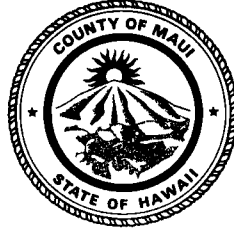


ALAN M. ARAKAWA
Mayor




PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No (808) 270-7535
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

MEMO TO: Riki Hokama, Chair
Budget and Finance Committee

FROM: Jeff Ueoka 
Deputy Corporation Counsel

DATE: January 29, 2018

SUBJECT: **MAKENA LIFEGUARD SERVICES** (BF-83)

We are in receipt of your memorandum dated January 22, 2018 inquiring about filing a claim with the State of Hawaii for reimbursement for lifeguard services performed at Makena State Park and the County's liability should lifeguard services at Makena State Park be discontinued.

Upon receipt of this memorandum, our office contacted the Department of Fire and Public Safety ("Fire") to follow-up with the State regarding reimbursement for lifeguard services performed. The State was responsive to Fire's inquiry, and as of the date of this memorandum, it is our understanding that the State has submitted a Memorandum of Understanding for reimbursement to Fire.

At this time, absent specific facts relating to the termination of lifeguard services at Makena State Park, we are unable to comment on liability. However, in general, although Makena State Park is not under the control and management of the County of Maui, based on the established relationship between the County and State regarding lifeguard services at Makena State Park, the possibility that the County could be the subject of a lawsuit after lifeguard services are discontinued exists. In the event that the decision is reached to no longer provide lifeguard services at Makena, we would request

Riki Hokama, Chair
Budget and Finance Committee
January 29, 2018
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that Fire consult our office so that we can assist in limiting the County's liability.

APPROVED FOR TRANSMITTAL:



PATRICK K. WONG
Corporation Counsel

2017-0093

BF-83 2018-01-29 Memo to Chair (Makena Lifeguard Services)