

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRANSPORTATION COMMITTEE**

March 2, 2001

**Committee
Report No.**

01-44

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

Chair and Members:

Your Public Works and Transportation Committee, having met on February 14, 2001, makes reference to County Communication No. 00-228, from former Councilmember John Wayne Enriques, transmitting a letter dated July 25, 2000, from Charlie Levy, requesting appropriation of funds for the rental of portable toilets in the Makawao Parking Lot.

Your Committee notes that County Communication No. 00-228 was referred to the prior Council's Public Works and Water Committee at the Council meeting of August 22, 2000.

At its meeting of November 15, 2000, the Public Works and Water Committee recommended that County Communication No. 00-228 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

At its meeting of January 12, 2001, the Council referred County Communication No. 00-228 to your Public Works and Transportation Committee (County Communication No. 01-24).

By letter dated February 8, 2001, the Chair of your Committee requested that the Director of Public Works and Waste Management provide information on the feasibility of constructing a combination Police kiosk/restroom facility, and the estimated cost to construct such a facility.

At its meeting, your Committee met with the Director of Public Works and Waste Management and a Deputy Corporation Counsel.

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Your Committee received testimony from Charlie Levy informing your Committee that the monthly cost to rent a portable restroom is \$330. He urged your Committee to take expeditious action on a portable facility, and to conduct an evaluation of a more permanent facility at a later date.

Mr. Levy also noted that he has attempted to obtain commitments from merchants in Makawao to pay for the rental fees; however, he has not been able to secure a sufficient amount of commitments to date.

Your Committee also received testimony from Jocelyn Perreira, Executive Director, Wailuku Main Street Association, noting her objections to the proposal. Ms. Perreira stated that her Association had not agreed to collect monies for the rental of a portable facility and would not want to be in a position to accept any liability associated with the proposal; however, she did agree that a public restroom facility is desirable. As such, she requested that consideration be given to constructing a permanent facility in the area.

Your Committee expressed concern with regard to Mr. Levy's proposal to move expeditiously and to consider the impacts at a later date. Your Committee also questioned whether the County would be liable for any damages or injuries that occurred as a result of allowing a portable restroom facility on County property.

The Deputy Corporation Counsel advised your Committee that the issue of liability should be addressed prior to the installation of the portable facility. He explained that the County should require the execution of an indemnification agreement if a separate entity, other than the County, decided to pay for the rental of these facilities. He also noted that the entity would need to obtain the permission of the County prior to placing the facility on County property.

Your Committee noted that small country towns, like Makawao, do not have large stores or shopping centers where public restrooms are usually available. As such, your Committee agreed to engage in further discussion of the matter and voted to refer the matter of providing restroom facilities for small country towns to the Budget and Finance Committee for further review and consideration.

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Your Public Works and Transportation Committee RECOMMENDS the following:

1. That the matter relating to the construction of permanent restroom facilities for small country towns be REFERRED to your Budget and Finance Committee; and
2. That County Communication No. 00-228 be FILED.

Adoption of this report is respectfully requested.

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