

ALAN M. ARAKAWA  
Mayor



KA'ALA BUENCONSEJO  
Director

BRIANNE L. SAVAGE  
Deputy Director

(808) 270-7230  
Fax (808) 270-7934

**DEPARTMENT OF PARKS AND RECREATION**

700 Hali'a Nakoa Street Unit 2, Wailuku, Hawaii 96793

September 15, 2017

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Don S. Guzman, Chair  
Parks, Recreation, Energy, and Legal Affairs Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

*Alan Arakawa* 9/15/17  
Mayor Date

Dear Chair Guzman:

**SUBJECT: AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2017-2021 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE (PRL-5)**

Pursuant to your letter dated September 12, 2017, requesting information regarding the issuance of permits greater in duration than five (5) consecutive days for the Aloha Classic Windsurfing Tournament, we have included as attachments to this response copies of the following documents:

1. The permit issued for the 2016 Aloha Classic Windsurfing Tournament.
2. The indemnity agreement that was utilized in 2016, and the proposed indemnity agreement that will be applied for 2017, should Council authorize the extended duration.

To address your other inquires:

3. The Aloha Classic Windsurfing Tournament is categorized as a Special Event.
  - a. The corresponding fees and deposits originally assessed for the 2016 event were as follows: \$100 custodial deposit for Ho'okipa Beach Park and a total of \$2,100 in rental fees. However, due to unsafe weather conditions, the tournament was only able to use eight of the permitted dates. This resulted in a refund of rental fees in the amount of \$900, leaving a total of \$1,200 paid in rental fees.

Honorable Don S. Guzman  
Chair, PRL Committee  
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- b. Charges for each year will be in accordance to the rates and fees approved through the annual budget process and assessed during the corresponding application process each year. For 2017, the charges (if the extended duration is approved) would be: \$100 custodial deposit and \$2,250 in rental fees.
4. It is important to note that the Department of Parks and Recreation (DPR) is requesting only that the Council consider granting permission to DPR to consider, and possibly approve, a special event application for the Aloha Classic Windsurfing tournament that is in excess of the five (5) consecutive days allowed, as required by the Maui County Code 13.04A.100(D). The proposed resolution covers a five (5) year period as the DPR recognizes that upcoming requests for this event will continue to exceed five (5) consecutive days in length. All other aspects of the annual application process for a special event permit will remain the same.

Should you have any questions or require additional information on this item, please contact me at (808) 270-7230.

Sincerely,



KA'ALA BUENCONSEJO  
Director of Parks and Recreation

Attachments

c: General File  
Kaeo Ah Sau, Chief of Recreation  
Lisa Almeida, Park Permits Officer  
Ashley DeCastro, Special Events Specialist  
Aloha Classic Event File

KB:LA:ad

**Permit Contract**

**Department of Parks & Recreation - Permit Office**  
 700 Halia Nakoia St Unit 2  
 Wailuku, HI 96793  
 Phone: (808) 270-7389  
 FAX: --  
 Email: --

**Permit #8210, Approved**  
 Oct 26, 2016 11:52 AM



**Company:** US Windsurfing Association, Inc.  
 1001 Gulf Boulevard  
 Clearwater, FL 33767

**Agent:** Samantha Bittner

Customer Type: Non-Profit Organization  
 Prepared By: Ashley DeCastro

Home: (808) 280-4419

Charges	Taxes	Discounts	Charge Adjustment for Refund	Total Charges	Deposits	Deposit Taxes	Total Payments	Refunds	Balance
\$2,100.00	\$0	\$0	(\$900.00)	\$1,200.00	\$0	\$0	(\$2,100.00)	\$900.00	\$0

**RESERVATIONS**

Event	Resource	Center	Notes
2016 Aloha Classic Windsurfing Tournament #8210 Type: Special Event Attend/Qty: 5000	Hookipa Beach Park	Ho'okipa Beach Park Mile 9, Hana Highway Paia, HI, US 96779 +1 (808) 572-8122	--

