

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

February 25, 2025

Online Only via Teams

CONVENE: 1:37 p.m.

PRESENT: Councilmember Tom Cook, Chair
Councilmember Gabe Johnson, Member (arrived at 2:12 p.m.)
Councilmember Tasha Kama, Member (arrived at 1:45 p.m.)
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Nohelani U‘u-Hodgins, Member

EXCUSED: Councilmember Yuki Lei K. Sugimura, Vice-Chair

STAFF: Keone Hurdle, Legislative Analyst
Jarret Pascual, Legislative Analyst
Carla Nakata, Legislative Attorney
Lori Ann Tengan, Committee Secretary
Maria Leon, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office:

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office
Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office
Jared Agtunong, Executive Assistant, South Maui Residency Area Office

ADMIN.: Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation
Counsel
Jordan Molina, Director, Department of Public Works
Thomas Ochwat, CIP Manager, Department of Water Supply
John Smith, Administrator, Office of Recovery
Jordan Hart, Executive Assistant, Office of Recovery
Greg Pfost, Administrative Planning Officer, Planning Department

OTHERS: Shayna Decker, Director of Government and Community Affairs for Maui County,
Hawaiian Electric Company
Mat McNeff, Hawai‘i Electric Director of Maui, Moloka‘i and Lāna‘i, Hawaiian
Electric Company

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(13) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR COOK: . . .*(gavel)*. . . Will the Water and Infrastructure Committee of February 25, 2025, please come to order. The time is now 1:37 p.m. May I ask that all participants, please silence noisemaking devices. Today, I am your Chair, Tom Cook. Members, per the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workplace with you today, exclusive of minors. Before we begin, I would also like to ask the Department representatives who have joined online to please also turn on your cameras when it's your time to speak. I'd also like to ask all the Members and guests to use the microphones close to their mouths so everybody can hear. Now, I'd like to introduce the Committee Members. Committee Vice-Chair Yuki Lei Sugimura is on the mainland, I don't believe that she's going to be attending, but she's welcome. Councilmember Tasha Kama will be here at approximately 1:45. Hello and aloha, good afternoon, Council Chair Alice Lee.

COUNCILMEMBER LEE: Aloha and susadei.

CHAIR COOK: Susadei. Aloha, good afternoon and susadei, Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Susadei and aloha 'auinalā kākou.

CHAIR COOK: Aloha, good afternoon, susadei, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā kākou mai Moloka'i nui ahina. I'm at the Moloka'i District Office, alone on my side of the office and we currently have no testifiers here. Mahalo, Chair.

CHAIR COOK: Good afternoon, aloha, susadei, Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha and susadei, Chair. And there are no testifiers at the Hāna District Office.

CHAIR COOK: Aloha. Good afternoon, Councilmember Nohelani U'u-Hodgins.

COUNCILMEMBER U'U HODGINS: Aloha, Chair. Susadei, everyone.

CHAIR COOK: Today from the Department of Water Supply we have Tom Ochwat, he's the CIP Manager. From the Department of Public Works we're going to have Director Jordan Molina. From the Department of Planning, Gregory Pfof, Administrative Planning Officer. From the Office of Recovery, John Smith, Administrator and Jordan Hart, Executive Assistant. From Corporation Counsel, Deputy Corporation Counsel Caleb Rowe. We also have us...with us here, two representatives from Hawaiian Electric Company for the second item. Shayna Decker, Director of Government and Community Affairs for Maui County, and Mat McNeff, Hawai'i Electric Director of Maui, Moloka'i and

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Lānaʻi. Members, without objections I will designate Ms. Decker and Mr. McNeff as resource persons under Rule 18A of the Rules of the Council because of their expertise in today's subject matter as employees of the electric utility company.

COUNCILMEMBERS: No objections.

CHAIR COOK: Thank you. From OCS our Committee Staff, Keone Hurdle, Jarret Pascual, Lori...Lori Ann Tengan, Maria Leon, and Carla Nakata. Please see the last page of the agenda for information on meeting connectivity. Good afternoon, everyone. For today's meeting, we have two items on today's agenda. WAI-2 on Resolution 25-21 Authorizing the Acquisition of Real Property Consisting of 1,811 Acres identified as Tax Map Key (2) 2-3-005-004 situated at Ōma'opio Kula, Makawao, Hawaii, for an amount not to exceed \$451,561.00. And then we're going to have WAI-12 on Bill 90 (2023) Utility Lines and Facilities.

. . . OPEN PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

CHAIR COOK: Let's begin with testimony at the beginning of the meeting. Staff, do we have any testifiers?

MR. PASCUAL: Thank you, Chair. Yes, we do have one individual signed up to testify. Would you be able to read the opening remarks for testimony?

CHAIR COOK: Anyone wanting to testify, please sign up in the Council Chambers lobby, join the online meeting, or call on the phone number noted on today's agenda. For online testifiers, please click the raise your hand button. For those calling in, please follow the prompts via phone star-5 to raise and...raise and lower your hand, star-6 to mute and unmute. Written testimony will continue to be accepted and can be submitted via eComment at mauicounty.us/agendas. Staff will enable your microphone and video when it is your turn to testify. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. You can view the meeting on *Akakū* Chanel 53, Facebook Live, and mauicounty.us/agendas. Decorum will be maintained throughout this meeting. Breaching of decorum includes anything that disrupts the orderly management of the meetings. Violations of decorum may result in being removed at...from the beginning of the meeting. And I would like to...Councilmember Johnson is excused for today; he is attending meetings with the Planning Commission. Okay. Staff will now call testifiers.

MR. PASCUAL: Thank you, Chair. The first testifier is Mike Moran.

MR. MORAN: Aloha, Chair Cook. I apologize you have...having to read that whole thing for me. I know the words, but I understand this...the situation. Testifying for the Kihei Community Association today on the second item, Bill 90. We are in complete support of...of that matter to try and get all these utilities underground. And, you know for years we have heard the challenges from what used to be MECO which is now HECO. And I will give one example of...of community action and getting results. Many years ago,

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then MECO...all of the South Maui Community, they had to run the high overhead lines on the makai side of the Pi'ilani Highway. No choice, it was nothing they could do, it's required and our community objected. And it was...response from MECO was for we're bound by the PUC, and we have to follow what they tell us. So, we contacted the PUC and asked if we could get a meeting held on Maui, preferably in South Maui and unable or unwilling, they could not do it. Well shortly after that, they had...PUC had to hold the meeting on...on Maui because they were...MECO was asking for a rate increase. So, our...our community got stimulated and said we'll go testify. We know this is not on the island we want, but we're going to testify anyway, because this is our only chance. And...and the coconut wireless spread the word, and it went way beyond South Maui. Countless number of people went to that meeting, testifying, and each person testified they were told by the PUC that matter's not on the agenda. And we said well you wouldn't come, and you wouldn't give us a chance. After, I don't know, maybe 20 people testified; the...then president of MECO stood up, held up, he said okay we get it, we'll find a way, we're not going to run those lines down there. So, it showed that things could be done by community interest. So, I don't know what HECO is going to say about not...the difficulties of doing underground...well, yeah, but difficulties can be overcome. Our understanding is this has been done on O'ahu for...for decades. So, where... I'm, I'm probably out of time so I appreciate the opportunity to testify. Mahalo.

CHAIR COOK: Thank you, Mr. Moran. Any clarifying questions for our testifier? I...I encourage you to stay for the entire meeting, Mike, Mr. Moran, because you'll see HECO's been very...is being very cooperative and progressive in this. So, I think you'll be pleased. Staff.

MR. MORAN: Sounds good, new regime, new change. Thank you. Aloha.

CHAIR COOK: Staff, any other testifiers?

MR. PASCUAL: Yes, Chair. Next testifier is Stacey Alapai.

MS. ALAPAI: Aloha again, Councilmembers. I just wanted to support this undergrounding measure. I believe it's been...been discussed for a pretty long time, and it seems like there's more that we could do to underground the lines that are already existing. But at the very least, it'd be great if we could underground new power lines of when we have the opportunity to. One example that I'd like to just put forward, which is what got me interested in energy issues in the first place, was that when Old Haleakala Highway got that new sidewalk put in, they were doing a lot of utility work underneath that sidewalk and a lot of digging, and it seemed like a missed opportunity to be able to underground those really unsafe powerlines on that street. And I feel like there are a lot of other public works or utility works that happen that if it would...could be done in coordination with each other, that we could possibly reduce some of the costs related to undergrounding when we time it with other work. But I just want to support this initiative to try to get more of our powerlines undergrounded because it is a source of anxiety for a lot of people and would make our community safer and more resilient when it comes to energy. Mahalo.

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UNIDENTIFIED SPEAKER: Oh.

CHAIR COOK: Thank you. Members, any clarifying questions for our testifier? Seeing none. Thank you very much. Staff.

MR. PASCUAL: Chair, I do see one individual in the Chamber who would look...looks like they want to testify.

MR. LAW: Aloha awakea luna ho'omalua Cook. Jasee Law. He Ali'i ka 'Āina, He Kauwā ke Kanaka. The land is chief, the servant is man. Please refer to the...if there's property on the 'āina, it's separate from the 'āina. Thank you.

CHAIR COOK: Any clarifying questions? Seeing none. Staff.

MR. PASCUAL: Chair, that's currently all the individuals signed up to testify. If there's anyone in the audience or on Teams who would like to testify, please come up to the mic and begin your testimony or use the raise your hand function on Teams and Staff will unmute you. And here's a brief countdown three, two, one. Seeing none, Chair, no one has indicated that they wish to testify.

CHAIR COOK: Okay. Without objections, Members, we'll close public testimony for this thing but after each item, people will...people will be able to give testimony.

COUNCILMEMBERS: No objections.

. . . END OF PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

CHAIR COOK: Okay. As a remember [sic] we'll take testimony after opening remarks on each item. We'll move on to our first item, WAI-2.

**RESOLUTION 25-21, AUTHORIZING THE ACQUISITION OF REAL
PROPERTY CONSISTING OF 1.811 ACRES IDENTIFIED AS TAX MAP KEY
(2) 2-3-005:004 SITUATED AT OMAOPIO, KULA, MAKAWAO, MAUI,
HAWAII, FOR AN AMOUNT NOT TO EXCEED \$451,561.00 (WAI-2)**

CHAIR COOK: Members, the first item is Resolution 25-21, entitled, Authorizing the Acquisition of Real Property Consisting of 1.811 Acres Identified As Tax Map Key (2) 2-3-005:004 Situated At Ōma'opio, Kula, Makawao, Maui, Hawaii, For An Amount Not To Exceed \$451,561.00. Resolution 25-21's purpose is to one; authorize the acquisition of the property in Ōma'opio, Kula, Makawao, Maui, Hawaii comprising of 1.811 acres identified for the real property tax purpose tax map key (2) 2-3-005:004 for \$451,561. And two; accept the dedication of a waterline easement and access easement across the property. Members, to view the appraisal and the preliminary title report, please see Granicus item number three. I would also like to note that I have transmitted a proposed CD1 version of this resolution attached to today's agenda. Before we...we

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begin, Mr. Ochwat, would you please provide opening comments from the Department of Water Supply on this item.

MR. OCHWAT: Thank you, Chair Cook. I just want to thank all of the Councilmembers in considering this purchase for the...what we have is a two million gallon concrete water tank on that property that is the primary water tank that feeds all of the Upper Kula residents. And we built it, constructed it, and now we're trying to purchase the land that we've been pursuing. Thank you.

. . . OPEN PUBLIC TESTIMONY FOR WAI-2 . . .

CHAIR COOK: Thank you. Before we begin our...before we begin our discussion, let's see if anyone would like to provide testimony for WAI-2. Staff, are there any testifiers?

MR. PASCUAL: Chair, there's currently no individuals signed up to testify. Would you like me to do a last call?

CHAIR COOK: Please.

MR. PASCUAL: If anyone would like to testify, please come up to the podium or raise your hand on Teams. The countdown is three, two, one. Seeing none, Chair no one has indicated that they wish to testify.

CHAIR COOK: Members, seeing that there are no more individuals wishing to testify, without objections, I will now close oral testimony on this item.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR WAI-2 . . .

CHAIR COOK: As a reminder, written testimony will continue to be accepted into the record. Members, I'm proposing two rounds of three-minute questions per Member. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: I guess not. Thank you, Members. I would now like to open the floor for questions and discussions. I would also like to welcome Member Kama.

COUNCILMEMBER KAMA: Aloha 'auinalā, Chair. Pardon me, I had a meeting in my office at 12:30 and things just went late. Thank you.

CHAIR COOK: Okay. Do you have any questions for the Department?

COUNCILMEMBER KAMA: None at this time.

