

DEPARTMENT OF THE CORPORATION COUNSEL  
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October 17, 2005

MEMO TO: Dain P. Kane  
Councilmember

FROM: Traci Fujita Villarosa *TFV*  
First Deputy Corporation Counsel

SUBJECT: PERIODIC REVIEW OF TAXICAB RATES (PAF 05-179)

The purpose of this memorandum is to provide you with legal advice pertaining to the review of taxicab rates.

1. Does the attached report transmitted by the Acting Director of Finance by correspondence dated August 30, 2004 satisfy section 5.16.100(A) of the Maui County Code?

The Maui County Code ("MCC") states that the Director of Finance shall submit to the Council a report reviewing taxicab rates of fare and baggage charges on or before September 1 of each even-numbered year.<sup>1</sup> The MCC does not specify what the report should contain other than a review of taxicab fare rates and baggage charges.

The report submitted by the Acting Director of Finance on August 30, 2004 contains the taxicab fare rates and baggage charges in Maui, Honolulu, Kauai, and Hawaii counties. See Exhibit "A". The report does contain a "review" of taxicab fare rates and baggage charges and, therefore, complies with the minimal requirements of section 5.16.100(A), MCC.

The Council may want to consider amending this section of the MCC to specify the type and format of information to be included in the biennial report from the Director of Finance.

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<sup>1</sup> Section 5.16.100(A), MCC.

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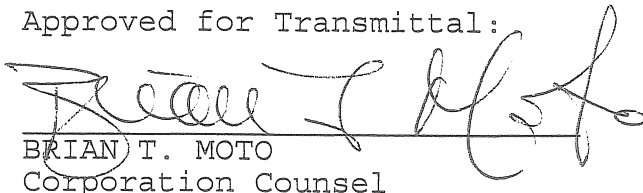
2. Can the Council make adjustments to the taxicab rates of fare and baggage charges without the committee being established to review Section [sic] 5.16 of the Maui County Code?

Section 5.16.100(B), MCC, states:

As deemed necessary, the council shall, by resolution, request the mayor to appoint a committee of not less than three persons to review chapter 5.16. This committee shall investigate proposed rate changes, review license and permit requirements, review the method of computation that determines the number of taxis permitted in the county, and report its findings to the mayor, who will forward the committee's findings to the council.<sup>2</sup>

Although section 5.16.100(B) anticipates that Council will use this procedure to obtain findings and recommendations relating to the taxi industry, Council is not precluded from proposing amendments to Chapter 5.16, MCC, in the absence of such a committee. Establishment of a committee is not a prerequisite for Council action on taxicab fare rates and baggage charges.

Approved for Transmittal:



BRIAN T. MOTO  
Corporation Counsel

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<sup>2</sup> Section 5.16.100(B), MCC.