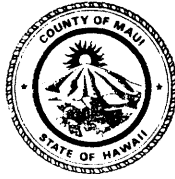


ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
FIRE CHIEF

LIONEL W. MONTALVO
DEPUTY FIRE CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, HI 96732
(808) 270-7561
Fax (808) 270-7919
Email: fire.dept@mauicounty.gov

August 21, 2018

Mr. Sananda Baz
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Al Arakawa 8/22/18

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

For Transmittal to:

Honorable Riki Hokama
Chair, Budget and Finance Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Hokama:

SUBJECT: MAKENA LIFEGUARD SERVICES (BF-83)

In reply to your letter dated August 9, 2018, we have prepared a response that answers your questions and concerns regarding the Makena lifeguard services.

1. *The eleventh amendment to the Memorandum of Agreement for Lifeguard Services ("MOA") at Makena Beach State Recreation Area between the County of Maui and the Department of Land and Natural Resources expired on June 30, 2018. Does the County have an MOA for Lifeguard Services beginning July 1, 2018? If so, provide a copy of the MOA. If not, explain why there is a no MOA.*

Please see attachment "D".

2. *If an MOA has not been executed and lifeguard services are continuing at Makena Beach, please explain under what authority this is being done and any other terms under which the County is providing services. Furthermore, provide the amount that the County has advanced for the services to date.*

An MOA has been executed. Please see attachment "A".

PROCESSED
2018 AUG 22 10 10 AM
COUNTY OF MAUI

Honorable Alan M. Arakawa
For Transmittal to:
Honorable Riki Hokama
August 21, 2018
Page 2

3. *Has the County received full reimbursement for FY 2018? If so, provide the amount received. If not, how much is still outstanding and provide the reason for nonpayment.*


As of June 30, the \$528,029.32 provided through the 11th amendment of the MOA has a shortfall of \$3005.30 from salaries, premium pay and fringe that will be reflected in a decreased amount applied to fringe benefits. \$14,816.18 in operating expenses were paid with Ocean Safety funds as a B-account was not set up for Makena Beach

4. *Provide the final expenditures for Makena Beach Lifeguard Services for Fiscal Year 2018. Include salaries, fringe benefits, operations, and equipment. Indicate whether the expenses were paid for by the funds designated in the MOA or if County funds were used.*

Please refer to attachments "A", "B", & "C".

If you have any questions or require additional information, please feel free to contact me. We look forward to working with the Council on these important issues.

Sincerely,



LIONEL W. MONTALVO
Deputy Fire Chief

Attachments

xc: Valeriano Martin, Assistant Fire Chief of Support Services (pdf w/att.)
Kevin McAfee, Battalion Chief of Ocean Safety (pdf w/att.)