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CHAIR COOK: Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN: I was wondering...thank you, Mr. Ochwat for your presentation. I was wondering, you said you constructed the water tank and now you're purchasing the land. Did you construct the water tank on somebody else's land, or they...how did that work; they gave you permission?

MR. OCHWAT: That is correct. We...we have a very good working relationship with Haleakala Ranch. And there's several of our facilities that are on the ranch properties and it's just unfortunate that we...we take this long to say hey, we want to purchase the asset that we have that's on their property. And it's a process that me being in...in the CIP section of the Water Department. We eventually get...get to this point.

COUNCILMEMBER PALTIN: So...so, they let us build it on their property and now we want to purchase the land underneath the asset that we built on their property?

MR. OCHWAT: That is correct.

COUNCILMEMBER PALTIN: And you mentioned that there's several assets on their property, would this purchase encompass all the assets or just the one asset?

MR. OCHWAT: Well in addition to the concrete water tank, we have a motor control center building and booster pumps on...on the...on that property as well.

COUNCILMEMBER PALTIN: That we would be purchasing.

MR. PASCUAL: They're all our, we've already built it and paid for it. It's just the land that we're...we're more or less...

COUNCILMEMBER PALTIN: So, with this purchase of land we're purchasing all the land that the assets we own are on top?

MR. OCHWAT: That's correct.

COUNCILMEMBER PALTIN: Okay. And...

MR. OCHWAT: It gives us more rights to do whatever we want on that parcel of land without having permission from Haleakala Ranch to say hey, we want to add this.

COUNCILMEMBER PALTIN: Whatever we want in terms of what's legal right?

MR. OCHWAT: Right.

COUNCILMEMBER PALTIN: Okay. Just --

MR. OCHWAT: That's correct.

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COUNCILMEMBER PALTIN: -- got it. Thanks.

CHAIR COOK: Member Rawlins-Fernandez, questions for the Water Department?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha. Mahalo for your opening remarks. Dovetailing off of Member Paltin's line of questions. What...what's the current nature of our relationship with the property owner? Is it a long-term lease?

MR. OCHWAT: Right now, it's just a kindness of them to allow us to have that facility on their property. Part of the process is we got to go through like co-sponsored subdivision to carve out that parcel of land and then get it appraised, and then get, you know, work out a purchase sale agreement. And this all takes time. But our relationship with Haleakala Ranch, especially with the Water Department, they've been more than helpful and patient and wanting to serve the community.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, we...we don't have like a formal official type of relationship, like legal it's just --

MR. OCHWAT: Yes, we have --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- handshake.

MR. OCHWAT: -- we have a right of entry agreement to enter that parcel of land as well as access easements through that...that up to that part up to that water tank. So, we do maintain those agreements and access to get up there with Haleakala Ranch.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And then I'm looking at the TMK on the map and it is, so the parcel that we would be acquiring, would it be accessible or is there an easement to the like, main road?

MR. OCHWAT: Yes, there's an easement that starts from I believe Upper Kula Highway that you access it right before you get to the Kula Lodge, about a half a mile on the Ha'ikū side there's an access gate and then there's a private road I guess you could call it, an access road that brings you all the way up to the Ōma'opio tank. And that'd be the our access point.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry. Sorry, I was monitoring another meeting. Did...did the timer go? Sorry that caught me off guard.

CHAIR COOK: The timer hasn't gone off yet. Feel free if --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Oh.

CHAIR COOK: --you could get...you could have additional questions on your next round.

COUNCILMEMBER RAWLINS-FERNANDEZ: No...no I just wanted to ask a...a final question

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that, it...it startled me. So, the...the easement to...to use the private road from the County roadway to the parcel itself, that is a separate transaction or is that part of this transaction?

MR. OCHWAT: A portion of the road that we're...we made improvements to . . .*(timer sounds)*. . . is part of this transaction. It's noted in the resolution as an access easement. And then the road continues, I guess you could say, down to the highway there, that easement is already been dedicated and recorded.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that.

CHAIR COOK: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I hear the timer. Mahalo, Chair.

CHAIR COOK: Thank you. Chair Lee, questions? No questions.

COUNCILMEMBER LEE: . . .*(inaudible)*. . .

CHAIR COOK: Member U'u-Hodgins.

COUNCILMEMBER U'U HODGINS: Thank you, Chair. I also have no questions. Happy to support.

CHAIR COOK: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: My question was answered. Thank you.

CHAIR COOK: Okay. Thank you. Chair doesn't have any questions. I guess, well I have one question. This is a part of a very large parcel, correct?

MR. OCHWAT: That is correct. The larger parcel is 9,900 acres.

CHAIR COOK: So, thank you for that answer. Member Kama, do you have a... Okay. So, Members, let me clear my screen here so I can see. Any further questions on this? Okay. With that, seeing no further discussion, we'll move on to decision-making. Now the Chair would like to entertain a motion to recommend adoption of Resolution 25-21.

COUNCILMEMBER U'U HODGINS: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: Made by...motion made by Councilmember U'u-Hodgins and seconded by Councilmember Kama to recommend adoption of Resolution 25-21. Members, any discussion before I move on to my Amended *[sic]* Summary Form?

COUNCILMEMBERS: No objections.

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emphasized during our prior meeting was that the Bill does not apply to the rebuilding of Lāhainā, but rather to future subdivisions in rural, agricultural, and residential areas. Discussions centered on the cost, feasibility, and potential exemptions for undergrounding utilities with Hawaiian Electric. Estimating that undergrounding is five to ten times more expensive than overhead lines. Representatives from the Department of Public Works and Hawaiian Electric noted that the financial burden typically falls on developers which ultimately increases the home prices. Concerns were also raised about challenges such as encountering blue rock, or iwi during excavation, the additional permitting requirements, and the time delays associated with underground installations. Committee Members discussed balancing affordability, public safety, and wildfire mitigation. Some Members supported finding creative funding solutions, including State or Federal assistance to off...offset cost. Others pointed out that despite the high cost, undergrounding utilities could enhance safety and resilience. I've invited Ms. Decker and Mr. McNeff from Hawaiian Electric to be resource today so that they may provide the perspective of a private electric utility. At this time, I would like to ask Councilmember Johnson, the introducer of Bill 90, to please provide any opening remarks.

COUNCILMEMBER JOHNSON: Thank you, Chair. And thank you, everybody for allowing me this chance to speak. Just to let, you know, there's no testifiers at the Lāna'i District Office. So, this Bill, again, I might say a few things that the Chair mentioned already but they are important to emphasize. First off, this Bill is taking effect on new developments, so starting now for new developments, right. I want to remind the Members that this office, or I mean this...this policy has been in place on O'ahu since the 1960's; right. The current law is all zones except for residential have to do it; right. So, we're, we want to include residential. If you look at the survey that was done in by...by Maui County Lāhainā Community Engagement Survey that was done. I think it was Office of Recovery, correct me if I'm wrong, but I think those was the guys who did 'em. And then it was 85 percent supported undergrounding powerlines. Now this, you know, we all can debate if it's a branch or a stick, but that's one thing we can agree on that 85 percent of the people want to bury their powerlines in residential. I think that is an important point there, you know, moving forward there's been a little bit more discussion on well, what about if we just bury powerlines along the...the evacuation routes, and that'd be an amendment that I would love to have. We could have that discussion here, maybe some of the concerns that Committee Chair Cook brought up that we just looked at the evacuation routes. However, I just want to remind you our community is saying loud and clear, 85 percent want these powerlines buried. So, that's my intro, Chair. Mahalo.

CHAIR COOK: Thank you, Councilmember Johnson. Director Molina, would you like to provide any opening comments?

MR. MOLINA: Hi, Chair. Good afternoon. Jordan Molina, Department of Public Works. Yeah, just to restate kind of what we see the effect of this Bill is...is as Member Johnson noted residential, but it also requires rural and ag districts to also be required to underground. It...it is applicable to subdivisions and new subdivisions as was stated. And that's just all I think I really wanted to reemphasize for my comments today. Thank you.

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CHAIR COOK: Thank you, Director Molina. Mr. Pfost from the Department of Planning is...is not going to be able to attend; he is at the Planning Commission Meeting. Would the Office of Recovery like to provide any opening comments?

MR. SMITH: Thank you, Chair. John Smith, Office of Recovery, and I have... yep, sorry. Let me get it closer. Thank you, Chair. John Smith, Office of Recovery, and I have with me Jordan Hart, I think most of you are familiar with him. But we...we're here just to help support in terms of Recovery's role in undergrounding. We've been starting to strategically align ourselves to help Hawaiian Electric as they work towards undergrounding, in particular in Lāhainā. So, this Bill, while it doesn't directly impact what we're talking about in Recovery, we just wanted to be at the table to help things along. Thank you.

CHAIR COOK: Thank you, Mr. Smith. Mr. Hart, any comments? No, none at this time. Thank you. Would the representative from Hawaiian Electric like to provide any opening comments on Bill 90?

MR. MCNEFF: Thank you, Chair. I'm Mat McNeff and joining me is Shayna Decker from Hawaiian Electric. Consistent with our testimony previously, just to note that this Bill is intended to apply to new properties and not meant to cover conversions or replacements of existing overhead infrastructure. Thank you, Chair.

. . . OPEN PUBLIC TESTIMONY FOR WAI-12 . . .

CHAIR COOK: Before we begin our discussion let's see if anyone would like to provide testimony on WAI-12. Staff.

MR. PASCUAL: Chair, we currently do not see any individuals signed up to testify. Would you like me to do a last call?

CHAIR COOK: Please.

MR. PASCUAL: If anyone would like to testify, please come up to the podium or raise your hand on Teams. This is final call. The countdown is three, two, one. Seeing none, Chair, no one has indicated that they wish to testify.

CHAIR COOK: Members, seeing they're no more individuals wishing to testify, without objections, I will now close oral testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR WAI-12 . . .

CHAIR COOK: As a reminder, written testimony will continue to be accepted into the record.

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Members, I'm proposing two rounds of three-minute questions per Member. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Thank you, Members. Let's begin discussion. Councilmember Johnson.

COUNCILMEMBER JOHNSON: Oh. Okay. Thank you. Mr. McNeff, am I pronouncing that correctly.

MR. MCNEFF: McNeff.

COUNCILMEMBER JOHNSON: McNeff. Mr. McNeff, does your company support the undergrounding of powerlines?

MR. MCNEFF: Yes. We...just in January, we filed our Wildfire Safety Strategy and part of that did include strategic undergrounding along with other grid hardening efforts.

COUNCILMEMBER JOHNSON: So, that term, strategic undergrounding, that's the one that I think I'm really curious to dig in a bit. You know, one of the things I'm hearing is bury them along the evacuation routes. Is that what you would consider like a strategic placement of these, or can you elaborate on what that means?

MR. MCNEFF: Sure. I think that would be one of the considerations, you know, a wildfire safety strategy intends to reduce the risk of wildfire from our infrastructure and undergrounding is one of the things that can do that but there are others --

COUNCILMEMBER JOHNSON: Sure.

MR. MCNEFF: -- including upgrading the poles to steel poles, upgrading the conductor from copper to aluminum, covered conductors, so I...I guess undergrounding is one of the arrows in the quiver it...it is an expensive arrow, so we want to use it judiciously where appropriate.

COUNCILMEMBER JOHNSON: What...what about in terms of the WUI, the Wildland Urban Interface. Running it along where the, you know, South Maui's a great example you see one side of the road just wildland and the other side urban. So, something like that, is that...

MR. MCNEFF: That would be one of the considerations, yes.

COUNCILMEMBER JOHNSON: Okay. I'd like to hear from the Department as far as West Maui. I know you...this is for new...new developments but where particularly in West Maui would you consider a good place to like bury powerlines, if not everywhere?

MR. SMITH: Chair. So, you say Department you...you're looking at Office of Recovery?

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COUNCILMEMBER JOHNSON: Yes, I'm sorry. Yeah.

MR. SMITH: I didn't want to...

COUNCILMEMBER JOHNSON: No...no. I...we'll start with Office of Recovery and maybe we can get to Director Molina if I have time.

MR. SMITH: Okay. Sure, I think Office of...okay... I started in January 1st, we're getting up to speed really quickly with all recovery efforts. Jordan started after me, but we've obviously been in Public Works and --

COUNCILMEMBER JOHNSON: Uh huh.

MR. SMITH: -- Planning for a while, and we've been working with Mat and Shayna all this time. And so we are, the Office of Recovery is trying to align ourselves with the strategic efforts knowing all of the potential places that make undergrounding feasible, and practical, but also the most, you know, bang for the buck so to speak. So, at the wildfire interface that makes a lot of sense if we have projects in town where we may do like, for example, a complete streets effort.

COUNCILMEMBER JOHNSON: Right.

