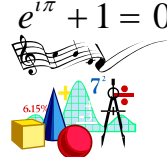


Malcolm Cooper  
321 Pukalani Street  
Makawao, Hawaii 96768-8433  
malcolmy@hawaii.rr.com  
(808) 280-4257



*The most formidable weapon against errors of any kind is reason. I have never used any other, and I trust I never shall.*

*-Thomas Paine*

Sunday, June 08, 2008

Director Tamara Horcajo  
County of Maui; Department of Parks & Recreation  
700 Halia Nakoia St. Unit 1-A  
Wailuku, HI 96768

Subject: Ocean Safety – A Unique Opportunity to Move to Public Safety **Now**

Dear Tamara,

After two years as Recreation Specialist for Pools and TA Chief of Aquatics, I see a unique opportunity that will not be matched or improved with time for you to lead the move of Ocean Safety to the Department of Public Safety (Fire). Because I think the opportunity will fade quickly, I've copied others outside Parks.

First, my kudos to you - The improvements you have made over the previous Director are incalculable in terms of facility maintenance, programs, budgets and reduction of liability to the county. You have turned around policies and practices seemingly designed to reduce programs, ignore facilities, and maximize poor work performance and behavior by employees.

To the point: Based on what I've learned working with Ocean Safety, what I know about the Aquatics Division right now, and the recent USLA and State Lifeguarding conferences which specifically addressed this subject:

- (1) Today, Ocean Safety's mission & methods match Public Safety's; not Parks & Recreation;
- (2) You have made Ocean Safety ready for the move with what you've already accomplished;
- (3) With a new and supportive Fire Chief and new Chief of Aquatics (combined with my resignation from the Pool Section of Aquatics) the landscape has changed in both departments;
- (4) It makes economic sense for the County of Maui both for the long and immediate terms; and
- (5) There is a plan everyone already knows that just hasn't been written down and just requires the will to do it.

This makes for a unique opportunity to move Ocean Safety to Public Safety now. I've detailed and expanded each of these arguments below.

A few weeks ago, I worked with OS Supervisor Archie Kalepa on the overwhelming Pros vs. Cons of Ocean Safety moving to Public Safety – as the new Chief of Aquatics had requested of him. I realized the Cons were just a kind of procrastination and that we're missing a chance to move now. What was needed was a strong positive statement about the mismatch of mission and methods between what Ocean Safety has grown to become over the last 10 years compared with both Public Safety and Parks & Recreation. I started outlining this argument as a way to encourage beginning an active dialogue between Parks & Recreation & Public Safety now which has evolved into this suggestion & proposal. Because I've seen some backlash

against Archie speaking his personal opinion about this move, I'd like to make clear that the realization, letter and arguments were my idea and my work ... Archie did not request that I do this nor help me in the development of the arguments.

### (1) **Mission and Methods** –

To be efficient & effective, best serve the public, and to improve cohesiveness of an organization, it is essential that all aspects of an organization tie into the same mission & methods. More than a feeling of unity and teamwork towards a common goal, this provides for a sharing of training & skills, and a natural efficiency in costs. This is even truer given the background and goals as outlined in a recent *Maui News* article with the new Fire Chief. Missions from Maui County's website are:

The Mission Statement of the Department of Parks & Recreation (P&R) is:

"To provide high-quality, cost-effective recreational experiences for the residents and visitors of Maui County."  
(mauicounty.gov)

The Mission Statement of Maui County Public Safety (Fire Control) Department is:

"Dedicated to protect and preserve life, environment, and property." (mauicounty.gov)

The Mission Statement for Maui County Ocean Safety (OS) as a sub-Section of Aquatics in P&R is:

"To provide and encourage ocean safety through public education and ocean recreation, and to assist in emergencies along Maui coastal waters, thereby providing safer beaches for the people of Maui County and visitors who use Maui County Beach Parks." (mauicounty.gov)

The United States Lifesaving Association, (USLA), the Certifying agency for Ocean Safety, says:

"The primary job of a professional open water lifeguard in the United States is Public Safety." (USLA Manual, Chapter 3 the Role of a Professional Lifeguard, p35).