Attachment "A" MAKENA - FY2018 As of 06/25/18

\$14,816.18

DATE OF INVOICE	PO #	VENDOR	Location	Equipment#	REMARKS	INVOICE #	PAID	SubObject	TOTAL	BALANCE
7/21/17	358044	Soto's Security	MAKENA		MAKENA - Monthly Monitoring - Aug			6146	\$ 50.00	\$ (50.00)
07/03/17	PC - ZE	Performance Watercraft	MAKENA		MAKENA - Jet Ski Cover			6031	\$ 220.00	\$ (270.00)
07/16/17	PC - ZE	Med. Ed. & Co	MAKENA		MAKENA - AED Battery			6034	\$ 210.16	\$ (480.16)
07/20/17	PC - ZE	Housemart Kihai Ace	MAKENA		MAKENA - Lock Key Safe			6031	\$ 38.36	\$ (518.52)
07/25/17	PC - ZE	Pacific Sign & Design	MAKENA		MAKENA - Decals for Jet Ski HA0366			6035	\$ 307.86	\$ (826.38)
08/02/17	358541	Rainbow Rentals	MAKENA		MAKENA - Lua Rental - Makena - 7/10-8/6	A-47100		6235	\$ 250.00	\$ (1,076.38)
08/03/17	358582	Harmer Radio	MAKENA		MAKENA - Labor - Intermittent Mic on Siren	38104		6138	\$ 221.35	\$ (1,297.73)
08/15/17	359057	Rainbow Rentals	MAKENA		MAKENA - Lua Rental - Makena - 8/7-9/3	A-47387		6235	\$ 250.00	\$ (1,547.73)
08/21/17	359225	Sotos	MAKENA		MAKENA - Monitoring Fee - Makena 9/1	35078		6146	\$ 50.00	\$ (1,597.73)
08/21/17	FIREOSB18-001	OfficeMax	MAKENA		MAKENA - Paper Towels for All Districts			6024	\$ 18.70	\$ (1,616.43)
8/24/2017	359380	Harmer Radio	MAKENA		MAKENA - Microphone & Labor			6138	\$ 271.87	\$ (1,888.30)
7/18/2017	357879	Clinical Laboratories	MAKENA		MAKENA - Drug Testing			6132	\$ 36.00	\$ (1,924.30)
8/7/2017	358707	DLJJ LLC	MAKENA		MAKENA - Modify 2017 Yamaha Wave Runner			6138	\$ 989.58	\$ (2,913.88)
08/02/17	PC - ZE	Menehune Water	MAKENA		MAKENA - Drinking Water			6035	\$ 155.25	\$ (3,069.13)
09/11/17	360065	Rainbow Rentals	MAKENA		MAKENA - Lua Rental - Makena - 9/4-10/1	A-47667		6235	\$ 250.00	\$ (3,319.13)
09/15/17	360352	Sotos	MAKENA		MAKENA - Monitoring Fee - Makena 10/1	35402		6146	\$ 50.00	\$ (3,369.13)
9/7/17	359830	No 9 Welding & Metal S	MAKENA	Kawasaki Mule	MAKENA - Aluminum Tread Plate for Sheet for Bed			6031	\$ 572.91	\$ (3,942.04)
9/13/17	360074	Performance Watercraft	MAKENA	Kawasaki Mule	MAKENA - Service Engine, Change Oil Filter, etc.			6138	\$ 522.91	\$ (4,464.95)
9/28/17	360730	Performance Watercraft	MAKENA	Polaris 6X6	MAKENA - Service Change Oil/Filter, Replace Spark Plugs, Park Brake Caliper			6138	\$ 205.72	\$ (4,670.67)
9/27/17	360690	Service Rentals & Suppl	MAKENA	Polaris 6X6	MAKENA - Shock-Rear			6005	\$ 708.29	\$ (5,378.96)
09/06/17	PC - ZE	United Auto Parts	MAKENA		MAKENA - Interlock Trailer & Ball Mou			6005	\$ 42.17	\$ (5,421.13)
10/3/2017	361007	Harmer Radio	MAKENA		MAKENA - Battery Eliminator, USB Jack, and L	0717		6138	\$ 367.97	\$ (5,789.10)
10/9/2017	361227	Rainbow Rentals	MAKENA		MAKENA - Lua Rental - Makena - 10/2-10/29	A-47939		6235	\$ 250.00	\$ (6,039.10)
10/9/2017	361086	Performance Watercraft	MAKENA	Polaris Ranger 570	MAKENA - Service on Polaris Ranger 570			6138	\$ 156.25	\$ (6,195.35)
08/02/17	358538	Sotos	MAKENA		MAKENA - Monitoring Fee - Makena 11/1	35734		6146	\$ 50.00	\$ (6,245.35)
10/23/17	PC - ZE	Menehune Water	MAKENA		MAKENA - Drinking Water Aug. & Sep			6035	\$ 322.13	\$ (6,567.48)
11/14/17	362672	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 10/30/17-11/26/17	A-48210		6235	\$ 250.00	\$ (6,817.48)
11/20/2017	362960	Sotos	MAKENA		MAKENA - Monitoring Fee - Makena 12/1	36014B		6146	\$ 45.93	\$ (6,863.41)
11/30/17	363321	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 11/27/17-12/24/17	A-48484		6235	\$ 250.00	\$ (7,113.41)
12/15/17	PC - ZE	Menehune Water	MAKENA		MAKENA - Drinking Water Aug. & Sep.			6035	\$ 119.54	\$ (7,232.95)
01/05/18	364494	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 12/25/17-1/21/18	A-48759		6235	\$ 250.00	\$ (7,482.95)
01/05/18	364493	Soto's Security	MAKENA		MAKENA - Monitoring Fee - Makena 12/1	36014B		6146	\$ 45.93	\$ (7,528.88)
01/01/18	PC - ZE	Wal-Mart	MAKENA		MAKENA - 3 Gallon Air Compressor			6031	\$ 59.25	\$ (7,588.13)
