

COUNCIL OF THE COUNTY OF MAUI
HEALTHY FAMILIES AND
COMMUNITIES COMMITTEE

July 10, 2020

Committee
Report No. 20-83

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

Chair and Members:

Your Healthy Families and Communities Committee, having met on June 18, 2020, makes reference to County Communication 20-301, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF A PERMIT OF ELEVEN CONSECUTIVE DAYS FOR USE OF THE HANA BALL PARK, HANA BEACH PARK, HELENE HALL, HANA COMMUNITY CENTER MAIN HALL AND HANA COUNTY PARKING LOTS FOR THE 2020 FESTIVALS OF ALOHA PURSUANT TO SECTION 13.04A.100(D), MAUI COUNTY CODE."

The purpose of the proposed resolution is to authorize a special event permit to Lokahi Pacific to use Hana Ball Park, Hana Bay Beach Park with pavilion, Helene Hall, Hana Community Center main hall with kitchen and restrooms, and Hana County parking lots 1-3 for eleven consecutive days, from October 16, 2020, through October 26, 2020, for the 2020 Festivals of Aloha.

Your Committee notes the Festivals of Aloha's stated mission is "to honor Native Hawaiian culture and traditions from generation to generation, as well as share them with visitors and people from the community." Lokahi Pacific is a nonprofit organization.

Your Committee discussed the Festivals of Aloha schedule with the Department of Parks and Recreation and questioned if it would impact other events seeking to use these venues. The Department confirmed all other events were scheduled around the Festivals of Aloha and would not be impacted by the approval for this permit.

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HEALTHY FAMILIES AND
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Your Committee also discussed the impact of COVID-19 on events to date and whether this event would be affected. The event organizers explained that as the date for the event comes closer, they will evaluate the situation and make any adjustments or cancellations that are necessary. However, they were hopeful the event would be able to continue as scheduled in some fashion, which is why they are asking for adoption of this resolution.

Your Committee also discussed the organizer's desire for an agreement for a longer period than one year, to reduce the amount of paperwork for future events. Your Committee is open to receiving a proposal for a longer term agreement so the Hana community and Festivals of Aloha can do the appropriate planning.

Your Committee noted the Festivals of Aloha is an important event to Maui County; and, if conditions permit, it should move forward with the events planned for 2020.

Your Committee voted 7-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Hokama, Vice-Chair Sugimura, and members Kama, King, Molina, Paltin, and Rawlins-Fernandez voted "aye."

Your Healthy Families and Communities Committee
RECOMMENDS the following:

1. That Resolution 20-103, attached hereto, entitled "AUTHORIZING THE ISSUANCE OF A PERMIT OF ELEVEN CONSECUTIVE DAYS FOR USE OF THE HANA BALL PARK, HANA BEACH PARK, HELENE HALL, HANA COMMUNITY CENTER MAIN HALL AND HANA COUNTY PARKING LOTS FOR THE 2020 FESTIVALS OF ALOHA PURSUANT TO SECTION 13.04A.100(D), MAUI COUNTY CODE," be ADOPTED; and

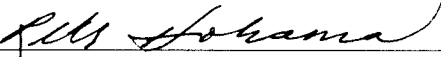
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2. That County Communication 20-301 be FILED.

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



RIKI HOKAMA, Chair

hfc:cr:20060aa:ljam

Resolution

No. _____

AUTHORIZING THE ISSUANCE OF A PERMIT OF ELEVEN
CONSECUTIVE DAYS FOR USE OF THE
HANA BALL PARK, HANA BEACH PARK, HELENE HALL, HANA
COMMUNITY CENTER MAIN HALL AND HANA COUNTY PARKING LOTS
FOR THE 2020 FESTIVALS OF ALOHA PURSUANT TO SECTION
13.04A.100(D), MAUI COUNTY CODE

WHEREAS, Lokahi Pacific requests authorization to use the Hana Ball Park, Hana Bay Beach Park with pavilion, Helene Hall, Hana Community Center main hall with kitchen and restrooms, and Hana county parking lots 1-3 from October 16, 2020 through October 26, 2020 for the Festivals of Aloha, which will be held October 17, 2020 to October 24, 2020 from 7:00 a.m. to 11:00 p.m.; and