In every county in Hawaii except Maui; and throughout the US, municipalities and counties have been moving their Ocean Safety departments from P&R to Public Safety (EMS, Fire or a combination) – none are going TO Parks. All these entities recognize that, unlike P&R (including Pool Lifeguards) who provide safe facilities (fields, gyms, pools, courts, & meeting halls), **the primary responsibility of Ocean Safety Officers is to provide Rescue and First Responder services** in a natural and variable environment. In doing so Ocean Safety Officers often venture beyond the confines of parks into open water – this is unlike recreation departments limited to the confines of their programs and facilities. Unlike P&R personnel – even pool lifeguards – Ocean Safety is trained to face life and death decisions every day consistent more with Public Safety entities nationwide.

Secondarily Ocean Safety serves in promoting safe recreational experiences not by running programs, or providing facilities & equipment, but by observing conditions and then posting warning signs, giving citations, or individually warning the public of dangerous conditions or activities.

Third, like Fire Departments, but unlike Parks & Recreation Departments, education encouraging safe recreational beach experiences is done by outreach to schools and community groups rather than setting up programs at protected parks.

Ocean Safety became part of the 911 Emergency Response System in Maui County in 2002. They are an essential part of the Public Safety services provided to citizens and visitors but are limited in expansion and support to County Beach Parks. Over the past 10+ years since Ocean Safety has been part of P&R on Maui, Ocean Safety and Ocean Safety Standards as outlined by USLA have changed; Ocean Safety Officers have grown in professionalism, rescue services provided, and capabilities at dealing with emergencies. In doing so, their mission has become misaligned with the goals of Parks & Recreation departments around the country.

Beyond the same mission and methods, in training and emergencies Ocean Safety shares the many of the same skills organizational structures consistent with Incident Command System (ICS) standards required by US Homeland Security, Civil Defence and others. Clustering public safety services is essential to provide the support needed and as such to best serve Maui County's citizens and visitors alike.

*In conclusion, while Ocean Safety is an essential part of the 911/Public Safety system, if Ocean Safety were to be moved from Parks, there would be no negative effect on any Recreation Programs, Park Facilities nor P&R Safety in any way. In fact, by moving Ocean Safety out of Parks & Recreation, it would be possible to expand beyond the confines of County Beach Parks to all County Beaches better serving Maui citizens and visitors alike.*

**This bears repeating. If Ocean Safety left Parks & Recreation, neither facilities nor programs would be affected. If Ocean Safety was not part of the 911 system, people would die.**

**(2) You Have Made Ocean Safety Ready for the Move –**

Since you took office as the Director of Parks and Recreation, together with Marian Feenstra and Archie Kalepa you have brought replacement equipment into Ocean Safety with last years' budget reversing the previous years of inaction by the previous director, initiated actions to resolve ongoing investigations, taken the necessary steps with Marian Feenstra's support to bring Makena forward, and had Archie and I work to create all the PD's, Org Charts, and re-organizational detail required to do a re-organization.

There will never be a time when everything is 100% ready for the move. By taking action to move Ocean Safety now, you would be the leader who rescued Ocean Safety, moved it to where it belongs in Public Safety, and refocused Parks & Recreation efforts to your primary mission "To provide high-quality, cost-effective recreational experiences for the residents and visitors of Maui County" rather than the person who held Ocean Safety back.

**(3) The Time to Start the Move (not just discussion) is Now –**

With the installation of the new Fire Chief and a new Chief of Aquatics, the County is presented with a unique opportunity to start the change right now. This would allow for one instead of two reorganizations, allow Public Safety to build Ocean Safety into their plan from the start, and with the recent resignation of the Recreation Specialist overseeing pools allow the new Aquatics Chief to focus more on learning about pools and pool programs.

- Ocean Safety is currently in the process of reorganizing. Proposals have been submitted including Organizational charts, written justifications in terms of manpower, current and future needs, ability to expand as needs arise, etc. Position Descriptions for all existing, upgraded, and expansion positions have been supplied. Why massage the proposals to fit P&R as is being done, then have to do it all over again with a move to Public Safety ... and having to go through all the convoluted machinations of DPS twice. *Since moving Ocean Safety to Public Safety will require **another** re-organization, rather than do this twice in quick succession, do it once **now**.*
- Based on close relationship with Archie Kalepa, his 20 years experience with Ocean Safety on Maui, as a partner with every other Ocean Safety organization in Hawaii, and as a contributing member of the nationwide United States Lifesaving Association, I know it is his professional opinion that the best time to make this move is now. Unfortunately, he is constrained not to discuss this outside Parks & Recreation.

