

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

February 22, 2024

**Online Via Teams
Council Chamber, 8th Floor**

CONVENE: 9:02 a.m.

PRESENT: Councilmember Tom Cook, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member (out 10:27 a.m.)
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member (in 9:21 a.m.)

EXCUSED: Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Nohelani U'u-Hodgins, Member

STAFF: Jarret Pascual, Legislative Analyst
Ana Lillis, Legislative Analyst
Richard Mitchell, Legislative Attorney
Yvette Bouthillier, Senior Committee Secretary
Lenora Dineen, Council Services Assistant Clerk

Roxanne Morita, Council Aide, Lana'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 to Councilmember Cook
Stacy Takahashi, Executive Assistant to Councilmember Cook
Kate Griffiths, Executive Assistant to Councilmember Johnson
Axel Beers, Executive Assistant to Councilmember Johnson
Evan Dust, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Kama
Michele McLean, Executive Assistant to Councilmember Lee
Angela Lucero, Executive Assistant to Councilmember Paltin
Haunani Madela, Executive Assistant to Councilmember
Rawlins-Fernandez
Sarah Sexton, Executive Assistant to Councilmember Rawlins-Fernandez
Dawn Lono, Executive Assistant to Councilmember Sinenci
Jocelyn Moniz, Executive Assistant to Councilmember Sugimura
Laura McDowell, Executive Assistant to Councilmember U'u-Hodgins

ADMIN.: Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation
Counsel

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Jordan Molina, Director, Department of Public Works (WAI-1(18))
Robert Schmidt, Deputy Director, Department of Environmental Management
(WAI-1(17))

OTHERS: (5) additional attendees

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

CHAIR COOK: . . .*(gavel)*. . . Will the Water and Infrastructure Committee of February 22nd, 2024, please come to order. The time is now 9:02 a.m. May I ask that all participants please silence all noise-making devices? I'm your Chair, Tom Cook. Meetings per the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors need not be identified. 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. We would greatly appreciate it. Now, I'd like to introduce the Committee Members. Vice-Chair Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Good morning, Chair. Looking forward to a great meeting.

COUNCILMEMBER KAMA: Good morning, Chair.

CHAIR COOK: Good morning, Tasha Kama. Good morning, Member Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, kākou.

CHAIR COOK: And good morning, Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair, Councilmembers, Committee Members. There's no testifiers at the Lānaʻi District Office. I'm here and ready to work. Mahalo.

CHAIR COOK: And Member Rawlins-Fernandez is excused, not here. Council Chair Alice Lee.

COUNCILMEMBER LEE: Good morning, aloha kākou.

CHAIR COOK: And Councilmember Nohelani U'u-Hodgins is excused today. Councilmember Shane Sinenci. I know that he had another meeting, but he was going to phone in at some point today...this morning. From the Department of Public Works, we have Director Jordan Molina. Good morning. From the Department of Environmental Management, Deputy Director Robert Schmidt. Is Robert on the line? Okay, we'll let him know he's next. From Corporation Counsel, Deputy Corporation Counsel Caleb Rowe. And our OCS Committee Staff --

MR. ROWE: Good morning, Chair.

CHAIR COOK: Good morning, Caleb. From our OCS Committee Staff, Jarret Pascual, Ana Lillis, Yvette Bouthillier, Remi Mitchell, Jean Pokipala, and Lei Dinneen; our very

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dynamic, appreciated OCS Staff. Please see the last page of the agenda for information on meeting connectivity. The agenda items today; Members, we have two items on today's agenda, WAI-1(18), and WAI-1(17). WAI-1(18) relates to the Operational and Budgetary Review of the Department of Public Works. WAI-1(17) relates to the Operational and Budgetary Review of the Department of Environmental Management, excluding their Environmental Protection and Sustainability Division. Now, moving on to testimony at the beginning of the meeting. Staff, do we have any testifiers?

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

MS. LILLIS: If anyone would like to testify, please raise your hand by clicking the raise your hand icon at the top of the screen. Currently, Chair, we don't have anyone signed up to testify at the beginning of the meeting. I'll give a brief countdown; three, two, one. Chair, it appears no one else wishes to...there's no one signed up currently to testify.