01/22/18	PC - ZE	Housemart Kihai Ace	MAKENA		MAKENA - Squeega, Steel/Wool Wire Brush, etc.			6031	\$ 59.67	\$ (7,647.80)
2/16/2018	366154	Soto's Security	MAKENA		MAKENA - Monthly Monitoring Fee - 3/1/18	36670		6146	\$ 50.00	\$ (7,697.80)
2/27/2018	366526	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 2/19/18-3/18/18	A-49291		6235	\$ 250.00	\$ (7,947.80)
1/29/2018	365416	Soto's Security	MAKENA		MAKENA - Monthly Monitoring Fee - 2/1/18	36591		6146	\$ 50.00	\$ (7,997.80)
1/29/2018	364878	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 1/22/18-2/18/18	A-49023		6235	\$ 250.00	\$ (8,247.80)
02/21/18	366212	DLJJ LLC	MAKENA	HA0341XC	MAKENA - RAM to Jet Ski JS14			6138	\$ 937.49	\$ (9,185.29)
02/28/18	366622	DLJJ LLC	MAKENA	HA0341XC/CM26	MAKENA - Labor & Parts for Jet Ski & Trailer			6138	\$ 520.83	\$ (9,706.12)
01/26/18	PC - ZE	Medical Education & Co	MAKENA		MAKENA - Adult Bag Valve Resuscitator			6034	\$ 161.46	\$ (9,867.58)
01/29/18	PC - ZE	Housemart Kihai Ace	MAKENA		MAKENA - Signs and Rope			6031	\$ 24.16	\$ (9,891.74)
02/01/18	PC - ZE	Valley Isle Marine	MAKENA		MAKENA - Bunk Boards, Brackets, Cleat Base			6031	\$ 142.62	\$ (10,034.36)
02/02/18	PC - ZE	Menehune Water	MAKENA		MAKENA - Drinking Water Makena			6035	\$ 126.57	\$ (10,160.93)
02/20/18	PC - CY	OfficeMax	MAKENA		MAKENA - Chairs for Towers (4)			6060	\$ 418.60	\$ (10,579.53)
03/19/18	367324	Soto's	MAKENA		MAKENA - Monthly Monitoring Fee 4/1/18	37171		6146	\$ 50.00	\$ (10,629.53)
4/3/18	367791	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals	A-49023		6235	\$ 250.00	\$ (10,879.53)
03/08/18	PC - ZE	Marmac Ace Hardware	MAKENA		MAKENA - Safety Cones			6031	\$ 319.57	\$ (11,199.10)
03/08/18	PC - ZE	OfficeMax	MAKENA		MAKENA - Pens			6031	\$ 29.77	\$ (11,228.87)
03/13/18	PC - ZE	Housemart Kihai Ace	MAKENA		MAKENA - High Back Chairs			6037	\$ 45.81	\$ (11,274.68)
04/23/18	368624	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 4/16/18-5/13/18	A-49799		6146	\$ 250.00	\$ (11,524.68)
4/6/2018	PC - ZE	Menehune Water	MAKENA		MAKENA - Drink Water Makena			6035	\$ 246.11	\$ (11,780.79)
4/11/2018	PC - ZE	Housemart Kihai Ace	MAKENA		MAKENA - Fastners, Marine Grease, Duct Tape			6031	\$ 55.75	\$ (11,836.54)
4/11/2018	PC - ZE	Marmac Ace	MAKENA		MAKENA - Flag Safety Reinforcements			6031	\$ 70.75	\$ (11,907.29)
4/19/2018	PC - ZE	Valley Isle Marine	MAKENA		MAKENA - Mariner White 5 BC Pindicato			6031	\$ 91.64	\$ (11,998.93)
4/21/2018	PC - ZE	Medical Education & Co	MAKENA		MAKENA - Ice Packs, Hot Packs, Triangular Bandage			6034	\$ 128.54	\$ (12,127.47)
5/1/2018	368981	Soto's	MAKENA		MAKENA - Monthly Monitoring Fee 5/1/18	37470		6146	\$ 50.00	\$ (12,177.47)
5/21/2018	369656	Soto's	MAKENA		MAKENA - Monthly Monitoring Fee 6/1/18	37758		6146	\$ 50.00	\$ (12,227.47)
5/14/2018	369055	Pagan, Michael	MAKENA		MAKENA - Repairs to Tower			6135	\$ 364.56	\$ (12,592.03)
5/23/2018	369736	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 5/14/18-6/10/18	A-50057		6235	\$ 250.00	\$ (12,842.03)
04/30/18	PC - ZE	Medical Education & Co	MAKENA		MAKENA - Adhesive 1"x3" Fabric Strips			6034	\$ 81.25	\$ (12,923.28)
05/18/18	PC - ZE	Marmac Ace	MAKENA		MAKENA - Cold Galvanize, Spray Lubricant, Furnal, etc.			6031	\$ 103.63	\$ (13,026.91)
05/29/18	PC - ZE	Pacific Pipe Company	MAKENA		MAKENA - PVC Pipes, Primer, Cement, etc.			6031	\$ 419.11	\$ (13,446.02)
06/15/18	PC - ZE	Bowman	MAKENA		MAKENA - Initial Pest Control - June			6138	\$ 343.75	\$ (13,789.77)
06/15/18	PC - ZE	Menehune Water	MAKENA		MAKENA - Drinking Water April/May			6035	\$ 217.98	\$ (13,997.75)
06/11/18	PC - ZE	Medical Education & Co	MAKENA		MAKENA - AED Adult Defib. Pads (8)			6034	\$ 216.25	\$ (14,214.00)
06/13/18	PC - ZE	Medical Education & Co	MAKENA		MAKENA - AED Infant/Child Defib. Pads (4)			6034	\$ 354.16	\$ (14,568.16)
06/19/18	370865	Rainbow Rentals	MAKENA		MAKENA - Lua Rentals 5/14/18-6/10/18	A-50057		6235	\$ 250.00	\$ (14,818.16)