WHEREAS, in accordance with Section 13.04A.100(D), Maui County Code, a special event 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, by Exhibit "A", attached hereto and incorporated herein, Lokahi Pacific has applied for a special event permit for use exceeding five consecutive days as required by the Department of Parks and Recreation and Maui County Code; and

WHEREAS, the Department of Parks and Recreation seeks Council authorization to issue the requested special event permit; now, therefore,

Resolution No. _____

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 use by Lokahi Pacific of the Hana Ball Park, Hana Bay Beach Park with pavilion, Helene Hall, Hana Community Center main hall with kitchen and restrooms, and Hana county parking lots 1-3 from October 16, 2020 through October 26, 2020 from 7:00 a.m. to 11:00 p.m. daily, for The Festivals of Aloha; 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:

/s/ Mimi Desjardins
Deputy Corporation Counsel
County of Maui
LF 2020-0494



County of Maui
Department of Parks and Recreation (DPR)

PERMIT APPLICATION

RECEIVED
Office Use Only
COUNTY OF MAUI

Active Net Reservation #

- ☒ Special Event / Tournament ☐ Community Class
☐ General Use (Private parties, meetings, leagues-indicate sport: _____, etc.)

Applicant: (Your name) Susie Thiesman Email susie@lokahipacific.org

Organization: (If any) Lokahi Pacific May we email your permit should it be approved?
☒ Yes ☐ No

Daytime Phone: (808) 242-5761 After Hours Phone: _____

Mailing Address: 1935 Main St., Suite 204, Wailuku, HI 96793

Activity (Event) Name: Festivals of Aloha-Hana Estimated Participants: 400+
(May be indicated on an attachment)

Requested Date(s): 10/16/2020 - Requested Time(s): 7:00 am to
(May indicate additional dates on an attachment) 10/26/2020 (May indicate additional times on an attachment) 11:00 pm

Requested Location(s): Hana Ball Park, Hana Bay Beach Park w/Pavilion, Helene Hall, Hana Community Main Hall w/Kitchen, Restrooms, County Parking #1 & 2
(List all sites being requested, including any additional parking requests. Indicate additional locations on attachment)

Request for use of facilities in multiple districts: (For this activity, select all districts for which you are requesting usage)

- ☐ Central Maui ☐ East Maui ☐ South Maui ☐ West Maui
☒ Hana - Maui ☐ Moloka'i ☐ Lana'i

From the following, select all items that apply to your proposed activity:

- ☒ Food and/or Beverage Consumption ☐ Alcohol / Liquor Consumption ☒ Open to the Public
☒ Food and/or Beverage Sales ☐ Alcohol / Liquor Sales (Dept. of Liquor Control permit required)
☒ Non-food Merchandise Sales ☐ Bouncers / Air Jumps / Slides ☒ Tents / Shade Structures
☒ Fees / Charges (Admission fees, participant/team fees, vendor/concessionaire fees, donations, etc.)

Any additional notes regarding your proposed activity: Festivals of Aloha is an annual event
to honor Native Hawaiian culture and traditions from generation to generation through
songs, dances and cultural activities shared with the Community and visitors.

*Additional information may be required. Please refer to page two (2) for the list of all attachments that must be included with the submission of this completed Permit Application.

By signing below, I acknowledge that I have fully disclosed all the details of my proposed event. I understand that any changes to what I have represented to the County of Maui Department of Parks and Recreation (DPR) will require the completion of a new Permit Application. I also understand that DPR must determine whether the park/facility can accommodate my request and that submission of this application and required attachments does not guarantee approval of my request. In addition, I acknowledge that I have read and accept all the terms and conditions set forth in this Permit Application and all applicable sections of the Maui County Code.