MR. SMITH: Or we may widen the road that would provide another location for strategic undergrounding. There's...there's all sorts of ways that we're thinking through, or helping the County and Hawaiian Electric think through where's the best place to do this and where...and where can we make Lāhainā town the safest.

COUNCILMEMBER JOHNSON: Thank you. Since I didn't hear the bell, Director Molina, same question for you. If you need me to repeat it, I certainly can.

MR. MOLINA: Oh yeah. Thank you, Chair and Member Johnson, (*audio interference*) for the question. I mean the simplest way is wherever there's room and...or site to accommodate. Retrofits is always the most difficult scenario. Then I guess the next thing from a, you know, site condition standpoint is ground water. If, you know, ground water makes it particularly challenging to underground then that wouldn't necessarily be an ideal place to consider. But yeah, for the most part if you have this as part of your project from the beginning and you can afford it, you know, it's...it's usually easy to accommodate. Thank you.

COUNCILMEMBER JOHNSON: I saw the big asterisk, if you can afford it, but okay I hear where you're coming from and thank you Committee Chair those are my questions for my first round.

CHAIR COOK: Thank you. Member Kama, you have questions for our resource?

COUNCILMEMBER KAMA: Yes, this question is for...since we're already talking to Director Molina. In your letter dated November 6, 2023 regarding Bill 90, you said that the

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Council needs to be aware of the substantial cost increase that will result with these developments, and it could render projects, especially smaller projects and affordable projects, (*audio interference*) infeasible if there isn't enough density or subsidy. Can you elaborate on that, please?

MR. MOLINA: Yeah. Sure. Perfect example DHHL's Pu'unani Project they chose to install overhead utilities in large part to help stem the cost of that underground infrastructure to make their project more feasible and cost effective for the beneficiaries.

COUNCILMEMBER KAMA: Thank you. And then my other question is, and I'm not sure if it should go to you or if it should go to someone else, but how much of an increase would undergrounding utilities add or tack onto affordable housing projects? Does anybody know?

CHAIR COOK: There's a lot of variables there but, Mat?

MR. MCNEFF: So generally, and so, what the...what the Chair said earlier ---

COUNCILMEMBER KAMA: Yeah.

MR. MCNEFF: -- we estimate that undergrounding is five to ten times the cost of overhead infrastructure.

COUNCILMEMBER KAMA: So, what would the alternative be if...if at some point you couldn't put underground because the lava is just too much to go through?

MR. MCNEFF: Well from a wildfire safety perspective there's a lot of options. You can do, like I mentioned, you can build back with or build with steel poles they're stronger, you can use covered conductor in areas where, you know, tree branches might be touching the lines. You know, right now Hawaiian Electric is installing fire mesh on all our wood poles. If you've been out to Lāhainā, that's the black mesh that usually extends about eight foot up the pole. There's Termimesh at the bottom so there's a lot of hardening that can be done besides just undergrounding.

COUNCILMEMBER KAMA: Uhm. Thank you. Thank you, Chair. Right on.

CHAIR COOK: Chair Lee, you have questions for our resources?

COUNCILMEMBER LEE: I was just wondering you said five or ten times more, yeah, over the normal cost of infrastructure would be. So, in dollars what's that range?

MR. MCNEFF: In our Wildfire Safety Strategy filing, we estimated that one mile of undergrounding cost about \$11 million.

COUNCILMEMBER LEE: As opposed to...the hardening would cost what?

MR. MCNEFF: It...it depends on the specific situation and what we'd be doing, but significantly

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less than that.

COUNCILMEMBER LEE: Okay. So, I'm wondering if...if we're, you know, 11 million for one mile did you say?

MR. MCNEFF: Yes.

COUNCILMEMBER LEE: Okay. Mr. Hart how many or...or John. One mile would cover how many homes? Because it would be all, you know, amortized right? Prorated.

MR. SMITH: Thank you for the question. That's a difficult question to answer without doing some calculations.

COUNCILMEMBER LEE: Yeah. Okay.

MR. SMITH: You guys...

COUNCILMEMBER LEE: Just wondering like would it be like \$500 to \$2,000 or \$500 to \$5,000 or what? No idea.

MR. SMITH: Well maybe when you, Mat could explain a little bit further about the different kinds of undergrounding in terms of like service lines versus transmission lines.

COUNCILMEMBER LEE: Well I think he did, there are alternatives yeah, you said. Yeah. Okay. Go ahead.

MR. MCNEFF: Okay. I...I think what was referenced is there are different parts of the infrastructure that can be undergrounded. For example, the line that might exist currently from your pole to your house, that could be underground. That's a very short distance typically small...small wire. That's the cheapest to underground I'd say. If...if your whole subdivision, you know, all the transformers, all those things would need to come off the poles and go under the ground.

COUNCILMEMBER LEE: Uh huh.

MR. MCNEFF: There's vaults that would be...need to be buried and a...a loop system throughout the whole subdivision. That's where it starts to get more expensive. And then probably the most expensive is like the transmission lines. You can think of the lines that go through West Maui mountains, I mean that doesn't really seem like a place that's even feasible to underground. So, --

COUNCILMEMBER LEE: Several homes are being built already, so are they using any of these devices?

MR. MCNEFF: Typically, newer subdivisions are built with underground infrastructure. I think typically . . . *(timer sounds)* . . . oh, the infrastructure is laid out prior to the homes and then the homes are adjusted according to where the lines will be run. And then

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that cost can be included in the mortgage when the homeowners buy into that subdivision.

COUNCILMEMBER LEE: Okay. Thank you. The Member from Lānaʻi electric can answer that.

COUNCILMEMBER JOHNSON: I only wanted to add on because you were...you were talking about the costs right? Howard Kihune came before this Council and asked for \$900,000 to bury his power lines on his project; you guys know where that is. So, you want a visual it was 900K for that.

COUNCILMEMBER LEE: Divided by how many homes?.

COUNCILMEMBER JOHNSON: Now that part I don't know. I just know the price of the total so.

CHAIR COOK: Yeah. And I...I think that...that was a subsidy to a help-assist and not the total cost so.

COUNCILMEMBER JOHNSON: It's going to be a capital stack of course, yeah.

CHAIR COOK: Member Paltin, you have questions for our resource people?

COUNCILMEMBER PALTIN: My apologies for missing the presentation. Hopefully I don't ask anything that was already covered. I was wondering if you guys knew...if you could explain how Act 12 would give us more power, I guess in relationship to Bill 90 like a comparing contrast.

CHAIR COOK: Mat.

MR. MCNEFF: I'm sorry I'm...

COUNCILMEMBER PALTIN: Of the Session Laws of 1991. It says the Council has a great deal of power to require undergrounding or insulation of electrical lines on Maui. This power comes via the Maui Electric franchise statute enacted in 1991, Act 12 of the session laws of 1991. This power is not widely known on Maui and may be a surprise to even Councilmembers so, I'd love to be surprised at the power that we have. But I don't...I don't, I'm asking if you know what it is.

MR. MCNEFF: I'm sorry. I'm not...I'm not that familiar with Act 12.

CHAIR COOK: Shayna, you have any knowledge of that.

MS. DECKER: No, we're not familiar with that.

COUNCILMEMBER PALTIN: It say's a Bill for an Act relating to the grant of franchise for the Island of Maui to Maui Electric Company Limited. A franchise for the Island of Maui,

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State of Hawai'i is hereby granted to Maui Electric Company Limited to read in its entirety as follows: the franchise, the corporation is granted the right, authority, and privilege to manufacture, sell, furnish, and supply electric light, electric current, or electric power on the island of Maui. Poles not to interfere with streets, plants, subject to inspection, meters, and rates, extensions of lines and charges for making connections, charges for making connections, rights to acquire a property limits to power to borrow money, and bonds. That the franchise is not exclusive, forfeiture of franchise, rules to enforce rates, eminent domain, annual statement payment to the government, regulation. None of that sounds familiar or...

MR. MCNEFF: No. That...that does sound familiar. I believe that is granting Hawaiian Electric or Maui Electric our franchise rights. Not speaking specifically about the right to underground there, but there are various laws that require undergrounding in certain situations, and we comply with them so whatever would be required is what we would do.

COUNCILMEMBER PALTIN: So, you don't think that Act gives more broad authority to the Council than like Bill 90 or that was a misrepresentation of the testifier?

MR. MCNEFF: No. I can't speak to whether it's, you know, more authority than Bill 90.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR COOK: Thank you, Member Paltin. Member Rawlins-Fernandez, questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, I was thinking about the cost of maintaining all of the roads that we're responsible for and, you know, if we...if we thought about it, if maintaining all of the roads at once that's like billions of dollars just like undergrounding all the lines at once would be billions of dollars. And so, I...I don't remember exactly how Public Works sets how much money is spent on road maintenance each year, but if we looked at it in like from that standpoint of, you know, setting aside x amount of money annually and like having a plan to underground certain high priority areas that wouldn't be too costly, that wouldn't disturb iwi kūpuna, that wouldn't have, you know, blue stone, wouldn't be hard, you wouldn't need dynamite or anything like that. And that were...that was in areas that would make the most sense like evacuation zones. So, if there...if it was mapped out and then just a set amount that we're saying we're going to cap it at this much and, you know, whatever this much, you know, can...can get us annually then that's how much lines we would, you know, bury annually. And then that way we're not looking at it as like all or nothing, billions of dollars, way too expensive because we don't look at maintaining roads that way. And so, thoughts on that. *(audio interference)*

CHAIR COOK: Mat.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair Lee, you got to mute.

MR. MCNEFF: Thank you for the question. Yeah. So, Hawaiian Electric isn't opposed to

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Bill 90, we're in favor of it and kind of what you described with regards to prioritizing, you know, I guess where we get the most bang for the buck on undergrounding is what we've done in the Wildfire Safety Strategy. We've committed already to two miles, approximately two miles of undergrounding in...in Lāhainā. And then just for reference, you know, over half of the lines currently for Maui County are already undergrounded.

MS. DECKER: I also wanted to add for the two miles that he mentioned that's actually being funded in part of the Federal Grant that we were awarded recently. So, we are looking at Federal opportunities to pay for strategic undergrounding and hardening as part of the wildfire safety strategy.

COUNCILMEMBER RAWLINS-FERNANDEZ: Wonderful. Well hopefully the Federal Government doesn't implode, and you can get that funding for that support. Mahalo. Mahalo, Chair.

CHAIR COOK: Thank you. And Councilmember U'u-Hodgins.

COUNCILMEMBER U'U HODGINS: Thank you, Chair. I did have a clarification question. So, Member Johnson, if you don't mind. In the beginning of your explanation, you said it's only applicable to new and residential subdivisions. Do you think that needs to be specifically stated? Or when it says all subdivisions...does that just...where...where do you see that it only references new and residential?

COUNCILMEMBER JOHNSON: Because every subdivision already is required to bury powerlines except for --

COUNCILMEMBER U'U-HODGINS: Residential.

COUNCILMEMBER JOHNSON: -- residential.

COUNCILMEMBER U'U-HODGINS: And so, maybe I'll ask this question then, to Jordan Molina. Say a multi-family unit, let's say Schatz is one because it's the closest one, needs to...if they didn't already, have underground powerlines, reroof their place and they needed permits. Would then they need to also underground their electric?

CHAIR COOK: Director.

COUNCILMEMBER JOHNSON: No, it's for new.

MR. MOLINA: Yeah. Thank you, Chair. And thank you, Member U'u-Hodgins. Yeah, so this Bill applies to new subdivision applications, the way it's structured in the subdivision code. So, only activities or developments that are coming in for subdivisions would trigger this requirement. So, in your example, permits for building modifications would not be a subdivision action and not require a subdivision permit that would then trigger this requirement --

COUNCILMEMBER U'U-HODGINS: Okay.

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MR. MOLINA: -- we're discussing today. Thank you.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. I know that...that's what you said and then I forget Director Molina said something similar, but I just wanted to double check because all subdivisions, I...I realize where we're at is all subdivisions. So, I wanted to double check with that. My other question is when you guys do for HECO, when you guys do your undergrounding, what kind of permitting process do you go through? How long does it typically take, and how much does the permitting part take? I'm wondering because we, as a Council, love and should continue to support affordable housing developments. But if we're adding on to their costs, that means they're going to also, and they should, probably ask us for more money. So, I want to kind of brace for that impact, can you tell me what that looks like?

MR. MOLINA: Chair, if I may.

COUNCILMEMBER U'U-HODGINS: Oh. Please.

MR. MOLINA: I have some direct information on that. So, and I'll...so going back to the recent project right up the street with DHHL. Their cost to install overhead utilities for the 161 lots out there is approximately \$7,800 per lot. To install underground it would have been \$21,000 per lot. And so those are pretty hard numbers from a recent development with, you know, contractor pricing. Thank you, Chair. And I guess to note to that's iwi . . . *(timer sounds)* . . . digging up there because you're just in dirt as opposed to Kihei or Lāhainā where you're in the blue rock. Thank you.

