

ALAN M. ARAKAWA
Mayor



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April 9, 2015

MEMO TO: Riki Hokama, Chair
Budget and Finance Committee

FROM : Jeffrey Ueoka, Deputy Corporation Counsel *JU*

SUBJECT: **FISCAL YEAR ("FY") 2016 BUDGET (CC-2) (BF-1)**

We are in receipt of your memorandum dated April 7, 2015, posing the following questions:

1. Explain whether the Council has the authority to enact an ordinance to establish a fee for inspections conducted periodically by the Department of Fire and Public Safety for the purpose of fire prevention, separate and apart from permit inspection fees already in place. (RH/MW)

Section 132-6, Hawaii Revised Statutes ("HRS"), requires that the County fire chief conduct periodic inspections of, "all buildings, premises, and public thoroughfares, except the interiors of private dwellings and state-owned airport facilities, for the purpose of ascertaining and using to be corrected any conditions liable to cause fire or any violation of any law, ordinance, rule, or order relating to fire hazard or to the prevention of fires." The section does not specifically address the authority to establish and charge a fee for these inspections. However, because Section 46-1.5(8), HRS, states, "[e]ach county shall have the power to fix the fees and charges for all official services not otherwise provided for[,]" we believe the Council has the authority to enact an ordinance to establish the subject fee.

2015-6 (PUBLISHED)

Riki Hokama, Chair
April 9, 2015
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2. Provide a copy of the Memorandum of Understanding between the State of Hawaii and the County of Maui by which the County provides lifeguard services at Makena Beach. (RH)

Please see attached

APPROVED FOR TRANSMITTAL:



PATRICK K. WONG
Corporation Counsel

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



RECEIVED
STATE PARKS

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

56128
56167
WILLIAM J. AHLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER DISTRICT MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAAI
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIKOOLOA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 14, 2014

Ms. Brienne Savage, Acting Director
Department of Parks and Recreation
700 Hali'a Nakoia Street, Unit 2
Wailuku, Hawaii 96793

Dear Ms. Savage:

The purpose of this letter is to serve as the sixth written amendment to the Memorandum of Agreement for Lifeguard Services (MOA) made and entered into on July 3, 2008, as amended on July 22, 2009, June 28, 2010, June 16, 2011, June 8, 2012, and June 7, 2013 between the State of Hawaii and the County of Maui for Makena Beach.

We acknowledge that you have requested additional funds for Makena lifeguard services and have received additional funds for this purpose from the Legislature. The available funding is limited to \$606,469 for this amendment. We hope you are able to continue to provide lifeguard services at Makena under the following conditions:

1. This amendment will be for lifeguard services at Makena Beach State Recreation Area, Island of Maui, from July 1, 2014 through June 30, 2015, provided that the State may cancel the contract at any time with 30 days written notice.
2. Funds to be transmitted to the County of Maui under this amendment shall total \$606,469 for the year, subject to the availability of funds, but shall be transferred in quarterly increments payable at the beginning of each quarter.
3. Funding under this amendment can be used for Water Safety Officer positions, equipment, services and supplies.
4. In compliance with Section C-5 of the MOA, the County will submit a written detailed financial statement to the State by August 29, 2015 covering the 2014-2015 agreement period.

Ms. Brianne Savage, Acting Director
MOA, 6th Amendment
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5. The effective date of this amendment is July 1, 2014.
6. All other terms and conditions of the MOA shall remain unchanged.

Please sign and date below and return the original to us. Your staff may call Mr. Daniel S. Quinn at 587-0290, if there are any questions.

Sincerely,



WILLIAM J. AILA, JR.
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:


DEPUTY ATTORNEY GENERAL

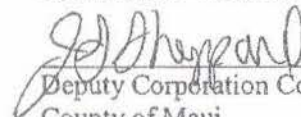
Date: 6/23/14

ACKNOWLEDGED:


ALAN M. ARAKAWA
Mayor, County of Maui

Date: 6/16/14

APPROVED AS TO
FORM AND LEGALITY:


Deputy Corporation Counsel
County of Maui

Date: 6/6/14

RECOMMEND APPROVAL:


Director, Department of Parks
And Recreation, County of Maui

Date: 6/10/14