Susie Thiesman

(Applicant Name)

(Applicant Signature)

3/6/2020

(Date)

LIST OF REQUIRED ATTACHMENTS

(Permit Applications that are submitted without all required attachments for that permit type will be considered incomplete and will not receive the initial review)

The following attachments are required for all permit types (except Camping):

- 81 ☒ Preliminary Site Plan / Layout
 - * To scale (Or clearly indicate if not to scale)
 - * Include measurements
 - * Indicate all structures, such as:
 - Tents, portable toilets, dumpsters, stage, etc.
 - * If race/walk: Depict course
 - (Also indicate course marshalls)
- 47 ☒ Detailed Participant Information
 - * Include the gender and age groups
 - * If tournament / league Include number of teams and team names
- ☒ Preliminary Time Schedule
 - 49 * Include details, such as: set-up times, clean-up times, times of any deliveries (tents, portable luas, etc.)
 - * If ocean event: Indicate requested "rain out" date(s)
- ☒ Authorized Agent(s) Letter (For Organizations)
 - 44 * Must be signed by an officer of the organization
 - * Notary required
 - * Clearly state whether the agent(s) is authorized to sign on behalf of the organization
 - * Contact information for the authorized agent
 - (Phone number, email address and mailing address)

If applicable, the following attachments are also required:

- 46 ☒ Letter of Request (If Government or Annual Event)
 - * Addressed to DPR Director:
 - Ka'ala Buenconsejo
 - 700 Hali'a Nakoa Street, Unit 2
 - Wailuku, HI 96793
 - * Indicate scope/purpose of the event
 - * Include any requests of the department, such as:
 - Equipment, opening of gates, etc.
 - * If government event: Dept. or Division Head to sign
- ☐ Tentative Practice/Game Schedule (If League)
 - * Include time(s), date(s) and location(s)
 - * Separate practices and games
- 2 ☒ Detailed Fee/Charge Explanation
 - * Indicate all fees/charges, such as:
 - Admission charges, participant/team fees, donations, vendor/concessionaire fees, registration fees, etc.
 - * Include amounts being charged for each charge type
- ☐ Equipment Rental Form
 - * Used to request the rental of equipment, such as:
 - mobile stage, mobile bleacher, picnic tables, wooden stage platforms (4x8) / stairs
 - * Dependent upon availability ; limited quantities
- ☐ Camper / Vehicle / Tent Information (If Camping)
 - * Indicate the total number of campers/licensed dogs
 - (Max: 6 per campsite)
 - * Include names and ages of all campers
 - (Dogs must be licensed - include license #)
 - * Include vehicle color, make, model and license plate #
 - * Indicate tent color(s)
- 4 ☒ Event Coordinator Contact Information (If different from the applicant)
 - * May be incorporated into Authorized Agent(s) Letter
 - * Include name, phone number(s), email address
- 16 ☒ IRS 501(c) Determination Letter (If Non-Profit)
 - * Must be in good standing with the IRS and the State of Hawaii (DCCA)
- 4 ☒ Curfew Extension Request Form
 - * Used to request usage of a facility beyond normal open hours
 - * Most facility hours are from 7:00 am-11:00 pm
- ☒ More Than Three (3) Consecutive Days Request Form
 - * Used to request (non-revenue generating) usage of a facility for more than three (3) consecutive days
 - * Does not apply to camping permits

RECEIVED
COUNTY OF MAUI



County of Maui
Department of Parks and Recreation (DPR)

Office Use Only: 55

**REGULATIONS AND POLICIES
FOR THE USE OF FACILITIES**

DEPT. OF PARKS & RECREATION
COUNTY OF MAUI

LIABILITY OF PERMITTEE: (Initial each section)

DSK Permittee will be required to execute an Indemnity Agreement with the County of Maui providing that it shall defend, indemnify and hold harmless the county, its officers, agents and employees for any liability damage, loss or injury to any person or property which arises from the negligent, wrongful, unlawful conduct by the permittee in the use of the abovementioned facility for which the permit has been issued.

POLICY RELATING TO ACCOMMODATIONS FOR DISABLED PARTICIPANTS IN ACTIVITIES, SPORTS LEAGUES AND ORGANIZATIONS AT MAUI COUNTY PARKS AND FACILITIES:

DSK It is the policy of the County of Maui Department of Parks and Recreation to ensure equal access for all participants using county parks and facilities. Permit holders, sports leagues and organizations utilizing county parks, community centers, swimming pools, tennis courts, athletic fields, stadiums, gymnasiums and other recreational areas shall comply with the Americans with Disabilities Act 35.130 by providing effective communication and/or program modification for participants with disabilities.