- The new Fire Chief supports the move. He can more effectively bring Ocean Safety into the Department of Public Safety as part of his new team making them one seamless organization from the start. He has indicated based on his experience in his previous Fire Rescue position, even in the *Maui News* interview published May 26, 2008, his understanding of Ocean Safety's role as an essential member of Maui's Rescue and 911 services.
- There is a new Chief of Aquatics unfamiliar with the methods, mindsets and operations of Ocean Safety personnel who has never served as an Ocean Safety officer nor worked in the Aquatics division. What's more, with my resignation overseeing Pool Operations and Programs, and since the new Chief doesn't have a background with pools and pool programs, she has her hands full getting up to speed with the Pools Section of Aquatics. Spending 6 months or a year having to learn & oversee Ocean Safety as just a small part of her responsibilities – just to have Ocean Safety transfer out of Parks & Recreation – disrespects the value of her time, the mission of Parks & Recreation, and ignores the needs of our County Pools.
- More generally, the Parks Department is **un**familiar with the methods, mindsets and operations of Ocean Safety personnel. Rescue personnel who make hands-on personal life and death decisions for themselves and others on a daily basis requires different training, organizational structure (supervision), and mental preparation than facilities maintenance, recreational programs, and overseeing safe sporting events prepares people for in Parks and Recreation. It's a different mindset – a different approach to every day at work.
- A delay of just a few months can mean a year or more delay in the planning of future budgets effecting our county and its exposure to liability with uncovered County Beaches used by citizens and visitors (imagine Waikiki without lifeguards ... that's what Maui has in Kaanapali). The sooner Ocean Safety moves into Public Safety, the sooner we can plan budgets and operations together focusing on the needs of Public Safety including bringing more county beaches (not just County Beach Parks) on line, making sure the 911 System (Ocean Response) continues to get the support required, and improving the teamwork of Ocean Rescue personnel from OS and Fire.
- The Aquatics' budget is and has been divided into Administration, Pools Section, and Ocean Safety. This allows for immediately moving the Ocean Safety Division to Fire Control without having to rework budgets and would not require extensive asset/inventory work. Ocean Safety offices could remain in OS' current office facilities sharing with Aquatics which would smooth the transition to Fire Control and allow planning consistent with the reorganization currently being proposed.
- In April 2005, Corporation Counsel for the County of Maui concluded that “there were no provisions that would prohibit the transfer of Water Safety Officer positions from the Department of Parks & Recreation to the Department of Fire and Public Safety.” It further found that The Fire Chief is authorized to provide and perform rescue and first-responder emergency services in order to save lives from emergencies on land and sea” exactly matching OS' duties. Corp Counsel noted that it does require approval of County Council and that the move is not without precedent citing the 2000 move of Ocean Safety to Fire on Kauai.
- The country appears to be moving towards an economic downturn. Even the county budget is tightening acknowledging cutbacks for the upcoming year. It is a sad fact that nationwide, when there are budget cuts, Parks & Recreation programs are cut when needed most in deference to Public Safety concerns. This is independent of the variances from one administration to the next on what gets funding as Ocean Safety had struggled for the four years before your appointment. Holding on to Ocean Safety won't keep funds for Parks & Recreation, but will draw valuable resources to keep Public Safety services intact.

#### (4) **It Makes Economic Sense –**

There are three ways it makes economic sense for the long term, and two ways it makes economic sense to do it now. The only additional cost would be some clerical support and administrative support during this transition which will eventually have to be paid anyway.

For the long term,

(a) by bringing Ocean Safety into Fire during the Fire Chief's 18-month plan to have everything up and running, there is a savings in duties and equipment where Ocean Safety and Fire currently overlap (e.g.; after hours Jetski/911 rescues could be handled rescheduling Ocean Safety hours).

(b) The second long-term savings would be liability reduction. By moving to Public Safety, planning could take place sooner on how to cover all County beaches, not just County Beach Parks. The liability reduction comes from people who get in trouble in the water where they don't see safety signs, where safety signs can't be changed with conditions at non-beach park beaches, and these individuals suing the County because these standards are met on other islands and the mainland.