COUNCILMEMBER U'U-HODGINS: I heard my bell. I'll save my questions for the --

CHAIR COOK: Thank you, Director.

COUNCILMEMBER U'U-HODGINS: -- next round. Thanks, Chair.

CHAIR COOK: Thank you, Member U'u-Hodgins. Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Mr. McNeff, for being here you guys. I was going to ask so is HECO, are they...even though this is for new construction, are you guys just working on burying lines in the Lāhainā District.

MR. MCNEFF: Yeah. As part of our Wildfire Safety Strategy we are sort of doing a risk analysis and trying to mitigate wildfire risk. We estimate so far that we've reduced the wildfire risk from our infrastructure 60 percent. So, we kind of do a calculation and depending on the location and what the risk might be, we determine what kind of measures we might take whether those are operational changes or grid hardening type of measures. And as I mentioned in our Wildfire Safety Strategy, we did commit to undergrounding approximately two miles in Lāhainā.

COUNCILMEMBER SINENCI: In Lāhainā, two miles.

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MR. MCNEFF: Yes.

COUNCILMEMBER SINENCI: Okay. So...so, you guys are already doing that, you're not waiting for...for Bill 90 to --

MR. MCNEFF: No.

COUNCILMEMBER SINENCI: -- go into effect. Okay.

MR. MCNEFF: It's planned for between 2025 and 2027.

COUNCILMEMBER SINENCI: Okay. And then you mentioned that there's other hardening methods, copper to aluminum, metal poles. If you are burying or digging into the ground, are there...I mean does it have to be buried with gravel at a certain depth or...or could they be, you know, covered with a metal grate in a...in a cement, you know, can they be also buried in other ways beside just burying it.

MR. MCNEFF: Traditionally it is buried and that is actually where most of the cost for undergrounding comes from the earth work. We have, you know, there are some utilities that are piloting sort of like a on ground distribution system and we're...we're keeping a close eye on that to see how that turns out. You know, obviously it has to be able to withstand cars driving over it and closer contact with humans those type of things. So, we're waiting to see how pilots turn out and should they be successful I think that's something we might implement.

COUNCILMEMBER SINENCI: So, you are anticipating kind of new...new types of technology that might help to bring down the cost?

MR. MCNEFF: Definitely.

COUNCILMEMBER SINENCI: Okay. All right. Thank you. Thank you, Chair.

CHAIR COOK: Thank you, Member Sinenci. Chair will wait for everybody else to have their second round. So, Member Johnson, your second round of questions.

COUNCILMEMBER JOHNSON: You guys operate statewide...thank you for reminding me. You operate statewide; right?

MR. MCNEFF: Five islands.

COUNCILMEMBER JOHNSON: Thanks for reminding me. You know, you make an assumption right. So, I'm curious State or...City and County of Honolulu has been doing this since the 60's. I don't see that them coming around and saying we got to pass this on to the home buyer. Somehow, some way, it's being shuffled through their capital stack or something. I'd...I'd like to hear how...how do you guys operate with that law in on...on that island?

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MS. DECKER: So, in O'ahu we do follow that ordinance as part of Hawaiian Electric and that is paid through the developers of those properties, that subdivisions.

COUNCILMEMBER KAMA: Yeah.

COUNCILMEMBER JOHNSON: So, you...the...they pass the cost onto the builders?

MS. DECKER: Correct. Because they're requesting the service, so then they get the quote for what it would take to either underground or overhead depending on what their plans call for.

COUNCILMEMBER JOHNSON: It come it...it...it continues, this talking point continuously comes up. Well, how do they pay for it then? You guys...can you respond to that how...how are the builders making it pencil out?

MR. MCNEFF: I believe same that would happen here they passed the...the cost onto the home buyers.

COUNCILMEMBER JOHNSON: And yet our...our median home price in this County on Maui Island is higher than everybody. So, that's the part...I mean is it...you think it's just demand is...is your response? I'm wondering why it's, so our houses are still so expensive and yet for Honolulu's been doing it time immemorial.

MR. MCNEFF: I can't speak to the cost comparison, but I mean a lot...a lot of subdivisions are currently undergrounding, yeah. Like I mentioned over 50 percent of the lines for Maui County are undergrounded already.

COUNCILMEMBER JOHNSON: Right. So...so we're doing it half without the Bill, half of the time we're doing it.

MR. MCNEFF: I think much of the other half are older...older homes, older subdivisions, older developments.

COUNCILMEMBER JOHNSON: The older homes have underground powerlines, the newer ones don't?

MR. MCNEFF: Reverse that.

COUNCILMEMBER JOHNSON: Okay. So, the newer ones have the underground power lines, the older ones don't. Okay. All right. So, somehow, it's penciling out for these builders now. Okay. That's...that's my questions. Thank you, Chair.

CHAIR COOK: Thank you, Member Johnson. Member Kama.

COUNCILMEMBER KAMA: I just wanted to ask a question of Mr. Johnson. Earlier part you told us that 85 percent of the people that were interviewed or surveyed right, said you

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want...they wanted their lines to be buried. How many people were in the survey?

COUNCILMEMBER JOHNSON: Maybe the...the Office of Recovery can respond because that is from their...you guy's right, that's your Department that put that on. I'm correct yeah? Let me pull up my photo.

MR. SMITH: Yeah. Which I don't know which survey you're...

COUNCILMEMBER JOHNSON: Okay. It...it was called the, here it is right here, the Lāhainā Community Engagement Survey, we are...we...the Department of Planning was the ones who might have put it on so.

MR. SMITH: I think you may be correct. I, Chair, I think that I...I don't know the numbers anyway. So, we can look up, we can ask Planning Department how many were in that survey.

COUNCILMEMBER KAMA: Uh-huh. I...I would like to know those numbers because 85 percent of a hundred is 85 people, but we have a population of 160,000 people and I'd really like to see, you know.

COUNCILMEMBER JOHNSON: Well it was focused on the Lāhainā, you know, --

COUNCILMEMBER KAMA: Oh the recovery.

COUNCILMEMBER JOHNSON: - right.

COUNCILMEMBER KAMA: Okay.

COUNCILMEMBER JOHNSON: Oh wait. I think I have the number, it just got texted to me. 3,833 people were engaged in the survey.

COUNCILMEMBER KAMA: Okay. 85 percent. Okay.

COUNCILMEMBER JOHNSON: Yeah.

COUNCILMEMBER KAMA: Said yes.

COUNCILMEMBER JOHNSON: 85 percent of 3,000.

COUNCILMEMBER KAMA: Of the 3,000 yeah.

COUNCILMEMBER JOHNSON: Yes. Thank you.

COUNCILMEMBER KAMA: Yeah. Okay. So, at least 130,000 people out there somewhere. But any...anyway that's just my thought about, you know, if we're adding cost onto residential, if it adds on to the cost of the homeowner themselves and that's where I was going with that. And then for Mr. Johnson, you know, when I think about Honolulu,

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you know what I think about? High rises...high rises...high rises...high rises...high rises. We lived in a really old neighborhood, so all of our lines were above the ground. Once Niu Valley them started coming in and Hawaii Kai, they were all starting to get buried by that time. But it...it makes sense for what you want to do, where you want to do but where I lived it wasn't on the volcano, it wasn't...I mean the blue rocks that we have to go through and you have to blast through like in Kona on the Big Island, it's...it's expensive. So, I just want to make sure that if we're going to do this for the right reasons, let's make sure that we do the most feasible thing that's not going to impact our people in such a negative way that homeownership is so definitely out of their reach and out of here. So, if there's alternatives, I'd like to hear more about that. Thank you. Thank you, Chair.

CHAIR COOK: Thank you. Chair Lee, your second round of questions.

COUNCILMEMBER LEE: No questions.

CHAIR COOK: No questions. Member Paltin, second round of questions.

COUNCILMEMBER PALTIN: I guess I had a question for the Bill introducer. Where it says utility lines, including those required for electric, telephones, street lighting. One of the issues that we have, like I mean street lighting, we wanted it back in the burn zone yesterday but it's taking longer, is that the street lighting is on the poles. So if there isn't poles, who's responsible for the street lighting? Like how are you envisioning the street lighting to happen from the ground up? Or the County has to go in and put in all the poles or...because that's an issue that came up; right.

COUNCILMEMBER JOHNSON: Now I thought, and they're here today, so doesn't MECO build the streetlights for the County?

COUNCILMEMBER PALTIN: Because we have poles, but if we don't --

COUNCILMEMBER JOHNSON: Right so --

COUNCILMEMBER PALTIN: -- have poles --

COUNCILMEMBER JOHNSON: -- put it in that scenario, how does that work?

COUNCILMEMBER PALTIN: -- I think we're on the hook for the...if...if you can.

CHAIR COOK: Let's let them answer.

MR. MCNEFF: So, if it's an underground area where there are no poles to attach like sort of the...the typical streetlights, then there would be the dedicated streetlight sort of pole like a, you know, a street light on an aluminum pole that you see in those areas or in Lāhainā they have sort of like the historic lantern type looking streetlights.

COUNCILMEMBER JOHNSON: And who pays for that? Oh, I'm sorry. That's her question.

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COUNCILMEMBER PALTIN: Yeah. That's the question. Who's responsible for that, like would MECO still be doing that or is it now not you guys?

MR. MCNEFF: It would depend on if it's like, so we own and operate the streetlight system and we have a tariff to do so. So, you know, yeah, you know, like a...a rule that had been approved by the PUC to charge for that service. And if ...if it's an existing pole that needs just like a lamp to be changed out that would be handled through that tariff. If...if it's a new installation, a new location maybe that didn't have a streetlight before, the County would request that. And often times if it's in a subdivision it's also put in at the same time as the subdivision infrastructure.

COUNCILMEMBER PALTIN: So, you guys would pay for it?

MR. MCNEFF: No.

COUNCILMEMBER PALTIN: Oh.

MR. MCNEFF: So, --

COUNCILMEMBER PALTIN: So, us guys would pay for it?

MR. MCNEFF: -- it...it depends on the situation. So, like if...same like the underground infrastructure if it's a subdivision, typically the developer is going to install it and then when they maybe turn the roads over to the County the streetlights will come to us in that situation.

COUNCILMEMBER PALTIN: How much does a streetlight cost without a utility pole? Are you aware?

MR. MCNEFF: I'm not.

COUNCILMEMBER PALTIN: Are you guys aware? . . .*(timer sounds)*. . .

CHAIR COOK: Maybe Director Molina can answer it.

COUNCILMEMBER PALTIN: Oh.

MR. MOLINA: Yeah. Thank you. We pay for all of that. So, in existing subdivisions that have underground installations, we do get requests for new streetlights and we have to do all the work to install the, dig...dig down, install new conduits, install new vaults in the ground, install the pole base, and get everything ready and I believe HECO brings the pole and the light but charges us for all of that. So, that is a substantial more cost for streetlighting in underground setting. Thank you.

COUNCILMEMBER PALTIN: I...I...can I clarify because it sounded like we do all the work and then they pay us, they charge us for the work we did? Is that what you said?

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CHAIR COOK: Director.

MR. MOLINA: Yeah. So, again when we want new infrastructure it's the same as development wanting an infrastructure, so we pay that cost, even the portion that HECO performs, you know, they charge us for that additional work, that new work so to speak --

COUNCILMEMBER PALTIN: And then --

MR. MOLINA: -- to get those installations done.

COUNCILMEMBER PALTIN: The original question was like cost per streetlight if you knew.

MR. MOLINA: Yeah. I'm trying to find we did one recently in Waikapū that was a standalone, add a new streetlight in an underground subdivision. So, let me get back to you with that cost. Thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: Thank you, Director. So, Chair Lee, you decided you have a question.

COUNCILMEMBER LEE: Quick question. So, with all this underground work, do you have to bring in more people, resources, equipment? Does it take much longer to do that, to install that? And by the way I was just wondering how you eat saimin?

MR. MCNEFF: Regarding the first question. We, what was the question again, the saimin threw it off.

COUNCILMEMBER LEE: Do we have enough people, employees on Maui to do all that undergrounding work?

MR. MCNEFF: We have the ability to bring in additional resources to perform whatever work needs to get done whether it's contractors or crews from like O'ahu or Big Island.

CHAIR COOK: Thank you for that serious question. Member Rawlins-Fernandez, your second question, second round. Come back to you?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, please.

CHAIR COOK: Member U'u-Hodgins.