Day	Days Requested	Date	Event Begins	Duration	Event Ends	Date	Time
Monday		Oct 31, 2016	8:00 AM	11 hours		Oct 31, 2016	7:00 PM
Tuesday		Nov 1, 2016	8:00 AM	11 hours		Nov 1, 2016	7:00 PM
Wednesday		Nov 2, 2016	8:00 AM	11 hours		Nov 2, 2016	7:00 PM
Thursday		Nov 3, 2016	8:00 AM	11 hours		Nov 3, 2016	7:00 PM
Friday		Nov 4, 2016	8:00 AM	11 hours		Nov 4, 2016	7:00 PM
Saturday		Nov 5, 2016	8:00 AM	11 hours		Nov 5, 2016	7:00 PM
Sunday		Nov 6, 2016	8:00 AM	11 hours		Nov 6, 2016	7:00 PM
Monday		Nov 7, 2016	8:00 AM	11 hours		Nov 7, 2016	7:00 PM
Tuesday		Nov 8, 2016	8:00 AM	11 hours		Nov 8, 2016	7:00 PM
Wednesday		Nov 9, 2016	8:00 AM	11 hours		Nov 9, 2016	7:00 PM
Thursday		Nov 10, 2016	8:00 AM	11 hours		Nov 10, 2016	7:00 PM
Friday		Nov 11, 2016	8:00 AM	11 hours		Nov 11, 2016	7:00 PM
Saturday		Nov 12, 2016	8:00 AM	11 hours		Nov 12, 2016	7:00 PM
Sunday		Nov 13, 2016	8:00 AM	11 hours		Nov 13, 2016	7:00 PM

Summary	Notes
Total Number of Dates: 14	- Jet ski must be in the water before the competition on the water begins.
Total Time: 154 hours	- The lifeguard tower must remain clear and open underneath as well as all emergency access routes.
	- No power shall be provided to the event from the lifeguard tower.
	- No event personnel, spectators, competitors, etc are allowed on the lifeguard tower during the event.
	- Event should check in daily with the Ocean Safety Officers on site.
	- Event will check in daily with the East District permit office at 572-8122 to communicate if the event taking place each day.

**CHARGES**

Description	Event / Resource	Unit Fee	Units	Tax	Charge
Non-Profit Park Use Rental Fee	2016 Aloha Classic Windsurfing Tournament #8210 Hookipa Beach Park	\$150.00	14.00	--	\$2,100.00

**Payments and Refunds**

Receipt #	Date	Charge Description	Resource Event	Payment
1003780.002	Oct 25, 2016	Non-Profit Park Use Custodial Deposit	Hookipa Beach Park 2016 Aloha Classic Windsurfing Tournament #8210	\$100.00
2001780.002	Jan 23, 2017	Non-Profit Park Use Custodial Deposit	Hookipa Beach Park Credit for 2016 Aloha Classic Windsurfing Tournament #8210- Non-Profit Park Use Custodial Deposit	(\$100.00)
1003780.002	Oct 25, 2016	Non-Profit Park Use Rental Fee	Hookipa Beach Park 2016 Aloha Classic Windsurfing Tournament #8210	\$2,100.00
3008156.002	Jan 23, 2017	Non-Profit Park Use Rental Fee	Hookipa Beach Park Credit for 2016 Aloha Classic Windsurfing Tournament #8210- Non-Profit Park Use Rental Fee	(\$2,100.00)
3008156.002	Jan 23, 2017	Non-Profit Park Use Rental Fee	Hookipa Beach Park 2016 Aloha Classic Windsurfing Tournament #8210	\$2,100.00
2001779.002	Jan 23, 2017	Non-Profit Park Use Rental Fee	Hookipa Beach Park Credit for 2016 Aloha Classic Windsurfing Tournament #8210- Non-Profit Park Use Rental Fee	(\$900.00)

**WORKFLOW STAGES**

Description	Status	Event
DPR Permits - Special Events	Approved	2016 Aloha Classic Windsurfing Tournament #8210
Application Request - Permit Office	Approved	2016 Aloha Classic Windsurfing Tournament #8210
Application Request - Special Events	Approved	2016 Aloha Classic Windsurfing Tournament #8210
Application Request - East District	Approved	2016 Aloha Classic Windsurfing Tournament #8210

Terms & Conditions: This agreement, when signed by the applicant and a representative of the County of Maui, constitutes a contractual agreement binding both parties to certain obligations. The applicant agrees to observe and obey all County of Maui's rules and regulations. In addition, it shall be the responsibility of the applicant to pay the required fees at the time of reservation. Custodial deposits shall be refundable after the activity upon determination by the department that the cleaning and restoration of the facilities or park have been satisfactorily performed.

Cancellation Policy: Notice of cancellation shall be given in person, or by returning the permit not less than \_\_\_\_\_ calendar days prior to a scheduled usage of parks/facility; if no notice is given, there shall be a cancellation fee charged equal to \_\_\_\_\_ of the custodial deposit.



**RELEASE, ACKNOWLEDGMENT AND  
INDEMNIFICATION**

I, the undersigned, also known as the Permittee, have been granted permission by the COUNTY OF MAUI to use the facility as permitted on this permit, also known as Facility, for the event to be held on the date(s) as stated on the abovementioned permit, do hereby agree for itself, its agent and assigns as follows:

Permittee shall defend, indemnify, and hold the COUNTY OF MAUI, its departments and employees from and against all loss, liability, claims and demands for injury or damage, including but not limited to claims for property damage, personal injury or wrongful death, arising out of, or in connection with, said usage of the abovementioned Facility and shall reimburse the COUNTY OF MAUI for its costs and expenses, including reasonable attorney fees, in connection with any defense of any such claim.

