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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 23, 2023

Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

Mr. Shayne Agawa, Director
Department of Environmental Management
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Agawa:

SUBJECT: **BILL 90 (2023), RELATING TO UTILITY LINES AND FACILITIES**
(WAI-12)

At its meeting of November 27, 2023, the Water and Infrastructure Committee intends to discuss Bill 90 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.140, MAUI COUNTY CODE, RELATING TO UTILITY LINES AND FACILITIES." Bill 90's purpose is to require the undergrounding of utility lines, consistent with an objective of the Maui County General Plan relating to Improving Physical Infrastructure.

May I please request you review the attached bill and provide any comments or suggested revisions.

May I further request your written response by **November 6, 2023**. To ensure efficient processing, please transmit your response to wai.committee@mauicounty.us and include the relevant Committee item number in the subject line of your response.

In preparation for the November 27th meeting, a preliminary joint meeting will be scheduled with the Departments of Environmental Management, Planning, Public Works, and Water Supply, and the Office of Recovery. A request will be made for you or your designated representative to attend.

Mr. Shayne Agawa
October 23, 2023
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Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Clarita Balala at ext. 7668).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Cook", written in a cursive style.

TOM COOK, Chair
Water and Infrastructure Committee

wai:ltr:012aem01:jpp

Attachment

cc: Mayor Richard T. Bissen, Jr.

ORDINANCE NO. _____

BILL NO. 90 (2023)

A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.140, MAUI COUNTY
CODE, RELATING TO UTILITY LINES AND FACILITIES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. This Ordinance's purpose is to implement the General Plan's directives to require the undergrounding of more utility lines.

SECTION 2. Section 18.20.140, Maui County Code, is amended by amending subsection (B) to read as follows:

“B. Utility lines, including [but not limited to] those required for electric, telephone, street lighting, cable television services, and internet services, and other related facilities[, shall] must be installed underground in all subdivisions [laid out within the industrial, business, hotel, apartment and duplex areas in accordance with] under the applicable standards and methods employed for [such] underground installation by the public utility companies, [involved; provided, however,] except where a subdivision consists of three or fewer lots [or less], the subdivider may, upon the director's approval, [of the director,] arrange to have [such] utility lines and related facilities installed overhead [in accordance with] under the standards and methods employed for [such] overhead installation by the public utility companies. [The director may require the installation of underground utilities serving the subdivision in other urban areas in order to assure compatibility with neighboring developments.] The subdivider [shall be responsible for making] must make the necessary arrangements with government agencies and the public utility companies [concerned] for the installation of [such] utility lines and related facilities [in accordance with the requirements of this chapter.] consistent with this chapter's requirements. Utility lines and related facilities installed under this section must not interfere with other underground utilities or proposed locations of other underground utilities.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

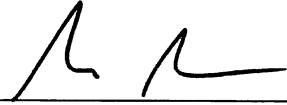
SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF2023-1537
PAF 23-268 2023-09-26 Ord Amd Ch 18.20
paf:ebm:23-268a

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a cursive 'J' and a horizontal line.

GABE JOHNSON