COUNCILMEMBER U'U HODGINS: Okay. If I could pick up where I left off specifically, I guess we were talking about the DHHL project at it being 780 [sic] per lot with overhead and 21,000 per lot with underground. If somebody could please explain the delta in the cost, where is the cost, permitting, earth work, undergrounding what can, please just something...

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MR. MOLINA: If I may.

COUNCILMEMBER U'U-HODGINS: Yeah. Please. Thanks.

CHAIR COOK: Director Molina.

MR. MOLINA: It's a...largely all the digging so, what goes into an underground system is you have to install vaults, these vary in size, but the biggest ones are 7 feet by 11 feet and 7 feet deep, these are huge vaults and smaller ones. Then you have to run the duct lines which is PVC pipe that's buried, and concrete jacketed throughout the entire neighborhood, then there is pads for the pad mounted equipment primarily your transformers. And all that digging and extra site prep is where all that extra cost is, because HECO still charges to come in, pull lines, set the equipment needed. So, whether that's on a pole or underground, you know, you still have that cost; it's just the underground you have all that associated digging and hard infrastructure work that is where that delta is.

COUNCILMEMBER U'U-HODGINS: Wow. So, consistently we hear issues, oh I guess not issues, but rather concern with timing for SHPD to review permits. If we were to do an underground permit, which as I heard about 50 percent of people do, probably for aesthetic reasons, can you just describe to me what the permitting process looks like for that?

CHAIR COOK: Director.

COUNCILMEMBER U'U-HODGINS: Director Molina.

MR. MOLINA: Yeah. So, with so typically we're talking about installations that are occurring with development so a subdivision for example. So, they would already be engaged in that permit process with all the other digging work involved, the site grading, the water lines, the sewer lines, et cetera. So, you know, in that regard not too significant extra, but if we're going to talk about retrofitting and doing a standalone undergrounding project then, you know, that project by itself would be subject to those reviews as well.

COUNCILMEMBER U'U-HODGINS: In what case do you think we would need retrofitting?

MR. MOLINA: So, usually like when we do CIP projects is primarily the driver of...or going into existing areas to underground which we don't do often because, you know, we...we don't have unlimited budgets either to try and do all our roadway projects. So, we often don't opt to do undergrounding and just kind of make the other surface improvements work around the utility poles.

COUNCILMEMBER U'U-HODGINS: Okay. And out of curiosity for me, will you describe like the layer cake of all the different utilities like what goes on top of what, you know, I'm assuming water and sewer cannot go above the electrical lines. Can you describe what that layer cake looks like underground?

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MR. MOLINA: Yeah. So, sewer is your...typically your deepest, usually seven foot and deeper, then your drain lines which are about five feet, then your water lines which run about three feet, and then your electrical utility is usually on top or on the side around similar depths. I think they might allow a little shallower because of the concrete jacketing.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. Do I have a bunch of time left? I don't want to get stopped mid question.

CHAIR COOK: I haven't heard the bell yet.

COUNCILMEMBER U'U-HODGINS: Okay. Great. For OOR since you guys are here . . . *(timer sounds)*. . . oh, see.

CHAIR COOK: You. . . *(laughing)*. . . You can finish. This is your second round.

COUNCILMEMBER U'U-HODGINS: Okay, good.

CHAIR COOK: You can finish that question.

COUNCILMEMBER U'U-HODGINS: How do you guys feel about this Bill, where do you think is going to be impacting you the most?

CHAIR COOK: Department.

MR. SMITH: Yeah. We'll let Jordan take a stab at this.

MR. HART: Thank you for the opportunity to participate. Basically if...if there are new subdivisions that are part of the recovery effort, that it would apply to those as the Bill is written now. That would be the...the most obvious application.

MR. SMITH: Well, in general we...we support undergrounding and hardening efforts strategically. I don't think this...I don't see a lot of subdivisions happening in Lāhainā, in the burn zone anyway, it's possible. One question I had for if Director Molina is still on, that might weigh into this, is if there are an existing neighborhoods like consolidation re-subdivisions and that sort of thing would...would this...would this trigger retroactively then?

CHAIR COOK: Director. Director Molina, did you hear the question?

MR. SMITH: I'm trying...I'm trying to understand --

MR. MOLINA: Sorry. Multitasking. Please --

MR. SMITH: -- oh.

MR. MOLINA: -- yeah, if you could repeat it, please. Thank you.

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MR. SMITH: Director, just, you know, we're speaking openly here of course, but the question for Recovery is if we support this Bill, but we're still vetting this Bill. I'm trying to figure out if retroactively if there was like a consolidation re-subdivision effort, would this Bill trigger those parcels to require undergrounding?

MR. MOLINA: As far as the rebuild and subdivision actions yeah, I mean aside from, you know, even that might not really trigger it. But be really driven by somebody trying to split up their parcel which in Lāhainā, in the burn zone we don't have too many parcels that really would be looking to do that. You'd be talking more about your open ag lands coming in for subdivisions that maybe triggering this. What's going to trigger more on the undergrounding side is our building code requirement that requires those frontage improvements and undergrounding. That is going to happen on a large scale for all the nonresidential properties which we are working to try and coordinate those improvements on. Thank you.

MR. SMITH: Thank you, Director Molina. So, you know, in general we support undergrounding. This Bill doesn't directly impact much of what we're doing for the recovery within the burn zone. So, from that sense in Recovery we're...we're not really taking a position I would say that's where we are today.

CHAIR COOK: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just want to follow up on Member U'u-Hodgins' questioning to Director Molina. Director, so if developers are having to create these vaults in the new subdivision developments, are they...do you see them kind of putting all of the...the infrastructure into one area? I mean I guess it would kind of bring down some of their costs if they're...they're putting in their wastewater, their water, their electric all in...within, you know, these vaults. You see them doing...doing that more often?

CHAIR COOK: Director.

MR. MOLINA: No. These are...these are separate vaults just for the --

COUNCILMEMBER SINENCI: . . .*(inaudible)*. . .

MR. MOLINA: -- well this is for the...the overhead utilities but they do include your cable and telephone lines as well. So those are all a part of the undergrounding effort when they do that extra work to install that infrastructure, it's inclusive of typically your electrical, cable tv, and telephones.

COUNCILMEMBER SINENCI: Oh okay. And then...

MR. MOLINA: But I guess to add real quick. Yeah. It's easier on a brand new site when you don't have those existing constraints to work around to accommodate the undergrounding.

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COUNCILMEMBER SINENCI: Right that can be part of the early conceptual of the...the project. Another question, does this affect any future CIP projects for the County?

MR. MOLINA: Only where we'd be developing housing. So, not...not in terms of, you know, Public Works CIP for road maintenance or road projects.

COUNCILMEMBER SINENCI: Okay. All right. Thank you. Thank you, Chair.

CHAIR COOK: Member Rawlins-Fernandez, your second question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I remember that, thank you for that time. So, this is the first time I heard about half of the lines being undergrounded. I know places like, you know, the pretend farms in Launiupoko mansions have lines undergrounded. Is it like more luxury subdivisions that have lines undergrounded because they can afford that? And so they can afford that level of safety, and the rest of our residents don't get to have that level of safety? Do...do you track where the undergrounded lines are; I mean you must.

CHAIR COOK: Is that question from HECO or who?

COUNCILMEMBER RAWLINS-FERNANDEZ: Whoever has the answer.

CHAIR COOK: Okay. Anybody, want to answer that?

MR. MOLINA: Oh. Yeah. I guess I'll...I'll take a stab at that. Yeah. So, you know, if you're outside those areas that already require it for subdivisions, then it's really the development's option, depending on again, the product that they're providing and the pricing that they can afford. You know, for the most part new subdivisions going in have been undergrounding I think yeah, the DHHL was the first one I...I recall recently that, you know, specifically opted to do overhead. So, in new...in new developments it's generally been undergrounded. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh. When you say new development, it doesn't really speak to like the housing development itself aside from DHHL, but like the affordability of that subdivision if it's more luxury and or more affordable and just new.

MR. MOLINA: Yeah. Any new project where you're breaking, you know, previously undeveloped lands and you're coming in putting in a development it's easier to accommodate in that setting because you've already got this large project going on which is totally different than trying to come down your neighborhood and go install those lines underground when everybody already lives there and is a CIP project two...two completely different scenarios. And then yeah, in the case of market rate as was pointed out earlier, Maui's got high prices, so the price points make it more feasible to install that. And of course, the product they want to sell. I mean everyone enjoys not having poles and lines in their view. So, it, you know, it encourages that underground installation. Thank you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. And if anyone else wanted to comment you're welcome to. I still have one question.

MR. MCNEFF: Just...just a side comment I think with regards to the safety aspect, historically I think probably most of the undergrounding has been done for aesthetic reasons as opposed to, you know, specifically for safety.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Yeah. Well, the Lāhainā fire was sparked by overhead lines. I...I...I don't know what the final conclusion was but the fire up the Crater Road, I think was overhanging...overhead lines and I don't have the entire history of how fires started but I can understand why that was a necessary comment for this public meeting. I...I do have a question for clarification so, in my earlier question when I asked, and you said that two miles of line are being undergrounded was that two miles specifically Lāhainā two miles or there's two miles in Lāhainā and two miles outside of Lāhainā? . . .*(timer sounds)*. . .

CHAIR COOK: Mat.

MR. MCNEFF: The commitment in the Wildfire Safety Strategy was specifically for approximately two...two miles of undergrounding in Lāhainā.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, for that clarification. Mahalo, Chair.

CHAIR COOK: Thank you. Members, if...okay I was going to say any more burning questions and then Chair will ask his questions. Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I was trying to figure out what Director Molina was talking about. Director Molina, are you talking about Chapter 16.25.201 where it talks about undergrounding as it faces public streets and new structures?

MR. MOLINA: That's correct.

COUNCILMEMBER U'U-HODGINS: Or remodel.

COUNCILMEMBER PALTIN: Yeah. That's the building code trigger that we're going to be dealing with in Lāhainā with the rebuilds of those nonresidential properties.

COUNCILMEMBER U'U-HODGINS: Okay. So, that one is just only nonresidential properties. It says new structures.

MR. MOLINA: Correct.

COUNCILMEMBER U'U-HODGINS: But...

MR. MOLINA: Yeah. If you read through the end there's an exclusion --

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COUNCILMEMBER U'U-HODGINS: Okay. Oh, exception: single family dwellings. But not multifamily dwellings?

MR. MOLINA: Not multifamily.

COUNCILMEMBER U'U-HODGINS: Okay. That's all I wanted to kind of get some clarity --

CHAIR COOK: Thank you, Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: -- clarification for my own understanding. Thank you.

CHAIR COOK: Member Paltin, did you raise your hand?

COUNCILMEMBER PALTIN: Yes, please. I think my question would probably be for the Office of Recovery or also maybe MECO because Office of Recovery might only be the burn zone in Lāhainā. But, you know, with the PSPS areas and is there, like Member Rawlins-Fernandez was saying previously, a prioritization of areas that we would look at that undergrounding is a key safety move? Like, I don't know if Member U'u-Hodgins was referring to Skill Village and places like that, you know, where it's like, for me I would say probably Mill Camp but I don't think people wanted to underground it because then they would have to widen the street and all of that. But, you know, there's areas I think that are more...it would be more on the safety scale if it were undergrounded. But then I guess, you know, because the road widths may be less than 28 feet or something then it's not practicable. But if we were to like try to prioritize which areas for safety. Is...is there anything started along those lines like here are identified areas where, you know, a spark would be devastating to the whole entire subdivision so maybe we should do it or is there no prioritization. Either Office of Recovery or MECO, because I know you can prioritize the PSPS areas so I would imagine within the PSPS areas there should be some subdivisions that have been prioritized.

MR. SMITH: Chair. Thank you, for that question. I think I'll just summarize our approach with Hawaiian Electric and then I'll let them speak specifically to PSPS. So, Office of Recovery obviously exists to help the County organize itself in a...in a coordinated response to this disaster. So, we are...we're trying to be more holistic with these kinds of problems. Often times they are siloed into either it's a Hawaiian Electric problem, it's a Public Works problem, it's a Planning Department zoning problem, oh no, that's a MEMA problem or that's a Fire Department problem, or that's just a State issue because that's State land. So, we understand that those silos exist and our organization . . .(timer sounds). . .is really meant to help bring those teams and...and those entities together to have a more coordinated approach on these very important issues. So, we understand how important undergrounding is, and we understand that our role is to help bring those groups together so that we can work together strategically to make Lāhainā as safe as it possibly can be in the future. Always understanding that there's a cost to everything that we do. So, how do those costs line up both for the County and how much can HECO do like for that two...two miles in particular how can we best work with them to make that two miles go as far as it possibly can to make Lāhainā as safe as it possibly can. So, that's...that's our approach and that's why I wanted to be here

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today just to say that, but I'll turn it over to Hawaiian Electric to go from there.