CHAIR COOK: Members, with no objections, we'll close public testimony for the beginning of the meeting, but people will still be able to provide testimony after the presentation.

COUNCILMEMBERS: No objections.

COUNCILMEMBER KAMA: No objections, Chair.

. . .CLOSE PUBLIC TESTIMONY AT BEGINNING OF THE MEETING. . .

CHAIR COOK: Good, so just to clarify, the public will have the opportunity to testify after the presentation.

**ITEM 1(18): OPERATIONAL AND BUDGETARY REVIEW OF THE
DEPARTMENT OF PUBLIC WORKS (RULE 7(B))**

CHAIR COOK: Okay, we'll now call on...Members, the first item is WAI-1(18), Budgetary and Operational Review of the Department of Public Works. As the Fiscal Year 2025 Budget Session is coming up at the end of March, I thought it best to schedule these status updates with our Committee's respective departments. I would like to ask Director Molina to please share any opening comments, followed by your presentation. Director Molina?

MR. MOLINA: Thank you, Chair Cook, Members of WAI Committee, good morning. Jordan Molina, Director with Public Works. So, I have to apologize that I don't have a presentation prepared for today's briefing, so if the Committee doesn't mind, I'd like to just be available for questions and answers to work through the FY '24 Budget and any updates or questions that the Committee might be interested in. But just generally, of course, the biggest challenge for our FY '24 Budget is, you know, the response to wildfires. Public Works in particular, you know, nobody told me that this was part of

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the job, for sure, but yeah, we've...you know, the staff at Public Works has taken on immense responsibilities, a lot of different roles that are not within our normal operations. And so, that obviously has a strain on normal operations, but our staff has, you know, been trying their best to balance both, and that will be evident in the overtime that you'll be seeing in the FY '25. Fortunately, our staff is willing and able to put in the time...the extra time to keep, you know, the response going to help keep...the recovery in Lahaina ongoing, so I just wanted to mahalo them for that. But yeah, we can only spend OT when people are willing to work it, so obviously, that's a huge impact. Regarding CIP, of course, same...same regard, where we just have all these additional projects now that the staff has to juggle and try and incorporate while trying not to let all the other projects fall behind. And so, we're just kind of working through to be deliberate, intentional on how we structure ourselves, so that we can try and get, you know, everything done as much as possible. Obviously, with Lahaina, some of the major CIP projects are being shifted around as we, you know, step back to do the debris cleanup. And then, once we get back into rebuilding, we can bring those projects back around. Notably, those projects are your Lahainaluna Road Pavement Rehab, which is a Fed aid project. We also had a traffic signal project at Papalaua and Waine'e, which we do intend to bring back because we think that's still a need for that project, and that was ready to go in construction already. And then, the last big one is the Front Street Seawall Repair, which we also think is still a viable project to bring forward, and would be ideal to do now before, you know...between cleanup and full rebuild gets back. So, you can anticipate seeing those in FY '25 Budget as adjustments from FY '24, due to the wildfires. On our normal problems, some of the big-ticket items that we're focusing in on is our Highways Baseyards, Master Planning and Expansion. I'm sure you all have received complaints from our various baseyard neighbors about those operations there. And so, you know, part of that intent to respond to those concerns is to look at expansion and relocation, and redoing how we operate at our baseyards, not only to minimize those impacts, but also just to adjust to the growth that we've had over the last few years with that team. Another big one is, of course, the facilities management, which we're trying to get a better handle on, which Council supported us with positions over the last couple of years. You know, unfortunately with the fires, too, those...those efforts to reorganize and reallocate positions also took a back seat, so those will be a bit slow moving from last year as well. I think I'll leave it at that for my opening comments. Thank you, Chair.

CHAIR COOK: Okay, thank you, Director. Okay, Staff, do we have any public testimony after the Public Works presentation?

. . .OPEN PUBLIC TESTIMONY FOR WAI-1(18). . .

