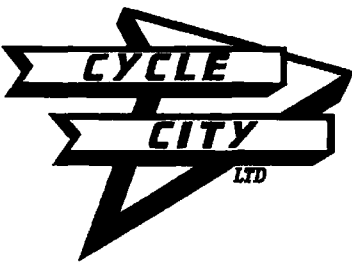
June 13, 2013 date
Pay to the Order of Cycle City Maui \$ 7,695.89
Seven Thousand Six Hundred Ninety-Five and 89/100 dollars

First Hawaiian Bank

KAHULUI BRANCH
20 WEST KAAHUMANU AVENUE
KAHULUI, HAWAII 96732

for _____
⑆ 21301015⑆0193 2100128198⑆





- CYCLE CITY OAHU**
600 Puuloa Road • Honolulu, Hawaii 96819-2003
(808) 831-2600 • Fax (808) 831-2644
- CYCLE CITY MAUI**
150 Dairy Road • Kahului, Hawaii 96732
(808) 877-7433 • Fax (808) 877-1871

COMPLETION AGREEMENT

This document represents completion of a purchase from CYCLE CITY, LTD. by:

_____ License No. _____ Serial No. _____

of a MAKE _____ and of any agreement as to repairs to be performed, parts, accessories, or terms other than specifically stated in the Purchase Agreement, and Conditional Sales Contract. Used Bikes are sold strictly AS IS unless otherwise noted on the Completion Agreement. This Completion Agreement MUST be presented within 30 days of purchase to CYCLE CITY, LTD. in order to receive items noted below. Due to insurance restrictions, a loan bike cannot be provided.

CUSTOMER

I fully understand that any repairs, parts or accessories, other than specifically stated below, will be at my expense. Also I fully understand that all repairs performed after my warranty, extended warranty or service contract expires, or on items not covered by the aforementioned, are guaranteed for a period of 30 days, except high performance modifications, non-factory products or batteries, or electrical components.

Special Terms or Conditions other than stated in Purchase Agreement and Conditional Sales Contracts _____

ALL SCHEDULED SERVICES MUST BE PERFORMED AS WARRANTY STATES OR WARRANTY WILL BE VOIDED. BREAK IN PROCEDURE MUST BE RIGIDLY FOLLOWED OR WARRANTY WILL BE VOIDED. Warranty is automatically void if anyone other than the selling dealer attempts to repair, modify, or tamper with the motorcycle. However, if motorcycle is shipped off the island, warranty will be honored by mainland authorized dealers on unmodified and untampered motorcycles. However, while in Hawaii (outer islands) warranty work must be done at CYCLE CITY, LTD. , Honolulu. Any shipping or barge expense must be paid by customer.

It is understood that I have examined the Motorcycle covered by this Completion Agreement and accept it in its present condition and agree that except as stated above, there are no warranties or representations, express or implied as to the condition of the vehicle, terms of the sale, mileage, year, model, style or series. It is understood that I am solely responsible for obtaining proper insurance coverage immediately upon the purchase of this vehicle.

CUSTOMER

I also understand that in the event any problems should arise in accordance with the terms of the Purchase Agreement, Conditional Sales Contract and Completion Agreement. I am to immediately communicate with THE SALES MANAGER in writing stating my grievances. A letter must be sent registered mail and addressed to THE SALES MANAGER before management will respond. I understand that, if, for any reason, I fail to complete this transaction, I will, if CYCLE CITY, LTD. , so elects and demands, pay to, in lieu of the enforcement of this agreement, as liquidated damages, a sum equal to twenty percent (20%) of the purchase price of the vehicle, and CYCLE CITY, LTD. , shall have the right to cancel this order and retain and apply any deposits, down payments and the value of an trade-in vehicles against such damages. If suit is commenced to enforce the performance of any part of this agreement, I shall pay to CYCLE CITY, LTD. , reasonable attorney fees. My signature hereon certifies that I have read, understand the contents, and am completely satisfied with the terms and conditions of the purchase of this vehicle, my entire transaction with CYCLE CITY, LTD. , the Purchase Agreement, Conditional Sales Contract and Completion Agreement. I certify that each document was completely filled out prior to my execution thereof and that I have received a copy of each document.

CYCLE CITY, LTD.