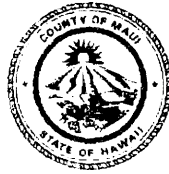
**FY '18 Makena Beach
Salaries & Wages
\$1,056,058.64**

	7/15/17	7/31/17	8/15/17	8/31/17	9/15/17	9/30/17	10/15/17	10/31/17	11/15/17	11/30/17	12/15/17	12/31/17	TOTAL
Salary	24,069.00	24,069.00	23,986.90	24,069.00	24,069.00	24,069.00	24,069.00	24,069.00	24,069.08	24,069.00	24,069.10	24,069.00	288,746.08
Premium Pay	4851.24	1927.13	4864.18	3091.75	2301.85	5167.85	4812.57	2633.08	3189.41	2424.1	4971.76	4704.28	44,939.20
Fringe Benefits	19931.5389	19931.54	19863.5519	19931.54	19931.54	19931.54	19931.54	19931.54	19931.61	19931.54	19931.62	19931.54	239,110.63
1st & 2nd Quarter Total Balance	\$528,029.32												572,795.91
													(\$44,766.59)

	1/15/18	1/31/18	2/15/18	2/28/18	3/15/18	3/31/18	4/15/18	4/30/18	5/15/18	5/31/18	6/15/18	6/30/18	TOTAL
Salary	24,069.00	24,069.00	24,069.00	24,069.00	24,069.00	24,069.00	24,069.00	23,302.50	23,302.50	23,589.50	23,015.50		261,693.00
Premium Pay	1945.55	5768.77	5866.44	2637.69	2097.05	4055.21	1714.72	6451.18	1641.72	1019.09	1305.72		34,503.14
Fringe Benefits	19931.5389	19931.54	19931.5389	19931.54	19931.54	19931.54	19931.54	19296.8	19296.8	19534.46	19059.14	0	216,707.97
3rd & 4th Quarter Total Balance	\$528,029.32												512,904.11
													\$15,125.21

All Quarters Total Balance	\$1,056,058.64												\$1,085,700.02
													(\$29,641.38)

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
FIRE CHIEF

LIONEL W. MONTALVO
DEPUTY FIRE CHIEF

ATTACHMENT 'C'

COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, HI 96732
(808) 270-7561
Fax (808) 270-7919
Email: fire.dept@mauicounty.gov

Billing #18-03

April 25, 2018

DLNR State Parks
Attn: Piikea Tomczyk
P.O. Box 621
Honolulu, Hawaii 96809

Makena Lifeguard Services for FY 2018 (January 1, 2018 through June 30, 2018)