MS. LILLIS: Chair, no one has signed up to testify, but we'll give a brief countdown. If you would like to testify, please click the raise your hand option. I do see someone approaching the --

CHAIR COOK: Okay, Staff, do I now read the...okay.

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MS. LILLIS: Yes, Chair, if you wouldn't mind opening.

MR. LAW: . . .*(inaudible)*. . .

CHAIR COOK: Is he the only testifier?

MS. LILLIS: He is the only testifier.

CHAIR COOK: Okay, he's going to give his time to the Hawaiians. Okay. Therefore, if you can do the countdown?

MS. LILLIS: Will do, Chair. This is the last call for testimony on this item. We're going to give a brief countdown; three, two, one. Chair, it appears no one else wishes to testify.

. . . CLOSE PUBLIC TESTIMONY FOR WAI-1(18). . .

CHAIR COOK: At this time, I would like to open-up...okay, we didn't do that. Rounds of three-minute questions per Member. Are there any objections? Chair Lee?

COUNCILMEMBER LEE: Could we have four or five minutes since we don't have any testimony?

CHAIR COOK: Yes.

COUNCILMEMBER LEE: Okay.

CHAIR COOK: I'm in agreement to that. So we'll have two rounds of...how about we have three rounds of four minutes? Okay, we're in agreement. So, Vice-Chair Sugimura's not here. Councilmember Kama, would you...you have questions for --

COUNCILMEMBER KAMA: Thank you. Yes, thank you, Chair. So, Mr. Molina, you said in your presentation that your...your...your Department has been strained because there are some...some job descriptions that were not part of the job when you all came into being. So, can you tell us what some of those job descriptions are? And you know, what can we do to help alleviate that strain?

MR. MOLINA: Thank you, Member Kama. Okay. I guess, first biggest ones for myself, is part of the responsibilities of the Public Works Director is leading the coordination for the infrastructure group, both for the response under the EOC structure through MEMA, as well as the recovery support functions, which is now occurring under Office of Recovery. So that role has had me taken to being this larger, coordinated amongst not only all our State Infrastructure Operators, your Solid Waste, your Wastewater, your Water, but also State agencies as well, to lead coordination in response with them, as well as all the Federal partners that are involved. So, infrastructure, you know, in the, in the early days and we even got from that first night became evacuation; we...we had to implement the evacuation. So that night of the fire in Lahaina, once it was

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approaching the Civic Center, it was only our DPW staff that was left out there to coordinate all the survivors that night. So, that was kind of the first duty that we had to inherit. And then, from there became supporting search and rescue in the field, which a lot of our Highway staff was instrumental in doing. From there, going into the EPA work, Phase-1 cleanup, which we also had to support; coordinating their debris sites; getting them organized and in sync with the State and County for those operations, and then, now we're in debris where Highways and Public Works is, you know, the lead coordinators for the Army Corps for FEMA, with DEM and Solid Waste to tee-up the disposal sites, the, you know, how we're going to operate traffic, protocols for safety. And as well, related to the debris, is the Right of Entry program, which the engineering staff is reviewing and approving all the Right of Entry applications, which is a tremendous job by them; there's just two people in our land section that's been reviewing every single Right of Entry, and I believe they're up...upwards of 1,400 right now that are approved. Then, we shift into the permitting side of things with DSA. DSA had to do all the safety assessments to determine the habitability of structures, coordinating restoration for services for the, you know, still-standing structures, of course, working on the expedited permitting to get that ready for the rebuilds. Additionally, we also have to administer the alternate debris program for those individuals that don't want to sign up for Army Corps. I think those are kind of the main ones. And then, there's a lot of ancillary activities that go into supporting those major activities that DPW staff has been trying to assist supporting. And then, of course, you know, the Deputy Director right now is the County's Housing Lead for recovery under the RSF's with Office of Recovery. So yeah, brief summary. . . .(timer sounds). . .

COUNCILMEMBER KAMA: So, my next question, then, is how can we help relieve some of that strain from you? What can we do to help you?

CHAIR COOK: Member Kama, can you do that on your second round?