Permittee further agrees that in case the COUNTY OF MAUI shall without any fault on its part be made party of any litigation commenced by or against the undersigned, then it will defend the COUNTY OF MAUI in any such litigation and will pay all costs and expenses, including attorney fees, should any such costs and expenses be incurred by or imposed on the COUNTY OF MAUI by, or in connection with, such litigation.

Permittee acknowledges all defects in said Facility, if any, and assumes any and all risks that may arise from the use of said Facility.

Permittee shall repair or cause to be repaired all damage, if any, to the Facility.

I have read and accept all the terms and conditions of this permit and do hereby agree to follow all rules and regulations set forth by the COUNTY OF MAUI and the STATE OF HAWAII.

IN WITNESS WHEREOF, USWA and the COUNTY OF MAUI have executed this Release,

Acknowledgment and Indemnification this 12<sup>th</sup> day of July, 2016.

BY: Sam Bett  
Sam Bettner

State of Hawaii }  
                                  } SS.  
County of Maui }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Witness my hand and seal:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

my commission expires: \_\_\_\_\_



**RELEASE, ACKNOWLEDGMENT AND  
INDEMNIFICATION**

SB I, the undersigned, also known as the Permittee, have been granted permission by the COUNTY OF MAUI to use the facility as permitted on this permit, also known as Facility, for the event to be held on the date(s) as stated on the abovementioned permit, do hereby agree for itself, its agent and assigns as follows:

SB Permittee shall defend, indemnify, and hold the COUNTY OF MAUI, its departments and employees from and against all loss, liability, claims and demands for injury or damage, including but not limited to claims for property damage, personal injury or wrongful death, arising out of, or in connection with, said usage of the abovementioned Facility and shall reimburse the COUNTY OF MAUI for its costs and expenses, including reasonable attorney fees, in connection with any defense of such claim.

SB Permittee further agrees that in case the COUNTY OF MAUI shall without any fault on its part be made party of any litigation commenced by or against the undersigned, then it will defend the COUNTY OF MAUI in any such litigation and will pay all costs and expenses, including attorney fees, should any such costs and expenses be incurred by or imposed on the COUNTY OF MAUI by, or in connection with, such litigation.

SB Permittee acknowledges all defects in said Facility, if any, and assumes any and all risks that may arise from the use of said Facility.

SB Permittee shall repair or cause to be repaired all damage, if any, to the Facility.

I have read and accept all the terms and conditions of this permit and do hereby agree to follow all rules and regulations set forth by the COUNTY OF MAUI and the STATE OF HAWAII.

**Sam Bittner**

(Applicant Name)

(Applicant Signature)

**9/12/17**

(Date)

Council Chair  
Milke White

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Stacy Crivello

Councilmembers  
Alika Atay  
Elle Cochran  
Don S. Guzman  
Riki Hokama  
Kelly T. King  
Yuki Lei K. Sugimura



Director of Council Services  
Sandy K. Baz

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

September 12, 2017

Mr. Kaala Buenconsejo, Director  
Department of Parks and Recreation  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Buenconsejo:

**SUBJECT: AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2017-2021 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE (PRL-5)**

At its meeting of September 8, 2017, the Council referred County Communication 17-366 to the Parks, Recreation, Energy, and Legal Affairs Committee, transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2017-2021 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE."

Because the dates of the proposed 2017 tournament begin in October, I intend to schedule this matter for consideration at the September 19, 2017, Committee meeting.

May I please request the following information:

1. Please provide a copy of last year's permit for the Aloha Classic Windsurfing Tournament.
2. Provide a copy of the indemnity agreement for the tournament last year, and your proposed indemnity agreement for 2017, should the Council authorize the permit.

Mr. Kaala Buenconsejo  
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3. Please indicate which category this permit falls under and the corresponding amount of fees that were charged last year for the permit, as well as the amount of fees that would be charged for 2017. Would the proposed five-year permit for 2017-2021 require a single fee be paid in 2017, or would there be a fee for each of the four ensuing years?
4. Any other information you feel would be helpful in the Committee's evaluation of the request.

I would appreciate receiving your response by **September 18, 2017**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Thank you for your assistance with this matter. Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7659, or Pauline Martins at ext. 8039).

Sincerely,



DON S. GUZMAN, Chair  
Parks, Recreation, Energy, and Legal  
Affairs Committee

pri:ltr:005apr01:cmn

cc: Mayor Alan M. Arakawa