

**COUNCIL OF THE COUNTY OF MAUI**

**POLICY, ECONOMIC DEVELOPMENT,  
AND AGRICULTURE COMMITTEE**

February 2, 2018

**Committee  
Report No. \_\_\_\_\_**

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

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on November 27, 2017, and January 22, 2018, makes reference to County Communication 17-450, from the Fire Chief, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 183 PAIRS OF OLUKAI FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE."

The purpose of the proposed resolution is to authorize the acceptance of 183 donated pairs of Olukai footwear, valued at \$15,738, from the Hawaiian Lifeguard Association, to provide protective footwear for all County ocean safety officers employed in the lifeguard division.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 183 PAIRS OF OLUKAI FOOTWEAR TO THE OCEAN SAFETY PROGRAM OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," approved as to form and legality, incorporating nonsubstantive revisions.

Your Committee notes Section 3.56.030, Maui County Code ("MCC"), requires Council approval by resolution of any gift or donation to the County.

The Fire Chief said Hawaiian Lifeguard Association has donated footwear for County ocean safety personnel use annually for the past four years. The footwear manufacturer, Olukai, provides the footwear to the

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Hawaiian Lifeguard Association, which in turn donates the footwear to the County.

According to the Hawaiian Lifeguard Association's website, one of the organization's objectives is to actively support and promote the improvement and progression of lifesaving throughout the State of Hawaii. The Hawaiian Lifeguard Association has made similar donations to the County of Kauai, County of Hawaii, and the City and County of Honolulu for their respective ocean safety personnel.

A Deputy Corporation Counsel confirmed the donation is not an endorsement of Olukai by the County. The Deputy identified a typographical error in the Department's correspondence dated December 5, 2017, which erroneously stated the use of the donated footwear by ocean safety officers is an endorsement of Olukai.

Through the same correspondence, the Deputy confirmed the donation would not constitute a sponsorship under Section 13.04A.430, MCC.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Sugimura, Vice-Chair Crivello, and members Carroll, Cochran, Guzman, and Hokama voted "aye." Committee members Atay, King, and White were excused.

By correspondence dated January 23, 2018, the Department of the Corporation Counsel reconfirmed an inconsistency in the Department's correspondence dated December 5, 2017, further clarifying that while Olukai is displayed on the footwear, the use of the donated footwear by ocean safety officers is not an endorsement of the footwear manufacturer by the County.

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# POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE

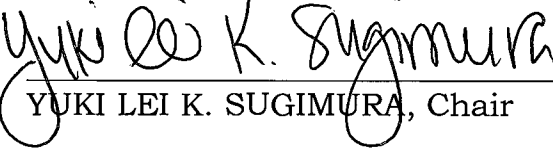
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Your Policy, Economic Development, and Agriculture Committee  
RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 183 PAIRS OF OLUKAI FOOTWEAR TO THE OCEAN SAFETY PROGRAM OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 17-450 be FILED.

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

  
\_\_\_\_\_  
YUKI LEI K. SUGIMURA, Chair

# Resolution

No. \_\_\_\_\_

AUTHORIZING ACCEPTANCE OF THE DONATION OF  
183 PAIRS OF OLUKAI FOOTWEAR TO THE OCEAN SAFETY  
PROGRAM OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY,  
PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE

WHEREAS, the Hawaiian Lifeguard Association wishes to donate 183 pairs of Olukai footwear to the Ocean Safety Program of the Department of Fire and Public Safety, as reflected in Exhibit "1", attached hereto; and

WHEREAS, the estimated value of the 183 pairs of Olukai footwear is approximately \$15,738.00; and

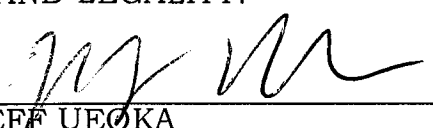
WHEREAS, the 183 pairs of Olukai footwear is donated to provide protective footwear for all ocean safety officers employed in the Ocean Safety Program; and

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 Fire Chief, and Hawaiian Lifeguard Association.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JEFF UEOKA  
Deputy Corporation Counsel  
County of Maui  
2017-0098  
2017-12-05 Resolution



# HAWAIIAN LIFEGUARD ASSOCIATION

July 10, 2017

To Whom It May Concern:

The Hawaiian Lifeguard Association (HLA) is a non-profit organization established to support professional lifeguards in the State of Hawaii in their efforts to reduce the incidence of drownings and aquatic injuries at our beaches and to promote ocean safety education programs.

The HLA is registered with the IRS as a 501(c)(3) tax-exempt organization and with the State of Hawaii as a non-profit educational corporation.

The HLA wishes to donate 183 pairs of Olukai footwear to the Ocean Safety Bureau of the Maui Department of Fire and Public Safety to provide protective footwear for all ocean safety officers employed in the lifeguard division.

The total retail value of the donation is \$15,738.00

Ralph S. Goto

For the Board of Directors

P.O. Box 283324 • Honolulu, Hawaii 96828 • (808) 922-3888  
Facsimile (808) 922-6411 • Email: [lifeguards@aloha.com](mailto:lifeguards@aloha.com)

EXHIBIT " 1 "