

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

March 16, 2007

Committee
Report No.

_____ 07-34

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

Chair and Members:

Your Public Works and Facilities Committee, having met on February 14, 2007 and February 28, 2007, makes reference to County Communication No. 06-265, from the Director of Public Works and Environmental Management, entitled "AUTHORIZING THE GRANTING OF AN EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT KALUA, WAILUKU, MAUI, HAWAII, TO MAUI ELECTRIC COMPANY, LIMITED, AND HAWAIIAN TELCOM, INC., FOR ELECTRICAL AND COMMUNICATION TRANSMISSION".

The purpose of the proposed resolution is to grant an easement consisting of 3,744 square feet and affecting a 15-foot wide portion of the Wailuku Highways Baseyard along Waiale Road, identified as TMK: (2) 3-4-03:portion of 001, to Maui Electric Company, Limited and Hawaiian Telcom, Inc., for electrical and communication purposes.

Your Committee notes that pursuant to Sections 3.44.020, 3.44.030, and 3.44.070, Maui County Code, the Council may, finding that it is in the public interest to do so, waive public hearing, public auction, and appraisal and grant an easement by resolution approved by two-thirds of its members.

Your Committee notes that County Communication No. 06-265 was referred to the former Public Works Committee at the Council meeting of October 20, 2006.

At its meeting of January 5, 2007, the Council referred County Communication No. 06-265 to your Public Works and Facilities Committee (County Communication No. 07-5).

At its meeting of February 14, 2007, your Committee met with the Director of Public Works and Environmental Management, the Corporation Counsel, and two Deputy Corporation Counsel.

There was no public testimony.

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Your Committee deferred consideration of the matter without discussion.

At its meeting of February 28, 2007, your Committee met with the Deputy Director of Public Works and Environmental Management, the Corporation Counsel, and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Director stated that the proposed resolution grants an easement consisting of approximately 3,744 square feet adjacent to the corner of Kaohu Street and Waiale Road within the County of Maui's Wailuku Baseyard. He stated that a right of entry was granted by the Department to allow for the replacement of deteriorated wood utility poles with metal poles, and that this easement is necessary to finalize the work.

Your Committee discussed the impact of the easement on baseyard operations as well as the surrounding area.

The Deputy Director stated that the easement would have no impact on traffic or adjoining property owners, and that baseyard operations would be minimally impacted, since the area of the easement is now and will continue to be used for storage purposes.

Your Committee questioned whether the granting of the easement would increase the funds paid to the County as part of the public service company tax. The Corporation Counsel explained that the allocation of the public service company tax is not related to the amount of County property that is being used by a public service company, but is based on the proportion of the company's gross income attributable to doing business in the County.

Your Committee discussed the importance of the income generated from the public service company tax as a major revenue stream. Your Committee noted that the public service company tax is paid in lieu of real property taxes. Therefore, your Committee indicated that your Budget and Finance Committee might consider reviewing the revenue received from public service companies to ensure that the County is being appropriately compensated.

Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

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Your Public Works and Facilities Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "AUTHORIZING THE GRANTING OF AN EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT KALUA, WAILUKU, MAUI, HAWAII, TO MAUI ELECTRIC COMPANY, LIMITED, AND HAWAIIAN TELCOM, INC., FOR ELECTRICAL AND COMMUNICATION TRANSMISSION", be ADOPTED; and
2. That County Communication No. 06-265 be FILED.

Adoption of this report is respectfully requested.

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BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member