

COUNCIL OF THE COUNTY OF MAUI

**PARKS, RECREATION, ENERGY, AND
LEGAL AFFAIRS COMMITTEE**

October 6, 2017

**Committee
Report No. _____**

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

Chair and Members:

Your Parks, Recreation, Energy, and Legal Affairs Committee, having met on September 19, 2017, makes reference to County Communication 17-366, from the Director of Parks and Recreation, 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."

The purpose of the proposed resolution is to authorize the issuance of special event permits in excess of five consecutive days for the next five annual Aloha Classic Windsurfing Tournaments (Aloha Classics) at Hookipa Beach Park, Paia, Maui, Hawaii, pursuant to Section 13.04A.100(D), Maui County Code ("MCC").

Your Committee noted the Council (2015-2017 Council term) previously adopted Resolution 16-151, authorizing the issuance of a special event permit for a duration greater than five consecutive days for the 2016 Aloha Classic.

Your Committee notes this is the first time since Chapter 13.04A, MCC, was enacted, that the request was made to the Council for multiple years.

After reviewing additional information from the Department of Parks and Recreation, the Department of the Corporation Counsel transmitted a revised proposed resolution, approved as to form and legality, revising the names of the organizers from those listed in Resolution 16-151 to the

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County of Maui, International Windsurfing Tour, and US Windsurfing Association. The revised proposed resolution also incorporates nonsubstantive revisions.

According to the revised proposed resolution, the Aloha Classic is an international event that supports the North Shore community and promotes Maui on an international platform as a windsurfing locale.

Your Committee discussed the limited parking at Hookipa Beach Park and related concerns with attendees parking alongside Hana Highway and impacts on access for surfers during the event. The Director of Parks of Recreation said the organizers are required to submit a parking plan before receiving their permit to help mitigate the problem. The Director also said people are still able to use the beach throughout the event, but enforcing the parking plan is a challenge.

A Deputy Corporation Counsel advised your Committee the organizers are required to provide insurance for the event and an indemnity agreement in favor of the County. The organizers are also responsible for funding the traffic control plan.

The Director said the event organizers have their own water patrol, so ocean safety guards on duty are able to maintain their posts. He also said the Department is exploring the acquisition of land adjacent to the beach park to expand available parking.

Your Committee also discussed the fees to the County associated with the event, and the way in which the fee refund for the 2016 event was calculated. The Director said fees will be calculated each year in accordance with rates and fees for the applicable fiscal year, and the organizers will be required to go through the full permit application process each year. A representative of the Department said the benefit to authorizing the issuance of permits for the event for the next five years is that the Department will not have to return to the Council for such authority each year, helping to expedite the process.

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Your Committee noted the entities listed as organizers of the event have changed. Your Committee expressed a desire to have the organizers establish a track record of good performance and timely submittal of applications before authorizing the issuance of a special event permit for multiple years.

Although your Committee recognized the merits of the Aloha Classic, it declined to support authority for the extended period of years.

Your Committee considered a revised proposed resolution, entitled "AUTHORIZING THE ISUANCE OF A PERMIT WITH GREATER DURATION THAN FIVE CONSECUTIVE DAYS FOR THE 2017 ALOHA CLASSIC WINDSURFING TOURNAMENT, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE," reducing the authorization from five successive years to 2017 only. Your Committee notes the Department of the Corporation Counsel has advised the revised proposed resolution meets the notice requirements of the Sunshine Law because it simply reduces the period for which permits are being authorized.

Your Committee revised the resolution by removing the County of Maui as an organizer of the event because the Director said the Department has not viewed the County as a co-sponsor and has not calculated fees for the event in that manner.

Your Committee voted 5-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Guzman, Vice-Chair King, and members Atay, Hokama, and Sugimura voted "aye." Committee members Carroll, Cochran, Crivello, and White were excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

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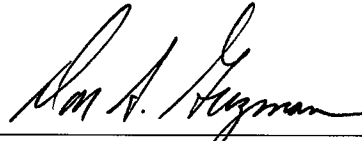
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Your Parks, Recreation, Energy, and Legal Affairs Committee
RECOMMENDS the following:

1. That Resolution _____, as revised herein and attached hereto, entitled "AUTHORIZING THE ISSUANCE OF A PERMIT WITH GREATER DURATION THAN FIVE CONSECUTIVE DAYS FOR THE 2017 ALOHA CLASSIC WINDSURFING TOURNAMENT, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 17-366 be FILED.

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



DON S. GUZMAN, Chair

Resolution

No. _____

AUTHORIZING THE ISSUANCE OF A PERMIT WITH GREATER DURATION THAN FIVE CONSECUTIVE DAYS FOR THE 2017 ALOHA CLASSIC WINDSURFING TOURNAMENT, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE

WHEREAS, INTERNATIONAL WINDSURFING TOUR and US WINDSURFING ASSOCIATION (hereinafter collectively referred to as the “Organizers”), desire to hold the Aloha Classic Windsurfing Tournament (“Aloha Classic”) at Hookipa Beach Park, as more specifically set forth in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, this professional and international event supports the North Shore community and promotes Maui as a destination on an international platform for the sport of windsurfing; and

WHEREAS, in accordance with Section 13.04A.100(D), Maui County Code, a use permit for activities at any County park or recreational facility for more than five consecutive days requires authorization by the Council of the County of Maui; and

WHEREAS, the Organizers intend to have eleven competition days and an additional period of three days to accommodate inclement weather conditions, for a total of fourteen consecutive days, between the dates of October 29, 2017, and November 12, 2017; and

Resolution No. _____

WHEREAS, the Organizers have duly applied for a special event permit with the Department of Parks and Recreation for the 2017 Aloha Classic; and

WHEREAS, the Department of Parks and Recreation seeks Council authorization to issue the requested special event permit exceeding five consecutive days for the 2017 Aloha Classic; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby authorize the issuance of a special event permit exceeding five consecutive days for the 2017 Aloha Classic Windsurfing Tournament; and

2. That certified copies of this resolution be transmitted to the Mayor and the Director of Parks and Recreation.

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
County of Maui

prl:misc:005areso02:jgk



Samantha Bittner
Trade Wind Events LLC
USWA
PO Box 791701
Paia, HI 96779
July 7, 2017

East District
Department of Parks & Recreation
County of Maui
931 Makawao Ave
Makawao, HI 96768

Dear Mr. Amoral and Ms. DeCastro;

First of all I would like to thank the County and Parks Department for your invaluable assistance in making the past 6 years of the Aloha Classic a huge success. It has been a pleasure working with you in organizing the event permit.

I am requesting use of Ho'okipa Beach Park for the Aloha Classic windsurfing event this year. Dates requested are October 29th -November 12th. This is a 11 day event with 3 rain days.

The 2017 Aloha Classic will feature 150 windsurfers riding waves with divisions including women, youth, masters, grand master, amateur and professional. Winners will be determined from a panel of 3 judges. Maui resident Samantha Bittner will be organizing and directing the event.

This is a request for a beach permit. I plan to run this professional event through the non-profit association US Windsurfing Association.

Thank you for your time. Your support in last year's contest was much appreciated. I look forward to working with you in creating another successful event.

Mahalo,

Samantha Bittner
Trade Wind Events LLC
USWA

EXHIBIT " A "