COUNCILMEMBER KAMA: Yes. Wow, four minutes are gone quick. Thank you, Chair.

CHAIR COOK: Member Sugimura?

VICE-CHAIR SUGIMURA: Okay, I'll pick up on that question. So, thank you very much, first of all, Director, and your staff. I mean, pretty amazing. I know some of the things that you are doing. I saw you in action and your team in action for Upcountry, and we all know that the West Maui needs are greater. And we're like a mini version that you pulled off at 100 percent--thank you very much--with flying colors, very much appreciation from my community. And as you know, in the beginning, they were pretty picky about...with a lot of questions, and it was maybe sometimes brutal, so I want to apologize to you because I know you were in some of those meetings...well, you were in those meetings, but thank you very much. So, continuation of what Member Kama said, you know, how can we help you? I think the whole recovery part of what is being asked of all the departments was...was never in any of our thoughts, right?

MR. MOLINA: Not at all.

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VICE-CHAIR SUGIMURA: So, what can we help you with? I guess we're talking now about what do you need for the next Budget? But...

MR. MOLINA: Yeah, the first thing that I, you know, I want to mahalo you guys for is the patience. I know there's a lot of questions that you guys are fielding that you need to respond to, and it's been a challenge for us to get you all the information because there's just so much going on right now. And no offense, but sometimes these meetings can be distracting from that effort to have to be pulled into here and try and be prepared so that we don't waste your folks' time, either. So, your patience in that regard is appreciated, as we try and build out that public information and try and get you, you know, those...those answers to those questions. I think the other big, big help that we saw in Kula in particular is, you know, for Councilmember Sugimura's case, her active role in kind of being a liaison for her community and helping...helping be that intermediary between us and the public, to kind of help funnel a lot of these information, distill it down. You know, it makes it...it makes it easier for us to try and respond. You know, we...all of us have more close working relationships, so it's...sometimes it'd be easier for us to respond through you, and getting your guys' help to then inform your community and your constituents. I think that was a big help in Kula. And I know you guys did that Lahaina meeting as well, which I know a lot of that information has been being going through by Office of Recovery. And so, those efforts definitely help inform the response activities that we're working on. So yeah, thank you guys for that...those efforts, definitely.

VICE-CHAIR SUGIMURA: And the...the other thing that maybe you can come prepared for Fiscal Year Budget, but the next Budget, the CIP projects that you're working on, could you tell us, you know, what is the priority and how, you know...what you want us to do? And I think what I'm hearing, with all the demands from WAM Committee that we just heard from, as well as the finance side on the State legislature, and what you're doing, is that for myself, I don't want to add more projects to you because I think you're trying to...you're trying to get through what we've given you and what you now identify as priority. So, can you, then, tell us which are the priority projects? I mean, you don't have to tell us now, but if you can, tell us which are the priority projects that you need to go through, and how you can...and what you need to get there, and how many CIP projects do you have. . . .*(timer sounds)*. . . You know, things like that. Just so that we don't say, oh, can you build me a...another skate park in Kula? You know, I mean, not...well, you're not Parks, but you know, stuff like that, right...

MR. MOLINA: Sure.

VICE-CHAIR SUGIMURA: ...where that would be extra. So, can you help educate us as we go through this process?

MR. MOLINA: Yeah, thank you. You know, that's a challenge for us because most of our work is repair and maintenance, keeping the lights on, keeping the systems functional. And so those, you know, especially when it's a health and safety concern, those don't necessarily get to get pushed aside, but we...we are able to, you know, play within the...our flexibility within the budget to kind of shift...shift schedules around to give

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ourselves more time to get through all the projects. Kind of bigger picture what concerns me is some of our big projects we have coming up in the next Fiscal Year, so not in FY '25, but '26 and '27, where we have Waiale Road Extension hitting deadlines to go out to construction and finding the tens of millions of dollars more that I need to fund that project. So, the RAISE grant helps, but it's still not all of the project.

VICE-CHAIR SUGIMURA: Ah.