CHAIR COOK: Mat.

MR. MCNEFF: Sure. Thanks for the question. So, as part of the Wildfire Safety Strategy Plan that we submitted, we did do that. We did a risk assessment for all of the islands we serve and all of our infrastructure across those different circuits. Grid...grid hardening is only one of the four pillars of the wildfire safety strategy; the other one is operational practices which includes PSPS like you mentioned, deploying spotters during weather that may be conducive to wildfires starting. There's also operational practices, we've changed the settings across the grid so that they're much more sensitive to any problems that occur. We also now do visual inspection in high wildfire areas prior to reenergizing lines, so there's kind of like a multifaceted approach. We've increased situational awareness; there's cameras, 50 something cameras across the State that detect wildfires and notify first responders. We have weather stations also across the State to help monitor conditions. And then lastly, also engaging stakeholders and community participation. We've had a wildfire symposium last year where we brought everyone to talk about all these things. So, I know we focus on some of the grid hardening aspect, but we have done a risk assessment. I mentioned that through all of these efforts, not only grid hardening, but also operational and otherwise, we've been able to reduce the wildfire risk. We estimate about 60 percent from...from our fire infrastructure.

COUNCILMEMBER PALTIN: Wish we did that in 2018. It looks like Mr. Molina has his hand up.

CHAIR COOK: Director.

MR. MOLINA: Yeah. Thank you. Just to add not...well related to the incident and particularly relating to the evacuation component, you know, we are in coordination with HECO to look at prioritizing where undergrounding or and or hardening should be focused. And there's competing needs on that. So, for example the highway, right, those are our major arterial roads. Do we target those first, or do we look at the neighborhoods and be sure the neighborhoods can get out? Then you have a combination of that and our major intersections and making...making sure those are able to remain open and then travel...can be traveled when we have incidents. So, we are looking at how we strategize to prioritize where we harden and underground, knowing that we don't have open checkbook to just go at it. And then real quick, Chair, if I may to Member Paltin's question about streetlights. To install a new streetlight on existing utility pole is about \$2,500. To install a new streetlight in a existing subdivision with undergrounding is about \$30,000. Thank you.

CHAIR COOK: Substantial difference. Thank you...thank you, Director. Anybody else before the Chair's question and final? So, for...for our guest and resource people from MECO from HECO old school. Basically the rate structure is set up in the PUC, that basically when you say when, you know, a new subdivision, the developer will put in the infrastructure, MECO will do...HECO will do the design because it's to your specifications; correct? And you...then the contractor will...the developer will do the

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installation, and the homeowner is going to absorb those prices in the...as part of the development of that infrastructure. When you do infrastructure...when you do infrastructure whatever it may be, then basically that gets paid on through the increased rates to all the rate players, payers. So, I guess my...my perspective is, a group of people who are doing underground and new homes, they're paying for their own. Whereas when you do something and HECO is paying the freight, all of the rate payers are being ended up paying for that. Is that a general accurate ...generally accurate?

MR. MCNEFF: Correct.

CHAIR COOK: Regarding underground, and its sort of a, it's a question but also just sort of an educational thing. So, when you talk...when Director Molina talks about the vaults, the vaults are really large because basically they have...men have to get inside it and they have to pull the cables and the cables are like really stiff and mondo cables depending upon the capacity of the current that's going through. And so that's part of the reason these vaults are exceptionally large, and then they have the multiple covers that are going on top and those vaults can cost \$30,000 depends upon the magnitude and the size for a major one or it can be \$5,000 or, when you're doing underground power do you always do dual ducts so like you'll have redundancy in the PVC pipes and so you put it in but if there's a problem you have the extra duct to be able to pull it afterwards.

MR. MCNEFF: Well typically underground installations, when there is a problem, it's more difficult to detect as well as more difficult to repair. So, that redundancy, I mean if we didn't have that redundancy that you mentioned, the affected customers would be out for a long period of time. The redundancy allows us to make the repair relatively quickly as opposed to overhead lines where typically if the line breaks it's very easy to find and...and a crew can relatively quickly repair it. So, that's what the redundancy's for.

CHAIR COOK: So, and then as far as the concrete jacketing, that's where it's vehicular rated or it depends upon the size of the conduits. So, you're digging the trench, putting in bedding, putting in the conduits, putting in bedding to protect the pipe or...or putting a concrete jacket on the whole thing so that...anyway I'm just hearing there's a lot to underground electric as opposed to putting in a pole and stretching the wires which is no small feat special equipment, special skills. My second and last question, is there much difference between a pole mounted transformer and ground mounted transformers?

MR. MCNEFF: As far as cost? Oh yeah, the ground mounted cost more because, you know, there's more chance that people will come in contact with it. Whereas opposed to pole top, you know, it's more exposed. And now so, you know, the real estate. It takes up, I mean that pad mount is going to take up part of someone's yard, whereas pole mounts don't really affect people's property.

CHAIR COOK: Okay. Thanks. So, Director Molina, the residential exemption in this, am I correct, that's for like three lots and less but generally speaking a residential subdivision is going to be...is already required to do underground electric?

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MR. MOLINA: No. So, currently residential zone properties excluded so they're not required to underground in a new residential subdivision.

CHAIR COOK: So, my...my bad on the way I asked the question. This Bill will require it to be for underground for residential subdivisions, is there an exemption for three lots or less?

MR. MOLINA: No. We have no exemptions for that at this time.

CHAIR COOK: Thank you for the clarification. Any closing comments from our HECO representatives?

MR. MCNEFF: Just appreciate the opportunity to come here and discuss this with everyone. Councilmember Lee, I...I eat saimin with chopsticks. Thank you.

CHAIR COOK: Director Molina, any closing comments?

MR. MOLINA: Thank you, Mat, for clarifying the mystery.

CHAIR COOK: That's it? Okay. Office...Office of Recovery from our two representatives, do you each have a closing comment?

MR. SMITH: I too appreciate you having us today, Chair. And I ate saimin with chopsticks right...right before this meeting so, yeah. Jordan.

MR. HART: Thanks, Chair, it's a very good conversation and appreciate being included. Thank you.

CHAIR COOK: So Members, any closing comments before....we...I'm proposing that we defer this, are there any objections for deferring this item? Member...Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I'm curious. If we...what's the reason for the deferral, and how can I make the Bill better if there is some reason. I'm willing to amend it and make the...the, you know, the Committee come to some meeting point.

CHAIR COOK: In general, Member Kama and then Member Paltin.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to respond to Member Johnson. Why he's asking for the deferral in terms of making it better. I think the response from Mr. Molina regarding the reason for DHHL to go overhead as opposed to undergrounding is 7,800 versus the 21,000. So, Thank you, Chair.

CHAIR COOK: Member Paltin.

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COUNCILMEMBER PALTIN: Thank you, Chair. For me the way we should do it would be to prioritize those subdivisions that make...that are most dangerous that make the most sense to do it. And then identify the funding source and go about it that way, because obviously we can't do it all at one time. But I think that would be the way for it, is prioritize those subdivisions, meet with the subdivisions if that's something that they would accept, and then figure out a funding mechanism.

CHAIR COOK: So, if I can ask a clarifying question of that. That would be existing...existing subdivisions as well as new subdivisions?

COUNCILMEMBER PALTIN: Both yeah because, you know, if...if you're building a new subdivision in a really windy area, then it seems like that would be one you would want to prioritize. And then existing subdivisions, why would we leave our existing residents out of that as well. So, I...to me that's the way forward is prioritize which ones would be the most dangerous and then identify the funding source, identify the people that are involved and how we can go about it. Because if we pass a legislation, it's not one size fits all. And how you roll it out is important. So if we just focus on the rolling it out part and identifying the most dangerous areas and then how we're going to do it. To me that's preferable way to go about it. Because like say you pass this legislation and we hit all the rich neighborhoods first, like nobody's going to want that, you know, like people will be really upset I think. Oh, like only the wealthy neighborhoods deserve to be protected through undergrounding or you know what I mean? So, I mean I think the way that it's rolled out is more important and I see Mr. Molina has his hand up so I will yield if that's okay with you, Chair.

CHAIR COOK: Yes. Director Molina, your comments.

MR. MOLINA: Thank you, Chair. I just want to make sure the body understands that this Bill would not affect existing subdivisions, and it will not prompt any action by the County or the landowners to underground in an existing subdivision. So, I just wanted to make sure that it's clear that should this Bill pass, its only new subdivisions that would be triggering this requirement. Thank you, Chair.

CHAIR COOK: Member Johnson.

COUNCILMEMBER JOHNSON: Okay. So, I'm...I'm trying to find some kind of consensus here but I...I...I got to remind some Members where we're at. Fire of course is a hazard that's what got us here, but so is being out of power for days and undergrounding powerlines is way to make sure you don't go and if a Kona storm comes. In 2016, Lānaʻi was out of power as you know for about three days and kūpuna's medicine wasn't cold and they were suffering, the babies' milk formulas was...wasn't cold and they were suffering. In 2016, I said I wish we should have done something. 2018 fires happened, wish we should have done something. Now we're in 20 the...the Lāhainā fires, wish we would have done something. This is something we can do today, we know that the cost of a town is...you can't compare it with the cost of burying powerlines, the loss of life you can't compare. We spend now to save later. I really think that...that should be the message here. This is not for existing homes, this is for new homes that are going to be

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built out...out from a way the city centers, out and infield all those places that don't have anything on them now, that's where this Bill focuses on. I...I don't...I mean if you're going to defer this Bill to what...to what I mean sure. But I'm...I'm willing to call for the questioning, you know, I'd be willing to answer that call. So, I...I don't...I just don't want us to keep not doing anything in responding to these big events, you know, we have to do, this is important.

CHAIR COOK: So, if I may, my deferral is not to not do anything with it. It's basically similar to what Member Paltin was just saying about continuing to identify some of the obstacles and the hurdles, getting the pricing. I'm an advocate of doing it and I'm also hesitant to mandating something that is going to significantly increase the pricing. I think we have the opportunity when affordable housing projects come before us and other projects come before us, to have that as one of the conditions to as far as either subsidizing, augmenting it. So, anyway I see, Chair Lee if you would like to make a comment.

COUNCILMEMBER LEE: Yeah. I...I feel sorry for Mr. Johnson. I know how you feel, but right now it's looking like an insurmountable issue of money at this point. Of course, over there is Mr. Smith who will be handling a...\$1.6 billion so I don't know if any of that is going toward undergrounding power; is it? Okay. So, that...that's one good thing. I think we need to be...increase the tool box that Mr. McNeff mentioned about what --

COUNCILMEMBER U'U-HODGINS: He said arrow in the quiver.

COUNCILMEMBER LEE: -- arrow in the quiver. Yeah. We need more arrows in the quiver. And it seems that we do have some though and we...and we should utilize them especially if they're much more reasonably priced number one. And then wherever we need, you know, the heavy investment we just turn to Mr. Smith. But also the company does some on their own, where all the taxpayers pay, and I think there are times when we have to do that. Thank you.

CHAIR COOK: Director Molina. Could you weigh in at the impact of passing it versus the impact of not passing it. I'm curious insofar as the review and approval for subdivisions, for permitting, et cetera, the impact.

MR. MOLINA: I guess on one hand it makes things simpler because there's no...I mean there's only one standard now, everybody undergrounds. Again just to reiterate that we're talking about new subdivisions. Which the trend has been that developers are more inclined to underground than not. Doesn't affect DHHL because they have authorities that supersede the County that they can do what they like do on their projects. And so, I...I think probably the bigger impact is going to be your ag subdivisions probably more so than residential from what we've been seeing in recent projects. Thank you, Chair.

CHAIR COOK: Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I'm happy to support whatever you want to do right now. But I would like to say I'm not necessarily against figuring out

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how to make something like this work. We all have things we have to do in life, and we have to make a balance like I don't buy a cheap car seat for my kids because it's not a safe option so I...I understand where you're coming from. I think it's worth though, having a conversation on what strategic undergrounding looks like and what the additional hardening we can do with some of the infrastructure that we're going to see coming up. We do have an hour but if we're not prepared to have that conversation now, then I'm happy to have that conversation and what that might look like for housing projects moving forward. I don't disagree with Member Kama. I don't want to condition our affordable housing projects to death we're already having a hard time. So, I'm happy to figure out how this works best and if it's not right now, if we're not prepared to have that conversation right now then I'm opening [sic]...I'm open to still having that conversation and finding a balance of what cost, safety, and affordable housing, and work force projects look like in the future. Thank you, Chair.