CUSTODIAL DEPOSIT:

DSK Custodial deposits are refundable upon determination by the Director of Parks and Recreation that the cleaning restoration of the abovementioned facility has been satisfactorily performed. Custodial deposits will be forfeited to the department if restoration is not completed within the time provided for on the permit. If the permit holder does not satisfactorily clean and restore abovementioned facility, the department shall perform the necessary cleaning and restoration, deduct the cost of said cleaning and restoration from the deposit and recover by legal means available, any cost in excess of said deposit.

DSK Custodial deposits will be forfeited to the department for failure of the permit holder to abide by the rules and regulations, including failure to end activity by the permitted ending time and all curfew and closure times of facility.

KEY DEPOSIT:

DSK It is not the responsibility of DPR staff to call the permittee to pick up keys for the permitted facility.

DSK Failure to pick up key(s) may result in the forfeiture of the permit and authorization to utilize the facility that was reserved.

DSK Key deposits are refundable upon return of the key to the department. Key deposits will be forfeited to the department in the event that they key is not returned to the department within twenty-four (24) hours after the termination of the activity.

CHECK ACCEPTANCE POLICY:

DSK Checks will be accepted for rental, custodial, and key deposits no later than sixty (60) days prior to the reservation date. Please make your check payable to the County of Maui. Applicants must make check for the exact amount due. The applicant's name, address and account number should be imprinted on the check. No second or third party checks will be accepted. A \$25 returned check fee will be charged on any check not honored by the bank for any reason. Failure to make payment on a returned check and on the returned check fee will result in the cancellation of the reservation and future reservations will be denied.

03/23/2020 8:55

CANCELLATION POLICY:

OST Notice of cancellation shall be given in person no later than fourteen (14) working days prior to the scheduled event day to receive full refund

DEPT OF PARKS & RECREATION
HAWAIIAN DISTRICT

SEVERE WEATHER OR OTHER EMERGENCY CANCELLATION POLICY BY PARKS:

OST The activation of the action to suspend all permits and programs will take place when the County Civil Defense Office, Governor, Mayor, Department of Parks and Recreation's Director or Deputy Director declares "A WARNING" for a pending incident, be it hurricane, tsunami or other natural event that normally affords the county twenty-four (24) hours of notification. All fields, gyms, community centers and other facilities owned and maintained by the County of Maui (COM) Parks and Recreation Department may be closed. All events scheduled at COM facilities will be cancelled if a facility is officially closed. The facility will be re-opened only after select COM personnel has inspected and deemed the facility to be safe for use by the community.

OST In the event of an earthquake, fire, or other emergency situation that requires a staging area or shelter, or declaration of the cancellation of permits and programs will be declared as a result of the decision made by the Director or Deputy Director of the Department of Parks and Recreation, the Mayor or the Governor. At the point of notification to the permittee of the facility, the permittee will cease their event.

OST The COM will make every effort to give advance notice of the cancellation of any event, or the closure of any COM facility, due to severe or inclement weather or emergency. However, the COM reserves the right to cancel any event or close any facility without prior notice when it is in the best interest of the health and safety of the public due to severe or inclement weather or other emergencies. Upon application, all permit applicants acknowledge that rescheduling of a facility will be accommodated if possible, or a refund will be provided.

ITEMS LEFT IN FACILITY:

OST The County of Maui will not be responsible for any articles left in county facilities.

SOUND LEVEL POLICY:

OST My event may affect the neighborhood in which the facility is located. I will cooperate with the county by abiding by the following: keeping noise at a reasonable level and stopping my activity as well as any amplified sound promptly at 10:00 pm.

OST Should I continue to use amplified sound after 10:00 pm, I understand that the power source to any sound equipment will be turned off and the county will not be responsible for any damage to the equipment. In addition, should I fail to comply with the 10:00 pm curfew, I understand that my custodial deposit may be forfeited.

SECTION 13.04.040 - MAUI COUNTY CODE:

OST I am aware that according to Section 13.04.040 of the Maui County Code states that, "It shall be unlawful for any person, within the limits of any parks or recreation facility, to park or operate any vehicle on grassed or sand areas." I understand that the unloading and loading of party or event supplies, from a vehicle, will be done from the parking lot of the facility. In addition, I understand that Department of Parks and Recreation's facilities are open from 7:00 am - 10:00 pm.