MR. MOLINA: Then, shortly after, we'll have North South Collector Road. So, between those two projects, we're looking at over \$100 million in total cost, which...you know, we have RAISE grants for the two, so that helps with the 25 million. We also have Federal aid monies, but that is going to be sort of a question, too, as far as how much we get, because our typical allocation is twelve and a half a year. And so, there's...yeah, so there's a significant gap more going to be needed. We are trying to see if there's other of those DOT grants that can be doubled up on any of these projects. You know, also be asking for any State help if there is any but given that we have all these challenges in Lahaina now, you know, they'll...yeah, it's going to be...or I'll be interested to see how we approach bonding for some of these big projects in the next couple of years, when not only these big projects hit, but all the Lahaina repair projects start hitting, too. So that's going to be kind of the bigger fiscal challenge. I mean, maybe not necessarily for me per se, but for the Council to have to weigh and decide upon. So yeah, not...not this coming year, but in two fiscal years is when it's going to really, really affect us.

CHAIR COOK: Thank you. Thank you, Director. We're going to give Member Paltin an opportunity.

COUNCILMEMBER PALTIN: Okay. You can start the clock. Thank you so much for your crew. We always knew West Side was the best side, Highways especially. Just wanted to put it out there to let the folks know there's free health testing at Royal Lahaina, 3:00 to 7:00 tomorrow for the employees that worked in the burn-zone without P100's and Tyvek suits immediately after the fire. I would highly recommend that. I'd like to know more about road widening and evacuation route extensioning of County roads, culvert maintenance, and there's a dire need for safety with speed bumps, particularly the lower road where the bridge just opened. And I'm sure you already anticipated that, so you know, as we do these kind of projects, like you said, if we ever were to take on Hui F Road, the next request would be speed bumps. So, with the bridge widening project, maybe we should have planned the speed bump as part of it because phone's been ringing off the hook, but that's...that's my questions. Thank you.

MR. MOLINA: Yeah, thanks for the shout out on the health testing. We'll be sure to get the staff signed up for that. Road extensions. So, the major road extension being worked on, and it's debatable about the extent that it's a road, but is West Maui Greenway, that is --

CHAIR COOK: Director, allow me to interrupt for a moment. I wanted to acknowledge Member Sinenci has now joined with us a while ago. Welcome.

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COUNCILMEMBER SINENCI: Hey, aloha and good morning. Here, at my home office, by myself. Thank you, Chair.

CHAIR COOK: Thank you. Sorry for the interruption, Director. Continue.

MR. MOLINA: Yeah. So West Maui Greenway is the big, I guess, evacuation-related project that's on the books that's being pursued. There's a segment in there between Keawe Street and Lahainaluna Road for the Kuhua Road extension, through Pioneer Mill area, so that's been on the master plans for a while. That's part of the West Maui TOD plan. So, that...that is the main project right now in Lahaina. We are working with Fire and Army Corps to do the evacuation modeling to look at other road that Fire thinks would help, so that's going to be kind of work...starting to get planned. And then, probably if...if there's a commitment to pursue any one of those projects, then we probably would see that in the FY '26 Budget coming through once we get clarity on those projects. And then, of course, there's the whole component with community planning and outreach about those projects and the support for those projects. Because I'm sure you recall that when we had this conversation about Fleming Road, right, there was not an interest in having that be a road. So, that's this different kind of facility, which we don't have, so we're going to have to grow into what that looks like, how that operates, how that functions to be evacuation to...to support evacuations, right. If it's not going to be regularly open to traffic, who's managing the gates? Who opens them? All that good stuff. Which direction do they go, because a bike lane is not intended to be a two-lane road. So, all that coordination in road extensions. Culvert maintenance, I know our guys do...do preventative maintenance when storms are approaching. I know that, in particular, the challenge for Lahaina is the flood control dams. The requirements for those are very strict, and of course, the safety risks are immense, but that...the need for maintenance there, the, you know, detracts from our ability to be in the town, doing sidewalks, doing more pavement repairs, doing more culvert maintenance-type things because the paramount priority is making sure those dams are in a safe, operatable condition, and we're meeting our requirements. So that's a particular challenge for Lahaina, is those dams. . . .(timer sounds). . .