CHAIR COOK: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I think, you know, Mr. McNeff he shared some of the hardening efforts that the utility is doing. But I think there's another issue too, that moving forward and...and we're seeing this all over the country, that if in high wind events, shutting off the electric is...is now going to be a regular standard too if...if we feel that...if we see that this is a danger to...to communities especially with overhead lines. So, I think those are more reasons to consider this Bill, Chair. Thank you.

CHAIR COOK: Member Johnson.

COUNCILMEMBER JOHNSON: Okay. I can read the room, it sounds like we might defer this item. How about this as a compromise. If we defer this item can it come into my Committee?

CHAIR COOK: We can keep talking about it, we don't have to defer it right now. I'm just saying like we have time if the appetite for the Members want to continue to discuss it then speak up. I think Member Kama, anybody want to go through again and...and discuss it? I...Member Johnson, I guess let me ask this, if we defer it now, let's talk about when it comes back to your Committee, the aspects that we would be focusing on and discussing to pass the Bill. I'm not opposed to passing the Bill in itself; I think underground electric is great, the pros and the cons it's harder to fix when you have to fix, but it's less likely that you're going to have to fix it from a wind event. It's prettier, safer in some ways, you know. I'm not against it. I just...mandating it depending upon archeological impacts, could be...slow something down for two years when they're just doing an investigation. Blue rock can make it prohibited...pro much more expensive than one area than another area. So, the terrain, the grade, so passing a uniform...this unilaterally just as a builder I'm not against it. I'm just like having a new regulation that everybody has to comply with no matter what, I'd love...let's continue to talk about it and figure out the ins and the outs so that people...it's expensive to build and we have a highly regulatory environment to build anything. Our fire code is becoming more stringent appropriately...appropriately. Insurance is becoming more expensive. I don't know if this will make insurance less expensive, that would be a really good thing for us

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to find out so by all means I'm not in a hurry. Please make your case I'm, you know, I just...I don't want to defer it and then go through all this again I'd like to get...drill down on it, I want to respect what the...the perspectives are, and we collectively make a decision. Chair Lee.

COUNCILMEMBER LEE: I'm going to have to leave pretty soon. I don't think we're going to find the answer today, really. I mean this kind of subject takes a lot more discussion and research. Member Johnson, maybe you want to think about creating a fund in the budget, a permanent fund. Thank you.

COUNCILMEMBER JOHNSON: It seems...Chair.

CHAIR COOK: Yeah.

COUNCILMEMBER JOHNSON: It seems that we're going...sounds like we're going to be concluding the meeting. I...I saw Planning was in the room maybe we can give him a two or three minute and then leave on, you know, have him have a say.

CHAIR COOK: Oh. By all means, Mr. Pfof.

COUNCILMEMBER PALTIN: Can I also request the next time this is brought up we have Housing present as well.

CHAIR COOK: Okay.

COUNCILMEMBER JOHNSON: Thank you, Members. Thank you, Chair.

MR PFOF: Thank you, Chair. And I apologize for being late, I was at a Planning Commission meeting and so I just popped in here. I, the...I don't think the Department's opposed to the Bill really at all. We just, in our November 2023, correspondence which is Granicus I think number seven we had a couple of minor comments related to it. Specifically regarding whether or not you want to make provisions. And I'm sorry I didn't hear any of the discussion that you had today...today. Whether or not there would be any provisions you wanted to make to address whether the undergrounding would affect cultural or historic areas of significance and so forth. And right now there's a variance procedure that allows the Director to...or allows the...a variance to occur for topographical concerns and other things like that but nothing related to cultural or historic. So, wondering if you wanted add something like that to the Bill. That's all that we had to offer.

CHAIR COOK: Member Johnson, you have questions or.

COUNCILMEMBER JOHNSON: No. I thanks for being a resource, Mr. Pfof and that's a valid concern we'll certainly take a look at it. Thank you.

CHAIR COOK: So, Member...Member Pfof. Mr. Pfof, in summary basically, and I'd look at it but it's the Planning Department was proposing a geographical exception and that

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would be made by the Public Works or Planning?

MR. PFOST: We were actually making a recommendation that it's by the Public Works Director.

CHAIR COOK: Okay.

MR. PFOST: That he can consider accepting undergrounding for certain situations. We even put in there for potential affordable housing component as a concern, affordability obviously. So, just adding whether or not you'd want to add that; it's in my...it's in our correspondence that we sent to you so.

CHAIR COOK: Thank you.

MR. PFOST: You're welcome. Thank you.

CHAIR COOK: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I...I just wasn't sure if HECO wanted to respond to my last comment about shutting...shutting off the electric in big storm events, did you want to --

CHAIR COOK: Did he get the opportunity --

COUNCILMEMBER SINENCI: -- respond to that?

CHAIR COOK: -- to respond to that I apologize.

MR. MCNEFF: Generally, yes that's...that's also part of the Wildfire Safety Strategy during weather that would be conducive to starting wildfires. That's when we would call, you know, red flag warnings, a fire weather watch, days is when we would activate our instant management team, we'd send spotters out in the field, we'd watch the weather stations I mentioned before, as well as the cameras to determine if we needed to turn off the power grid to help mitigate the fire risk to areas. I know you mentioned it's in areas of overhead lines, it could also be in areas of undergrounding depending on how that underground area is fed. If it's fed through an overhead line --

COUNCILMEMBER SINENCI: Sure.

MR. MCNEFF: -- if it's fed through an overhead line, it still might lose power in a PSPS type of thing.

COUNCILMEMBER SINENCI: Okay. All right. Thank you. Thank you, Chair.

CHAIR COOK: Okay, I'm going to entertain a motion to defer this and can work on an ASF to put the Planning Department's suggestions, and get further comments from the Public Works, and move forward with it.

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COUNCILMEMBER LEE: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: Okay. So, moved to... motion, okay by Member...Chair...Chair Lee and seconded by Member Kama. Discussion?

COUNCILMEMBER JOHNSON: Chair, I would like to proceed with a roll call vote.

CHAIR COOK: So you want to do a roll call vote?

COUNCILMEMBER JOHNSON: Yes.

CHAIR COOK: Okay.

MR. HURDLE: Chair, proceeding with the roll call vote. Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aye.

MR. HURDLE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Sorry, is this to defer?

MR. HURDLE: Yes.

COUNCILMEMBER SINENCI: No.

MR. HURDLE: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

MR. HURDLE: Councilmember Paltin.

COUNCILMEMBER PALTIN: No.

MR. HURDLE: Council Chair Lee.

COUNCILMEMBER LEE: Aye.

MR. HURDLE: Councilmember Kama.

COUNCILMEMBER KAMA: Yes.

MR. HURDLE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No.

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MR. HURDLE: Committee Chair Cook.

CHAIR COOK: Aye.

MR. HURDLE: Chair Lee is excused... I mean Vice-Chair Sugimura is excused. So that's four "ayes", four "noes", one excused. Motion fails.

VOTE: AYES: Chair Cook, Councilmembers Kama, Lee, and U'u-Hodgins.

NOES: Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Sugimura.

MOTION FAILED.

COUNCILMEMBER JOHNSON: So, Chair, if you don't mind I...I well we don't have a motion on the floor, but I was going to add Planning's amendment.

CHAIR COOK: You can make a motion.

COUNCILMEMBER JOHNSON: Okay. I move to pass Bill 90.

COUNCILMEMBER SINENCI: Second.

CHAIR COOK: Okay, motion...Staff, you want to read the motion.

MR. PASCUAL: Chair, I believe the motion on the floor right now is to pass Bill 90 on first reading. Or recommend passage of Bill 90 (2023) on first reading.

CHAIR COOK: And we had a motion and a second by Member Sinenci?

COUNCILMEMBER JOHNSON: Just the... so now we can make the amendment, right? Oh that's right, the new thing.

MR. PASCUAL: So Chair, I believe Member Johnson made the motion, and it was seconded by Member Sinenci. So at this point you can entertain discussion.

CHAIR COOK: Okay, discussion?

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COUNCILMEMBER JOHNSON: So, I'd like to make that amendment that...what Planning Commission or the Planning Department recommended in their...in their letter to the Committee and it was to...maybe Mr. Pfof can come and give us the beautiful language that he had...was in regards to giving the...the Director of Public Works. If you don't mind reading that into the record for us.

MR. PFOF: Sure.

COUNCILMEMBER JOHNSON: Thank you.

MR. PFOF: Bear with me for just a moment. In the proposed language that kind of in the middle, of where it talks about except where a subdivision consist of three or fewer lots. Planning Department would say except where the subdivision consists of three or fewer lots or as determined by the Director of the subdivision, includes cultural or historical areas of significance, and affordable housing component, or topographical surface subsurface conditions that would prohibit undergrounding. And it continues with the normal language.

COUNCILMEMBER JOHNSON: So that would be the amendment that I would propose for the record, Chair. So we would need a second from one of you.

CHAIR COOK: Mr. Pfof. Would we add to that...did your...did I...I didn't hear, did you say the Director of Public Works.

MR. PFOF: It's...it's in Title 18 so it refers to the Director so that implies the Director of Public Works.

CHAIR COOK: Okay. Good. Thank you very much. Member Paltin.

COUNCILMEMBER PALTIN: Second.

CHAIR COOK: Okay. Ms. Rawlins-Fernandez, are you raising your hand for a question? No?

COUNCILMEMBER RAWLINS-FERNANDEZ: I have a question after. I...I think Chair Lee had a question. Oh or Director Molina had a comment.

CHAIR COOK: Director Molina, did you have your hand up?

MR. MOLINA: Thank you, Chair. If I may I...I would oppose this language and note that there is...it's not within the current Bill, but within this section of the Maui County Code, there is a 8...Section 18.20.140(D) which talks to the variance process for the undergrounding requirement. And it does already refer to subsurface features which are inclusive of, you know, historic properties or burials specifically, and surface at . . . *(inaudible)*. . . matters which could include historic properties and that process involves utilizing the BVA to make that determination. And so, my comment is that I feel the concerns raised by Planning are already adequately addressed in the Subdivision Code and are not necessary as proposed. Thank you, Chair.

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CHAIR COOK: Thank you for that clarification. So, this Bill as proposed and implemented would have those conditions in it already?

MR. MOLINA: Yeah. So the existing code, which is not being considered for amendments today, already provides this mechanism of a variance from undergrounding through the BVA. Thank you, Chair.

CHAIR COOK: Thank you. Member Johnson.

COUNCILMEMBER JOHNSON: Chair, can we take a five-minute recess?

CHAIR COOK: Yes. Let's take a five-minute break. We'll be back at 3:55. . . . *(gavel)* . . .

RECESS: 3:51 p.m.

RECONVENE: 4:01 p.m.

CHAIR COOK: . . . *(gavel)* . . . Welcome, Members. Will the Water and Infrastructure Committee come back into. It is now 4:01 p.m. Staff, you want to recount?

MR. HURDLE: Yes, Chair. We were on discussion on the motion to amend Bill 90.

CHAIR COOK: Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I'd...I'd just like to clean up the language, so I guess it would technically be an amendment to my amendment. But basically, the words that was used to amend...I'm just going to take it out, edit it a little bit and I'll...I'll that'll be the amended language, so. Except where a subdivision consists of three or fewer lots or as determined by the Director, the subdivision includes historical areas of significance, or an affordable housing component. That's it. We took out cultural because it was already mentioned, and it was basically the language that the Planning gave us to amend. So, that's the amendment, the cleaned up version. I'll say it again for the record.

MS. NAKATA: Could we ask for it to be repeated, Chair? Thanks.

COUNCILMEMBER JOHNSON: Except where a subdivision consists of three or fewer lots, or as determined by the Director, the subdivision includes historical areas of significance, or affordable...or an affordable housing component. Okay.

CHAIR COOK: Any other...any other discussion? Chair...Chair Lee.

COUNCILMEMBER LEE: I don't particularly have a problem with the amendment, but I'll be voting aye on the amendment and no on the motion because I...I really believe this one will need a little bit more work before it's before we put it out. Thank you.

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CHAIR COOK: Any other discussion. Member U'u-Hodgins.

COUNCILMEMBER U'U HODGINS: Thank you, Chair. Oh I'm sorry. Hold on. Let me get closer to the mic. I don't necessarily disagree with Chair Lee. I think this is a great idea and needs a little bit more baking. But if we're going to discuss the amendment, did we remove the language for any topographical issues, Member Johnson?

COUNCILMEMBER JOHNSON: We did.

COUNCILMEMBER U'U-HODGINS: Can you.

COUNCILMEMBER JOHNSON: Because like it was said it was already mentioned in the code previously. But if you want more clarity from Mr. Pfof, we'll try not to be redundant.

COUNCILMEMBER U'U HODGINS: I get that. However, in the code it allows for topographical issues to go to the BVA, and this one is the Director can make that call. So, you removed it because it's in there and they would go to the BVA. I'm wondering if you might want to include, and this is just for discussion, but work force and affordable housing subdivision and not just affordable housing subdivisions?

