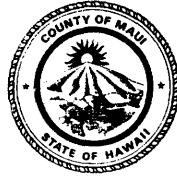


**ALAN M. ARAKAWA  
MAYOR**



**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

July 26, 2018

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

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

For Transmittal to:

Honorable Mike White  
And Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair White and Members:

**SUBJECT: GRANT REVENUE – STATE OF HAWAII MAKENA LIFEGUARD SERVICES FOR FY2019**

We are hereby transmitting a signed copy of the twelfth written amendment to the Memorandum of Agreement for Lifeguard Services at Makena Beach State Recreation area from July 1, 2018 to June 30, 2019. The total funding for the grant period is \$1,056,058.64.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact the Chief's office at (808) 270-7561.

Sincerely,

*[Signature]*  
LIONEL W. MONTALVO  
Deputy Fire Chief

LWM:jlj

Attachments

- dc: Valeriano Martin, Assistant Fire Chief of Support Services (pdf w/att.)
- Kevin McAfee, Battalion Chief of Ocean Safety (pdf w/att.)
- Cindy Kagoshima, Business Administrator (pdf w/att.)

OFFICE OF THE  
COUNTY CLERK

2018 AUG -2 AM 9:35

RECEIVED

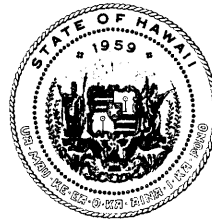
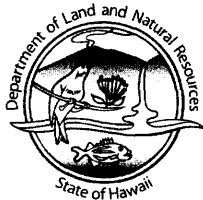
*[Signature]* *8/1/18*

OFFICE OF THE  
COUNTY COUNCIL

2018 AUG 14 PM 3:21

RECEIVED

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.

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

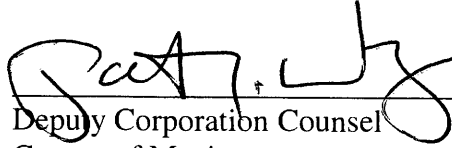
Fire Chief Jeffery Murray  
MOA, 12th Amendment

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

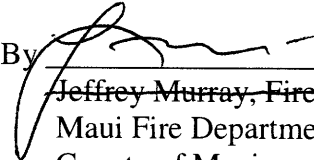
Date 7/13/18

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