COUNCILMEMBER PALTIN: Oh, I'll come around next question, but shout out to Mr. Pagatpatan and Mr. Gerling for going around on dirt bikes and opening the gates during the fire. That was major life saving.

CHAIR COOK: Thank you. Member Johnson...Councilmember Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Director Molina. Always good to see you here. I know you have a busy schedule, and I appreciate you taking time for us. You know, this is the...I...you know, we're right before Budget, so I kind of...a lot of my questions are related to...to, you know, moving forward into this Budget, and what's some priorities. I know that your...your staff has been working so hard and other...other Departments, such as Police and Fire, have a very robust wellness program, making sure people's mental health is good as their physical health. Do you have any intention, or is there anything out there, like just what Councilmember Paltin was saying about the physical part of being working out there? But how about the

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wellness and the mental health of it all? Is there any plans to help those...your...your staff on that?

MR. MOLINA: Yeah, thank you for the question. So, our...our Admin Staff that works in my office, you know, has put a focus on that, and through DPS, there has been weekly visits to the baseyard to provide that opportunity for that, you know, kind of that mental wellness.

COUNCILMEMBER JOHNSON: Great.

MR. MOLINA: I've heard the terms psychological first aid also.

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: And so, you know, they don't always accept it, but I...I know it's been helping just having it there, even if no one uses it, I think is a...is a comforting thing. And then when people do...or when the staff are ready, they are able to take advantage of it.

COUNCILMEMBER JOHNSON: So, it's done through Personnel Services? You're not going to ask for any money for that because they're doing it, right?

MR. MOLINA: Yeah. So, they've been able to support us on that front.

COUNCILMEMBER JOHNSON: Wonderful.

MR. MOLINA: And we've been utilizing their program.

COUNCILMEMBER JOHNSON: Wonderful. I heard your CIPs and the shifts in priorities at Lahaina Road traffic and the Front Street Seawall, and I understand that. You mentioned baseyards, and you know, the Lāna'i baseyard is...really needs help. I know you...I see you smiling. You know, it does.

MR. MOLINA: Yeah, we're working on it.

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: We're working on it.

COUNCILMEMBER JOHNSON: Can you...can you expand on the...what do you mean by working on it? Because I want to say that they have female staff, and they don't have a female bathroom. That's...that's among many other things. But can you expand on what you mean by working on it?

MR. MOLINA: We're trying to satisfy the Planning Department requirements.

COUNCILMEMBER JOHNSON: Okay. Oh, boy. Is it permits?

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MR. MOLINA: Yeah.

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: We have a current project for building...not...not for the bathroom yet, but for the...restore the building that's leaking.

COUNCILMEMBER JOHNSON: Yeah.

MR. MOLINA: And that has triggered a bunch of requirements from the Planning Department.

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: So, we're working through those requirements to get those incorporated, so we can get the permits.

COUNCILMEMBER JOHNSON: So this year Budget, you don't...are you planning to put anything in this year's Budget for it, or is it going to take a little bit longer?

MR. MOLINA: No, we have money for it already.

COUNCILMEMBER JOHNSON: Oh, okay. Wonderful.

MR. MOLINA: It's just stuck in permitting.

COUNCILMEMBER JOHNSON: Stuck in permitting. Famous last words. All right.

MR. MOLINA: We're victims as well.

COUNCILMEMBER JOHNSON: The...so, yesterday we had a great meeting in...in Councilmember Kama's about the...about the pre-approved plans for...for housing and whatnot. I wanted to know that in your Department, we...we talked about it, that there wasn't any pre-approved plans. But then I spoke with you a while back, and there was. And I'm thinking money-wise is, you know, is...does it cost...does it...is there any budget money for those plans?

MR. MOLINA: We don't have pre-approved plans in the sense that the County is providing these off the shelf sites for people to buy.

COUNCILMEMBER JOHNSON: Right. Never did?

MR. MOLINA: Never did. What...what mechanism we do have is called design registration.

