

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

October 5, 2007

**Committee**  
**Report No.**

07-112

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 July 25, 2007 and September 19, 2007, makes reference to County Communication No. 07-207, from the Director of Public Works and Environmental Management, transmitting the following proposed resolutions:

1. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON PEAHI ROAD, HAIKU, MAUI, HAWAII". The purpose of the proposed resolution is to approve the installation of one utility pole within the County right-of-way along Peahi Road, Haiku, Maui, Hawaii, identified as TMK: (2) 2-7-13:014 as recommended by the Director of Public Works and Environmental Management.
2. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII". The purpose of the proposed resolution is to approve the installation of three utility poles within the County right-of-way along South Kihei Road, Kihei, Maui, Hawaii, identified as TMK: (2) 3-9-16:002, 003, and 006 as recommended by the Director of Public Works and Environmental Management.
3. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON NORTH LANIKAI ROAD, HAIKU, MAUI, HAWAII". The purpose of the proposed resolution is to approve the installation of one utility pole within the County right-of-way along North Lanikai Road, Haiku, Maui, Hawaii, identified as TMK: (2) 2-8-09:042 as recommended by the Director of Public Works and Environmental Management.

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4.     “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON MAUNA PLACE, KULA, MAUI, HAWAII”. The purpose of the proposed resolution is to approve the installation of one utility pole within the County right-of-way along Mauna Place, Kula, Maui, Hawaii, identified as TMK: (2) 2-2-11:051 as recommended by the Director of Public Works and Environmental Management.
  
5.     “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII”. The purpose of the proposed resolution is to approve the installation of one utility pole within the County right-of-way along South Kihei Road, Kihei, Maui, Hawaii, identified as TMK: (2) 3-9-01:151 as recommended by the Director of Public Works and Environmental Management.
  
6.     “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII”. The purpose of the proposed resolution is to approve the installation of two utility poles within the County right-of-way along Market Street, Wailuku, Maui, Hawaii, identified as TMK: (2) 3-4-17:Market Street as recommended by the Director of Public Works and Environmental Management.
  
7.     “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL FOUR UTILITY POLES ON CALASA ROAD, KULA, MAUI, HAWAII”. The purpose of the proposed resolution is to approve the installation of four utility poles within the County right-of-way along Calasa Road, Kula, Maui, Hawaii, identified as TMK: (2) 2-2-14:005 as recommended by the Director of Public Works and Environmental Management.
  
8.     “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KAHEKILI HIGHWAY, MALUHIA, MAUI, HAWAII”. The purpose of the proposed resolution is to approve the installation of one utility pole within the County right-of-way along Kahekili Highway, Maluhia, Maui, Hawaii, identified as TMK: (2) 3-1-01:043 as recommended by the Director of Public Works and Environmental Management.

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9. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON WAIAKOA ROAD, KULA, MAUI, HAWAII". The purpose of the proposed resolution is to approve the installation of one utility pole within the County right-of-way along Waiakoa Road, Kula, Maui, Hawaii, identified as TMK: (2) 2-2-09:090 as recommended by the Director of Public Works and Environmental Management.
  
10. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII". The purpose of the proposed resolution is to approve the installation of three utility poles within the County right-of-way along Baldwin Avenue, Makawao, Maui, Hawaii, identified as TMK: (2) 2-4-01:004 as recommended by the Director of Public Works and Environmental Management.

Your Committee notes that the proposed resolutions provide after-the-fact approvals for utility pole installations allowed by the Director of Public Works and Environmental Management prior to the adoption of Resolution No. 06-140, entitled "DESIGNATING THE DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT AS THE AUTHORIZED REPRESENTATIVE TO GRANT PERMISSION TO INSTALL UTILITY POLES PURSUANT TO CHAPTER 12.16, MAUI COUNTY CODE", on December 19, 2006. The resolution authorized the Director of Public Works and Environmental Management to approve the installation of utility poles within the County rights-of-way when the height of such utility poles does not exceed the height of existing utility poles and the number does not exceed six poles through June 30, 2007.

Your Committee further notes that Ordinance No. 3482, effective September 7, 2007, amended Chapter 12.16, Maui County Code, granting the Director of Public Works the authority to approve the installation of up to six utility poles upon a public highway if the height of the utility poles does not exceed the height of existing poles on the highway by more than five feet.

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By correspondence dated July 23, 2007, the Director of Public Works requested that the proposed resolution, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON NORTH LANIKAI ROAD, HAIKU, MAUI, HAWAII", be withdrawn from consideration. According to the Director, further study indicated that the resolution was not needed because the subject road is privately owned and, therefore, outside the scope of Chapter 12.16, Maui County Code, which requires Council approval when utility poles are installed within the County rights-of-way.

By correspondence dated July 23, 2007, the Director of Public Works transmitted a revised proposed resolution entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII". The correspondence requested that the revised proposed resolution, which attaches a revised map as Exhibit "1", replace the proposed resolution with the same title transmitted by County Communication No. 07-207.