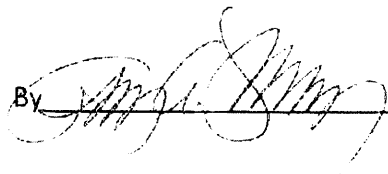
3rd Quarter = \$264,014.66
4th Quarter = \$264,014.66
\$528,029.32 Total Request

Please make check payable to: DIRECTOR OF FINANCE

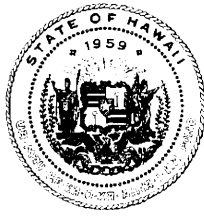
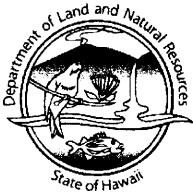
Submit payment to : County of Maui
Department of Fire & Public Safety
Attn: Cindy Kagoshima
200 Dairy Road
Kahului, Hawaii 96732

We certify that the above bill is correct and just; and that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with; and that state and local taxes are not included in the amount billed.

County of Maui
Department of Fire & Public Safety

By 

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 1, 2018

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Fire Chief Jeffery Murray
Maui Fire Department
200 Dairy Road
Kahului, Hawaii 96732

Dear Fire Chief Murray:

The purpose of this letter is to serve as the twelfth 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, June 7, 2013, May 14, 2014, June 1, 2015, June 17, 2016, August 22, 2017, October 5, 2017, and March 23, 2018 between the State of Hawaii and the County of Maui for Makena Beach, Makena State Park.

The available funding is limited to \$1,056,058.64 for this amendment. Division of State Parks understands 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, 2018 through June 30, 2019, provided that the State may cancel the contract at any time with 30 days written notice.
2. Funding under this amendment can be used solely for Water Safety Officer positions until further discussion and concurrence.
3. The effective date of this amendment is July 1, 2018.
4. Funds to be transmitted to the County of Maui under this amendment shall total \$1,056,058.64 for the year, subject to availability of funds, but shall be transferred in quarterly increments.
5. The County will submit a quarterly financial statement with the quarterly invoice indicating the staffing paid under the invoice for the quarter.

ATTACHMENT "D"

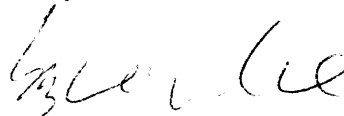
Fire Chief Jeffery Murray
MOA, 12th Amendment

6. All other terms and conditions of the MOA shall remain unchanged with the exception of Section C. The following language is deleted:

In accordance with Act 170, Session Laws of Hawaii 2002, as amended by Act 152, Session Laws of Hawaii 2007, and Act 81, Session Laws of Hawaii 2009, "a county lifeguard, the employing county, and the State shall not be liable for any civil damages resulting from any act or omission of the lifeguard while providing rescue, resuscitative, or other lifeguard services on the beach or in the ocean in the scope of employment as a county lifeguard. This exception from liability, however, shall not apply when the claim for civil damages results from a county lifeguard's gross negligence or wanton act or omission."

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

Sincerely,



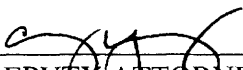
SUZANNE D. CASE

Chairperson

Board of Land and Natural Resources

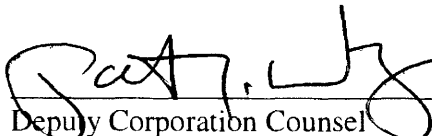
Fire Chief Jeffery Murray
MOA, 12th Amendment

APPROVED AS TO FORM:


DEPUTY ATTORNEY GENERAL
Office of the Attorney General


Date JUNE 29, 2018

APPROVED AS TO FORM
AND LEGALITY:


Deputy Corporation Counsel
County of Maui

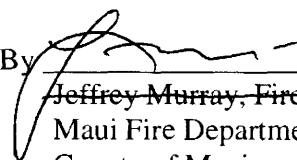
Date 7/13/18

ACKNOWLEDGED:
COUNTY OF MAUI

By 
Alan M. Arakawa, Mayor
County of Maui

Date 7/13/18

ACKNOWLEDGED:
COUNTY OF MAUI

By 
~~Jeffrey Murray, Fire Chief~~ *LIONEL MONTALVO*
Maui Fire Department *- FIRE CLERK*
County of Maui

Date 7/12/2018