(c) The third savings is an offshoot of the second savings. Many beaches cannot be currently covered since they are not County Beach Parks. On Kauai they realized that the negative press associated with people going home and telling others about the dangerous unguarded conditions was keeping some visitors away.

The savings you get by starting now are twofold:

(a) The time, paperwork, and staffing confusion that accompanies a re-organization is difficult. A re-organization proposal has been presented by Ocean Safety which meets Incident Command System requirements from Homeland Security and Civil Defense and plans for an eventual move to Public Safety. This plan is being massaged to fit into the existing Parks & Recreation structure removing some necessary elements for success. Ocean Safety should work this re-organization through Fire to avoid having to do this with DPS twice and so that it can be designed into the structure being implemented by Public Safety with the new Fire Chief. It also saves Council's and the Mayor's time by not having to go through the all the reviews and justifications twice.

(b) You don't waste the time of the new Chief of Aquatics having to get up to speed on learning and implementing changes to Ocean Safety just to have it move away. The Chief position will still be necessary to stay behind leading the Pool Section of Aquatics.

#### (5) **A Plan to Move –**

I keep hearing they're not ready now. As stated above, I believe you've made them ready and all they need is a written plan to make the move. The only thing you don't have is a plan – Here's an outline to start working with:

- A. Meet with the new Fire Chief now. Review this proposal with him.
- B. Present these (or slightly modified) arguments, a copy of Corp Counsel Mr. J.D. Kim's 2005 report that the move is legal and has precedent (now also on the Big Island), a copy of the draft reorganization, a copy of the Aquatics budget to the Mayor and the County Council.
- C. The Mayor and County Council get public input and evaluate the proposal.
- D. Effective ASAP in this Fiscal Year (2009) ... hopefully by July 2008
  - a. Ocean Safety *could* shift reporting structure to the Department of Public Safety. Ocean Safety is a separate entity in budget and organization from Pools. The advantage is that better planning for FY10 is possible the closer Ocean Safety and Fire work together. Whether Ocean Safety reports to a Chief of Aquatics learning the position or to a Battalion Chief in Public Safety makes little difference in doing schedules & timesheets, approving already budgeted expenditures for FY09, or managing grievances and ongoing investigations.
    - i. Parks & Recreation shifts the Ocean Safety Series employees to Public Safety.

- ii. Aquatics Division Ocean Safety Section FY09 budget is moved by notice to finance and signature approval changes to the appropriate Battalion Chief in Fire.
- iii. Aquatics Division Ocean Safety Section review inventoried equipment and transfer.
- b. Even if you can't move fast enough to move the actual reporting and budget to Public Safety right away, most important is to make all reorganization, FY10 budgeting, Standard Operating Guidelines.
  - i. Ocean Safety works the strategic plan for coverage of Maui County beaches ... and designs a budget proposal to support same beginning with FY10.
  - ii. Ocean Safety works with Fire to modify reorganization to better fit Public Safety's structure over the next months and present to DPS.
  - iii. Ocean Safety starts work with Fire to incorporate procedural & training standards.

I know this may seem simplistic or too fast to County Government. But it's the same plan whether you do it now or double the work (once for Parks and once for Fire) and do all these things later. Even a delay of a couple of months can result in another year delay due to the budget process being started in a September/October timeframe.

*In conclusion, the best time for Ocean Safety to move operations to become part of Public Safety (Fire) is now – no one is ever 100% ready for change until it happens. Delay would result in less effective Ocean Safety operations while everybody's unsure of what's happening, and while the existing Aquatics Division struggles to get up to speed on Ocean Safety Operations when their real focus should be pools and programs. While the move is also better for the men and women who work as Ocean Safety Officers and is the right thing to do, most importantly the sooner this move happens the sooner Maui County can move ahead providing the best service to Maui County citizens and visitors alike.*

Aloha

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Malcolm Cooper

cc:

Archie Kalepa, Ocean Safety Supervisor

Marian Feenstra, Executive assistant to the Mayor and previous Chief of Aquatics

Stan Zitnic, Executive assistant to the Mayor, previous Risk Mgmt Supervisor, previous Aquatics Rec Specialist

Chief Jeff Murray, Maui County Fire Chief

Alvin Komoku, Maui County Fire Department

Councilman Mike Victorino