CUSTOMER

SPECIAL TERMS AND CONDITIONS OTHER THAN STATED IN PURCHASE AGREEMENT AND CREDIT SALE CONTRACT

Customer understands that they are receiving \$ _____ overallowance on their trade-in. Trade allowance shown on purchase

Resolution

No. _____

AUTHORIZING ACCEPTANCE OF DONATION OF SIX (6)
TREK BICYCLES TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE,
PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE

WHEREAS, Maui Hotel & Lodging Association wishes to donate two (2) 16" Trek police model bicycles, two (2) 18" Trek police model bicycles, and two (2) 19.5" Trek police model bicycles with an approximate value of \$5,321.45, including sales tax, to the Department of Police, County of Maui, as reflected in Exhibit "A" attached hereto; and

WHEREAS, the bicycles are for the Department of Police, Lahaina District; and

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

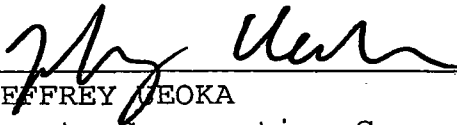
BE IT RESOLVED by the Council of the County of Maui:

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

Resolution No. _____

2. That certified copies of this resolution be transmitted to the Mayor; the Director of Finance; the Chief of Police; and Maui Hotel & Lodging Association.

APPROVED AS TO FORM
AND LEGALITY



JEFFREY NEOKA
Deputy Corporation Counsel
County of Maui

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Maui Hotel & Lodging
ASSOCIATION

August 6, 2013

Chief Gary Yabuta
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

cc
45
40
9/27
MAUI POLICE DEPARTMENT
2013 AUG 15 AM 10:13

RECEIVED

Dear Chief Yabuta,

It is my pleasure to inform you that the Maui Hotel & Lodging Association's Board of Directors agreed to provide funding to purchase 6 Trek Bikes for Maui Police Department's Lahaina District. We have approved a donation in the amount of \$5,321.45 to purchase the following from South Maui Bicycles:

- Two 16" Bikes
- Two 18" Bikes
- Two 19.5" Bikes

We understand from your letter dated May 28, 2013 that Frank Hatchett, owner of South Maui Bicycles, is offering special "at cost" pricing. Please let us know how we can proceed with the purchase of the bikes.

MHLA is glad to provide new equipment to "Maui's finest" to help you keep our community safe for our residents and visitors. We also welcome any publicity you might kindly disseminate as a result of this donation.

The Maui Hotel & Lodging Association is a nonprofit organization founded in 1987 to advocate for the Visitor Industry. The organization also provides educational opportunities and scholarships, and gives back to the community via the annual Visitor Industry Charity Walk, Excellence in Education golf tournament and Kupuna Dinner.

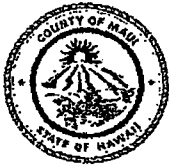
We wish you all the best,

Lisa H. Paulson
Executive Director

LHP/le

Enclosure

Cc: Gregg Lundberg



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

May 28, 2013

Mr. Gregg Lundberg
Maui Hotel Association
1727-B Wili Pa Loop
Wailuku, HI 96793-1285

Dear Mr. Lundberg:

The Maui Police Department is currently looking at expanding the Bicycle Patrol Program to the Lahaina District. We would be looking at purchasing six bicycles and mirroring the Kihei District Bicycle Patrol Program.

The police bike currently in use in Kihei is the Trek Police Bike and is available through South Maui Bicycles. The Trek Police Bike is white with "police" decals on the frame. The frame itself is "alpha gold aluminum" and has RockShox Recon Silver front suspension. The shop has agreed to sell us the bikes at-cost and order them along with their usual shipment, to cut the shipping costs for us. We would need to order six bikes, in varying frame sizes to accommodate the height range of officers. Through research, we have determined we need to order two 16" bikes, two 18" bikes, and two 19.5" bikes. Each bike retails for \$1319.99. Below is the price reflecting the "at cost" price that Frank Hatchett, the owner of South Maui Bicycles is offering again.

6 Trek Police Bikes	\$849.99 each	\$5,099.94
	Tax	<u>212.51</u>
		\$5,321.45

If you have any questions, please contact Captain Mollie Klingman of the Lahaina Patrol District at 661-4441.

Very truly yours,


GARY A. YABUTA
Chief of Police