By signing below, I acknowledge that I have read and fully understand the aforementioned rules and regulations.

SUSIE THOMAS
(Applicant Name)

[Signature]
(Applicant Signature)

03/23/2020
(Date)

D
MAUI



County of Maui
Department of Parks and Recreation (DPR)

Office Use Only

**RELEASE, ACKNOWLEDGMENT AND
INDEMNIFICATION**

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10

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 SUSIE THIEMAN and the COUNTY OF MAUI have executed this Release.

Acknowledgment and indemnification this 23rd day of MARCH, 2020.

BY PRISCILLA RAFFERTY

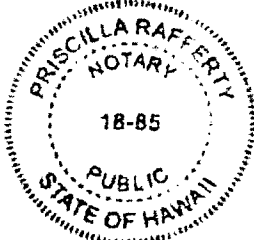
State of Hawaii

County of Maui

On this 23rd day of MARCH, 2020, before me personally appeared SUSIE THIEMAN

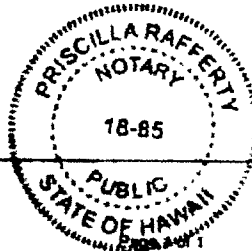
to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Witness my hand and seal



Priscilla Rafferty
Notary Public, State of
Hawaii

My commission expires
PRISCILLA RAFFERTY
NOTARY PUBLIC
STATE OF HAWAII
MY COMMISSION EXPIRES 03-23-20



Doc. Date 3/23/20 # Pages 4
Priscilla Rafferty
Doc. Description RELEASE
ACKNOWLEDGMENT

Priscilla Rafferty
Notary Signature
Date 03/23/2020

NOTARY CERTIFICATION

Release, Acknowledgment Indemnification

EXHIBIT A



Lokahi Pacific

RECEIVED
COUNTY OF MAUI

2020-03-06 11:20

DEPT OF PARKS & RECREATION
HANA DISTRICT

Karla Peters, Director
Department of Parks & Recreation
700 Halia Nakoa St., Unit 2
Wailuku, HI 96793

March 6, 2020

Aloha Karla

Lokahi Pacific is the fiscal sponsor for the State and County grants received for Festivals of Aloha - Maui Nui Style, which consists of events in Hana, Maui, Lanai and Molokai. I am the Executive Director of Lokahi Pacific, the permit applicant for Festivals of Aloha - Hana 2020.

William "Bill" Sides and Christine "Tina" Thompson are the co-coordinators of the Hana events. This year's activities are scheduled for October 16-26, 2020. Festivals of Aloha's mission is to honor and share our native Hawaiian culture and traditions from generation to generation through song, dance and cultural activities with the community and visitors.

It has been a tradition in Hana to celebrate the Festivals of Aloha for the entire week. It is the only town in the State of Hawaii that continues to celebrate with these week-long festivities. The people of Hana and our coordinators are making a special request to extend the 5-consecutive day facility use policy to 11 days.

This year's festival activities are scheduled for October 16-26, 2020. We open the celebration with a Parade showcasing many local participants, floats, pa'u nders and our Royal Court, all displaying the most important value of Aloha. The parade marches through Hana Town ending at the Hana Ball Park. There are events scheduled for every day of the week, to be enjoyed by the Hana community and visitors. There will be Hawaiian music, hula, local cuisine, contests, talent show and much more, all happening at one of the most authentic unspoiled locations in the world, Hana. More events to follow on the following days.

The Festivals of Aloha requests the use of the Maui County Department of Parks & Recreation Hana District facilities: (Hana Ball Park, Hana Bay Beach Park w/Pavilion, Helene Hall, Hana Community Main Hall w/Kitchen & Restrooms, and Hana County Parking Lots #1-3), October 16-26, 2020. Dates include setup and breakdown, with actual event dates to start October 17-24, 2020.

Attached you will find Hana's 2020 Festival of Aloha schedule. Should you have questions on the events, please feel free to contact Bill (808)281-8073 or Tina (808)268-9285.

With Aloha,

Susie Thieman
Executive Director