

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

June 20, 2003

Committee
Report No.

03-44

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

Chair and Members:

Your Public Works and Traffic Committee, having met on June 5, 2003, makes reference to County Communication No. 03-131, from the Director of Public Works and Environmental Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, PERTAINING TO THE UNIFORM BUILDING CODE".

The purpose of the proposed bill is to: a) repeal the expiration date of the design registration program; b) require that low openings in exterior walls be protected by a guardrail; and c) clarify that salaries for Development Services Administration (DSA) personnel may be funded by fees collected and deposited in the Plan Review, Permit Processing, and Inspection Revolving Fund (Fund).

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

The Director provided your Committee with an overview of the matter. He stated that due to the success of the design registration program, the department is recommending that the program be continued. Therefore, the proposed bill would repeal the program's expiration date of December 17, 2003. The bill would also require guardrails for wall openings and operable windows less than 30 inches above the floor, and authorize that salaries may be paid out of the Fund. Your Committee felt that the Council should continue to review the progress of the design registration program on a regular basis.

Your Committee expressed concerns about the use of fees from the Fund to pay for DSA salaries. Your Committee noted that using the Fund for salaries may impact plan reviews. Your Committee wanted to ensure that allowing use of the Fund for salaries would not increase or adversely affect plan review fees.

Your Committee also noted that pursuant to Section 16.26.107.3, Maui County Code, plan review fees are 25 percent of building permit fees. Building

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permit fees are established annually by the budget ordinance and are based on a scale, which is in relation to the cost of improvements to the property.

In response to your Committee's inquiry, the Director stated that DSA utilizes Fund revenues for plan review salaries and contracts. He noted that the use of the Fund for DSA salaries has been a regular budgeting practice by previous administrations.

Your Committee noted that the use of the Fund for plan review was established to assist in relieving the accumulation of plan review requests.

As a result, your Committee requested that Corporation Counsel revise the proposed bill as follows:

1. Amend Subsection 16.26.106.3.4.3 to include a provision that would require that the Department of Public Works and Environmental Management submit a report, every two years, for the Council's review of the design registration program; and
2. Amend the last paragraph of Subsection 16.26.107.3 to read as follows:

There is hereby established and created a fund to be known as the "Plan Review, Permit Processing, and Inspection Revolving Fund." The fees collected pursuant to this subsection are hereby deemed appropriated upon receipt and may be expended [for the hiring of persons employed on a fee, contract or piecework basis, or independent contractors to assist in plan checking, permit processing and inspections. These fees may also be extended] for salaries, training, contracts, materials, supplies, and equipment that facilitate plan review and for payment of overtime for plan checking, permit processing, and inspections.

Your Committee voted to recommend passage of the proposed bill, as revised, on first reading and the filing of the communication.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality, from the Department of the Corporation Counsel.

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Your Public Works and Traffic Committee RECOMMENDS the following:

1. That Bill No. _____ (2003), revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, PERTAINING TO THE UNIFORM BUILDING CODE", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 03-131 be FILED.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA Chair

DAIN P. KANE Member

CHARMAINE TAVARES Vice-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member