CHAIR COOK: Okay. And just to check in. Did we get a second for...okay. We had a second for...from Member Sinenci. Thank you.

COUNCILMEMBER JOHNSON: So, that friendly amendment would include --

COUNCILMEMBER U'U HODGINS: Your mic.

COUNCILMEMBER JOHNSON: Thank you. So, that friendly amendment would say or an affordable housing and work...workforce housing.

COUNCILMEMBER U'U-HODGINS: So, that...

COUNCILMEMBER JOHNSON: Affordable or work, you know, what I'm trying to do I don't know...

COUNCILMEMBER U'U-HODGINS: Affordable and workforce housing subdivisions.

COUNCILMEMBER JOHNSON: Thank you. Yes.

COUNCILMEMBER U'U-HODGINS: Thank you.

CHAIR COOK: So members, you ready to vote on the...okay. Member, uh Director Molina.

MR. MOLINA: Just clarification on the term affordable housing component. Thank you, Chair.

COUNCILMEMBER JOHNSON: Chair, if I...if you may, I think we're trying...I know exactly what we're trying to do here so let's just use workforce housing because affordable

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housing falls under workforce all right, so that's all the bases the big umbrella, right. So, it would say instead of affordable housing component it would say workforce housing component. So, does everybody got that one, that covers everything?

CHAIR COOK: Members.

COUNCILMEMBER U'U-HODGINS: I do have another question.

CHAIR COOK: Okay.

COUNCILMEMBER U'U-HODGINS: Uhm, to my point where I think it does need a little bit more work. This is something we kind of touched on in Committee where certain subdivisions can afford the undergrounding and therefore, you know, aesthetically pleasing and probably safer. Where I don't want to put our workforce in any sort of risk because that's what we're discussing. In the beginning of your opening statements you were talking about how you might be open to evacuation routes and having them underground there. Can we...this is...this is what I mean, I really do think this needs more work Not against it, however would you then be open to undergrounding it in an evacuation and then the internal roads for the subdivision maybe go above ground? And we can find a balance and so you're not exposing any workforce subdivision to potentially any unnecessary harm.

COUNCILMEMBER JOHNSON: So, if you...if you'd like to make that amendment.

COUNCILMEMBER U'U-HODGINS: I don't know how to work it.

COUNCILMEMBER JOHNSON: I'm...I'm all ears because again it's almost like a stack of cards, you pull one out and all of a sudden, this section of the code and that section of the code. So, I don't really am prepared to...to speak to that amendment --

COUNCILMEMBER U'U-HODGINS: Uhm.

COUNCILMEMBER JOHNSON: -- even though I certainly understand where you're coming from.

COUNCILMEMBER U'U-HODGINS: Uhm.

COUNCILMEMBER JOHNSON: You know, so maybe we...

COUNCILMEMBER U'U-HODGINS: You brought it up in...in your opening statements about undergrounding in certain areas for evacuation routes.

COUNCILMEMBER JOHNSON: Right. Like --

COUNCILMEMBER U'U-HODGINS: So, I was just wondering if we could make that applicable to the workforce housing subdivisions.

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COUNCILMEMBER JOHNSON: I think the...the discussion has been that we are doing some work, uh evacuation routes that are...that are easy to low hanging fruit that kind of thing when we talk about eminent domain for that kind of thing, it gets real messy.

COUNCILMEMBER U'U-HODGINS: Uh-huh.

COUNCILMEMBER JOHNSON: So, I think safety first and evacuation routes should be all underground, you know, so let's just...I think the way it is...is the way I...I would do it but if you want to make an amendment to include that.

COUNCILMEMBER U'U-HODGINS: Okay. I --

COUNCILMEMBER JOHNSON: We can bring Planning down or Public Works down.

COUNCILMEMBER U'U-HODGINS: -- we'll hold on that so that we're not voting on any funky kind language. We'll stick to what we have, and then for I guess my later discussions, I'll support this amendment. We'll probably not support the main motion so that we can continue this discussion but thank you, Chair.

CHAIR COOK: So members, take a vote on the amendment. Staff?

MR. HURDLE: So I see Director Molina has his hand up again.

MR. MOLINA: Chair, I would just encourage the Committee to perhaps consult with Department of Housing because my understanding is that most housing projects are required to provide workforce units, and so presumably this exclusion excludes all regular projects as well. So, just to encourage that clarity. Thank you, Chair.

CHAIR COOK: Okay. So members, we can vote on the amendment, and we can vote on the main. Do we need a roll call vote on the amendment? All those in favor of the amendment. Staff?

MR. HURDLE: Chair, that's eight "ayes," zero "noes", and Vice-Chair Sugimura excused. The motion passes.

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VOTE: AYES: Chair Cook, Councilmembers Johnson, Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Sugimura

MOTION CARRIED.

ACTION: AMEND BILL 90 (2023).

MR. HURDLE: Now you're back on the main motion to pass on first reading.

CHAIR COOK: Okay, main motion to pass on first reading. Do we need a roll call vote?

COUNCILMEMBER LEE: Roll call.

CHAIR COOK: Okay, Chair Lee.

COUNCILMEMBER LEE: No.

CHAIR COOK: Member U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: No.

CHAIR COOK: Member Sinenci.

COUNCILMEMBER SINENCI: Aye.

CHAIR COOK: Member Kama.

COUNCILMEMBER KAMA: No.

CHAIR COOK: Member Paltin.

COUNCILMEMBER PALTIN: Aye.

CHAIR COOK: Member Johnson.

COUNCILMEMBER JOHNSON: Aye.

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CHAIR COOK: Okay, Chair is a “no.” So staff...

COUNCILMEMBER LEE: Keani Rawlins-Fernandez.

MR. HURDLE: Member Rawlins-Fernandez.

CHAIR COOK: I apologize, you’re not here. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Aye. Mahalo, Chair.

CHAIR COOK: Okay.

MR. HURDLE: Chair, that's four “ayes”, four “noes”, and Vice-Chair Sugimura excused. The motion fails.

VOTE: AYES: Councilmembers Johnson, Paltin, Rawlins-Fernandez and Sinenci.

NOES: Chair Cook, Councilmembers Kama, Lee and U‘u-Hodgins.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Sugimura.

MOTION FAILED.

COUNCILMEMBER JOHNSON: Chair, so if...can I just take...have this discussion in my meeting then? Or in my Committee and you guys can have this Bill. I...I don’t know I’m just trying to...it doesn’t seem like you want to move the Bill from this Committee but maybe I could just have the discussion in my Committee?

CHAIR COOK: Well, I’m...I’m planning on...I’m planning on continuing to work on this.

COUNCILMEMBER JOHNSON: Okay. All right.

CHAIR COOK: And identifying exactly where the...Member Kama.

COUNCILMEMBER KAMA: . . .*(inaudible)*. . .

COUNCILMEMBER U‘U-HODGINS: Your mic, aunty.

COUNCILMEMBER LEE: Mic.

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COUNCILMEMBER KAMA: Oh. Thank you. So, now that we've taken the vote it's four-four, what happens next because I would still like to continue this discussion.

CHAIR COOK: Basically I'm going to recommend that we defer it, and it goes...stays in my Committee.

COUNCILMEMBER PALTIN: Do we need to do like a reconsideration or something to keep it alive?

MS. NAKATA: Chair.

MR. HURDLE: I'll defer to the legislative attorney.

MS. NAKATA: Chair, sadly so because the Committee has entertained motions which have all failed four-four, and appears to be deadlocked. If there are no further motions, then Bill 90 will remain in the WAI Committee as a default without a motion that's successful. Thank you, Chair.

COUNCILMEMBER JOHNSON: All right.

CHAIR COOK: And for clarification it'll remain in the WAI Committee and it'll remain active?

COUNCILMEMBER LEE: Correct. You bet.

CHAIR COOK: We will work on refining it as a group.

COUNCILMEMBER JOHNSON: Okay.

CHAIR COOK: Member U'u-Hodgins.

COUNCILMEMBER U'U HODGINS: Thank you, Chair. The next time we have this conversation, I don't know if maybe MECO needs to be here, although your presence was very helpful. Thank you so much. But can we please schedule Housing to Member sorry, Director Molina's point that was a yeah, I know you asked for that but can we like, I don't know how to say this without sounding a little rude, sometimes we don't get answers right now because they need to do research. Can we please ask that question in advance so that when we come to this Committee again they're prepared to answered that question.

CHAIR COOK: I...any other comments?

COUNCILMEMBER U'U-HODGINS: Do I need to send it in writing? No; right.

CHAIR COOK: Yeah.

COUNCILMEMBER U'U-HODGINS: Staff, you got that? Thank you so much.

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CHAIR COOK: So, basically, you're recommending that we invite Housing and are you also suggesting that everybody, anybody, write any questions that they have?

COUNCILMEMBER U'U-HODGINS: Well, just this --

CHAIR COOK: To the Committee.

COUNCILMEMBER U'U-HODGINS: I don't...I don't I'm not trying to tell anybody what to do, but maybe this particular question, how will this impact our housing subdivisions because 2.96 requires a percentages of our housing subdivisions, right for our...for our workforce. So, if we're going to exempt the workforce housing subdivision portion then what does that look like for all of the subdivisions? Is it if we're integrating the workforce portion into the entire subdivision, what does that look like? And how does this Bill impact the subdivision? And I'll probably ask Mr. Hart when we're done.

CHAIR COOK: And we will also ask Planning, and I appreciate Mr. Pfof coming after your long day, but we'll definitely include you into the next meeting. Chair Lee.

COUNCILMEMBER LEE: I think the representatives from HECO have been very helpful. So, if they're not coming to the next meeting do you have any last observations you want to share with us? Like if we're going down the wrong road, you know, it's...we still have time to come back to the main road.

CHAIR COOK: Or would you prefer to be...be invited to the next meeting?

MS. DECKER: I mean...thank you. We're happy to help in any way, if you guys have follow up questions or need more information.

CHAIR COOK: Okay. Thank you all. Staff?

MR. HURDLE: Just the adjournment.

CHAIR COOK: Yep.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair.

MR. HURDLE: Sorry.

CHAIR COOK: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for Director Molina regarding what he said is kind of what's already happening. So, if the new projects, the new housing subdivisions are mostly already undergrounding their lines is what I...I understood, is it all 100 percent of the area or not the 25 percent that's workforce units or?

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MR. MOLINA: I guess that's my question to the Committee on what the intent was with that language.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh no, but I'm asking like right now what is it look like now? Because you said that the subdivision...

MR. MOLINA: Oh. Typically the projects going to do it uniformly across the whole project so, if they're going to underground, plan to underground, they're going to do everything underground. I'm not sure if it pencils out if...if kind of the intent was to allow just those affordable units to be not undergrounded if that makes sense for the project or not. I don't think that's necessarily practical for a project development, but, you know, I'm not a developer per se to know if it pencils out that way to make sense but uhm, yeah I think uniformity would be better clarity for both us on the repeating side and for the developer. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. So, if we are going to continue this conversation, if the Committee sent to you a transmittal asking for the last, you know, projects for the past I don't know when it started becoming more common to underground the lines; from at...from that point when it started to become more common. I'd really like to know what all the information you have regarding what subdivisions did go underground and because I did hear you say that DHHL's project did not, but I didn't hear you say any names of projects that did. And you don't have to tell me now. I won't --

MR. MOLINA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- put you on the spot but if...could we ...

MR. MOLINA: We can review the subdivision records and identify which, you know, within probably the last ten years or so if any have done underground or overhead versus underground. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So, Chair, if we can send that on behalf of the Committee. Get that information because what I'm kind of hearing from Director Molina is that this Bill may not be necessary because this one is only about new subdivisions and it's kind of already happening. And part of like where we're at is like wanting to...to retroactively put lines underground where they are. And so, trying to figure out a way to do that. If that is really the goal of...of what we're trying to do. Mahalo, Director. Oh, did you have any other comment? Okay. Mahalo, Chair.

CHAIR COOK: Mahalo, Member Rawlins-Fernandez. Mahalo, Director. Members, with your permission and agreement this concludes today's Water and Infrastructure Committee Meeting. Thank you, everyone for being here for a great meeting, it was very in depth. We still have some questions. We will get Housing and pursue this. The time is now 4:18. The meeting is now adjourned. . . .(gavel). . .

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

February 25, 2025

ADJOURN: 4:18 p.m.

wai:min:250225:cvk

Transcribed by: Cheryl von Kugler

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui**

February 25, 2025

CERTIFICATION

I, Cheryl von Kugler, hereby certify that pages 1 through 54 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 7th day of March 2025, in Wailuku, Hawai'i.



Cheryl von Kugler