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: Whereby an architect submits a house plan.

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COUNCILMEMBER JOHNSON: Yeah.

MR. MOLINA: And that house plan can be used, or is used on multiple sites, but it's the same plan.

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: So, there's no variations on it, right?

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: So, we're talking about individual property owners; that's where we get into trouble is where they want their little variations, and now it's not a standard plan.

COUNCILMEMBER JOHNSON: So, it's more for a developer then?

MR. MOLINA: It is generally more for the developer. So, your large subdivision where they maybe have, you know, 100 lots and maybe three or four different models, to get the design registration for those.

COUNCILMEMBER JOHNSON: I see.

MR. MOLINA: . . .*(timer sounds)*. . . And then, the permit for each lot goes a lot quicker because it's just a site plan review.

COUNCILMEMBER JOHNSON: Thanks for clarifying that because I, you know...the design registration really makes a lot more sense to me. And I'll do some --

MR. MOLINA: Just to close on, I know the Housing RSF is looking at that as a service to the residents, to...to try and see if we can get some...some packages put together that people can use.

COUNCILMEMBER JOHNSON: Right, great. All right. Thank you so much. Thank you, Chair.

CHAIR COOK: Okay. Member Rawlins-Fernandez has not joined us yet. So, Chair Lee, questions for the Director?

COUNCILMEMBER LEE: Thank you. Director, I'm just going to go straight to budget questions, and I'll be asking this of everybody because we need to have a realistic list of CIP. And we know that, of course, West Side will have the priority. So, what I'd be looking at is if you put too many projects on your list, we know you can't get to them, yeah, because you have just so many people. So, I'll be...you know, we'll be looking closely at that, and I'll tell you why. The State Legislature is looking closely at us, and asking us, what are you doing to, you know, to save money, or to get...or increase revenues. So that's what we have to do. I don't necessarily subscribe to a 15 percent across the board cut, you know. I think we need to go Department by Department,

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okay, and you have one of the hardest. So, the other thing is we're going to need a list of which item...which projects that are in this Budget can be deferred, and then which...which are bond and which are cash. And then, you know, your personnel shortage. How can...we really have to...I know you're in the middle of an emergency, but we still have to address that somehow. If we can give them bonuses, or recruitment, or retention bonuses, or something, you know, and then the...one of the main questions for me is how much do you expect to be reimbursed by FEMA? This is going to be really important. And then, which grants have you applied for, and how much? And again, the focus is going to be on water and sewer, and I told the WAM Committee yesterday that we need their help in...in loosening the approval process on water and sewer on the State level, DOH, you know, all of them, every last one of them. So, they said, you know...first they said they'll ask the Governor. But I said I think they should intervene. But those are some of the major questions that I have. And you know, I would advise you strongly to just focus on what you can do, yeah, and...because we're going to support you. But if you give us a list that, you know, is like...like a fairytale list and you know, it's not going to go anywhere. Okay. Thank you.

CHAIR COOK: Director?

MR. MOLINA: Yeah, if I can comment to some of those items. Vacancies and giving them bonuses, we have asked. So DPS has initiated kind of that next round of prep for contract negotiations, and so the Department did submit a request to have consideration for at least performance-based or merit-based pay adjustments so that, you know, the...the employees that we...that perform, that it shows on their performance evaluations as exceeding, you know, expectations, to have...give us some ability to, you know, acknowledge that and compensate that. So, we, you know...DPW you know, personally has...has asked for that, and so hopefully it gains traction and support when it goes through the process. FEMA reimbursements. So, you know, that's definitely been a discussion with...with Office of Recovery and bringing in the Tetra Tech team because that's their primary focus. And what...what I think is really good is this focus on cash flow to making sure that we're not hanging out there with these hundreds of millions of dollars of fronted money without things coming back in. So that is a focus of theirs, to making sure we have that on a schedule so we can, you know, project --

COUNCILMEMBER LEE: Who's focusing on it?