At its meeting of July 25, 2007, your Committee met with the Director of Public Works; a Deputy Corporation Counsel; Neal Shinyama, Engineering Manager, Maui Electric Company, Limited (MECO); and Greg Kauhi, Engineering Supervisor, MECO.

There was no public testimony.

The Director provided an overview of the ten proposed resolutions. He stated that Resolution No. 03-23, which authorized the Director of Public Works and Environmental Management to administratively approve certain utility pole installations, expired on February 7, 2005. On December 19, 2006, Resolution No. 06-140 was adopted, which again authorized the Director of Public Works and Environmental Management to approve certain utility pole installations. The Director informed your Committee that approvals had been inadvertently granted for utility pole installations after the Director of Public Works and Environmental Management's authority expired on February 7, 2005 and before the adoption of Resolution No. 06-140 on December 19, 2006. Therefore, the Department of Public Works is requesting that the Council grant after-the-fact approvals for the installation of the subject utility poles.

The Director requested that the proposed resolution, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON MAUNA PLACE, KULA, MAUI, HAWAII", be withdrawn from consideration because the subject roadway is privately owned.

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Your Committee voted to recommend the adoption of: 1) the proposed resolutions for Peahi Road (Haiku), Market Street (Wailuku), Calasa Road (Kula), Kahekili Highway (Maluhia), and Waiakoa Road (Kula); 2) both proposed resolutions for South Kihei Road (Kihei); and 3) the revised proposed resolution for Baldwin Avenue (Makawao); and filing of the communication.

Subsequent to your Committee's meeting, the Co-Chairs of your Committee determined that some of the proposed resolutions contained inaccurate geographic references.

By correspondence dated August 31, 2007, the Co-Chairs of your Committee requested that the Department of the Corporation Counsel revise eight proposed resolutions, entitled as follows, to provide accurate geographic references:

1. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL FOUR UTILITY POLES ON CALASA ROAD, KULA, MAUI, HAWAII";
2. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII";
3. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KAHEKILI HIGHWAY, MALUHIA, MAUI, HAWAII";
4. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII";
5. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON PEAHI ROAD, HAIKU, MAUI, HAWAII";
6. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON WAIAKOA ROAD, KULA, MAUI, HAWAII";

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7. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII"; and
8. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII".

By correspondence dated September 11, 2007, the Department of the Corporation Counsel transmitted seven revised proposed resolutions, providing accurate geographic references; and advised that the proposed resolution, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII", did not need to be revised.

At its meeting of September 19, 2007, your Committee met with the Deputy Director of Public Works, a Deputy Corporation Counsel, and Greg Kauhi, Engineering Supervisor, MECO.

There was no public testimony.

The Deputy Director gave a brief overview of the revised proposed resolutions. He stated that Resolution No. 03-23, which authorized the Director of Public Works and Environmental Management to administratively approve certain utility pole installations, expired on February 7, 2005. On December 19, 2006, Resolution No. 06-140 was adopted, which again authorized the Director to approve certain utility pole installations. The Deputy Director of Public Works informed your Committee that approvals had been inadvertently granted for utility pole installations after the Director of Public Works and Environmental Management's authority expired on February 7, 2005 until the adoption of Resolution No. 06-140 on December 19, 2006. Therefore, the Department of Public Works is requesting that the Council grant after-the-fact approvals for the installation of the subject utility poles.

Your Committee questioned why the height of the poles varied from 35 feet to 45 feet. Mr. Kauhi explained that the variation is because of the different uses of the poles. A 35-foot pole is used for "secondary" service or typical residential use. A 40-foot pole is used for "primary" service and is necessary when a customer increases their usage; thereby, increasing the voltage running through the pole. A 45-foot pole is also used for "primary" service and is required when an underground subdivision is connected to an overhead line.

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Your Committee also discussed issues relating to the application process for the installation of utility poles and the actual installation of the poles.

Your Committee voted to recommend adoption of the proposed resolution authorizing MECO's installation of two utility poles on Market Street (Wailuku); adoption of the seven revised proposed resolutions transmitted by correspondence dated September 11, 2007 from the Department of the Corporation Counsel; and filing of the communication.

Your Public Works and Facilities Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON PEAHI ROAD, HAIKU, MAUI, HAWAII", be ADOPTED;
2. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII", be ADOPTED;
3. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII", be ADOPTED;
4. That Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII", be ADOPTED;
5. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL FOUR UTILITY POLES ON CALASA ROAD, KULA, MAUI, HAWAII", be ADOPTED;
6. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KAHEKILI HIGHWAY, MALUHIA, MAUI, HAWAII", be ADOPTED;

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7.     That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON WAIAKOA ROAD, KULA, MAUI, HAWAII", be ADOPTED;
  
8.     That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII", be ADOPTED; and
  
9.     That County Communication No. 07-207 be FILED.

Adoption of this report is respectfully requested.

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**BILL KAUAKEA MEDEIROS** Co-Chair

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**DANNY A. MATEO** Member

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**MICHAEL P. VICTORINO** Co-Chair

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**JOSEPH PONTANILLA** Member

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**G. RIKI HOKAMA** Member