MR. MOLINA: Our Consultants with the Office of Recovery's Recovery Management Services Contractor, which is Tetra Tech. Grants. So, yeah, Public Works continues to push on applying for the --

COUNCILMEMBER LEE: Our time has run out. Maybe you can save that for, you know, after...my second round.

MR. MOLINA: Okay.

COUNCILMEMBER LEE: Thank you.

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CHAIR COOK: Member Sinenci, questions for the Director?

COUNCILMEMBER SINENCI: Mahalo, Chair, and sorry for my tardiness. I was on the MPO advocating for pedestrian sidewalks in Hāna, and then, this afternoon, we have a meeting with Lieutenant Krau to...to speak about illegal parking on the Hāna Highway. We do understand, Director Molina, your focus on Lahaina, and we're...the East Side community supports all of your efforts in...in helping our Lahaina families, so we understand your focus. Representative Poepoe has been able to solidify some State lands for some of...some sections...the State sections in East Maui, so we're happy for that. And we're also happy for the...the work that you guys are doing for the cliff mitigation at Alelele Point and at Lelekea. So, my only question is, are you continuing funding for CIP Countywide paving projects? As you know, our Hāna paving schedule is behind for couple years, and those guys are starting to send me their car tune-up bills. So, I was just wondering if...if there's an RFP out for...for...for our paving...to address our paving schedule?

MR. MOLINA: *(Audio interference)* Thank you, Member Sinenci. And yeah, you know, definitely, we apologize to Hāna for the delays in getting those projects online. But I...I will say that with the kind of the slate of projects we have, they're going to be hitting relatively the same time, so you're going to see a lot of paving in Hāna, once that does hit...hit the ground. Hope...and yeah, so a lot of those have, or at least two of them have gone out to bid, and so those are getting ready to be scheduled, and the third one, I believe, is getting close to being out to bid. The two...the two being the big ones from Kaupō coming into Kīpahulu, and then the Maka'alae paving job as well.

COUNCILMEMBER SINENCI: Oh.

MR. MOLINA: And yeah, thank you for noting because yeah, in light of Lahaina, we do have an emergency out in Kīpahulu right now, too, where the road is closed, and we have a severe condition of erosion on the makai slope that has to be repaired, at risk of losing that highway entirely right now. So, you know, a minor...major event out in Hāna in the meantime. And then, I just want to kind of talk about, yeah, you know, we...we are still budgeting in Hāna. The way we...we've organized Public Works' CIP into more programs helps us manage. So, we...we put...we put in there what we think is reasonable to accomplish in a year, but we always know there's emergencies. And so, that funding always, without kind of...without skipping a beat every year, come December, January, March, there's an event that a lot of that funding gets shifted towards emergency response. But you know, and also answering Chair Lee, is that if there was a frivolous project, I would give it to you. We...unfortunately, I don't...we're not to the point of getting to do frivolous projects yet. I would say maybe the baseyard one is probably the least urgent, but it's still a need, but we could survive and make do. But in terms of cuts, short of me putting out anything specific, which doesn't come to mind, you know, off the top, I think works best for us, and allow us to manage within our budgets. Because there's always...there's always circumstances that change. Projects slip, other projects are available. So rather than eliminate a project entirely and you know, take it out of play, we'd rather have it there and work within the budget

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we're allotted . . . *(timer sounds)*. . . to hopefully try and do all we can, or not have two projects fall behind if...if one happens to not be ready. Thank you.

CHAIR COOK: Thank you.

COUNCILMEMBER LEE: Chair, are you going to ask your questions?

CHAIR COOK: I was going to...I'm going to wait for mine the second round. I was going...we're having three rounds.

COUNCILMEMBER LEE: Yeah. So, I was wondering if you could go this way now, starting with Sinenci's. Yeah.

CHAIR COOK: Sure. Okay. By all means, Chair Lee, you have questions?

COUNCILMEMBER LEE: Okay, if you want to go with me first? Okay. Jordan, I'm glad you brought that up. I know you need a baseyard. I'm...I'm one of them who have...who's been receiving complaints from your neighbor. And I was wondering, maybe you can collaborate with the Police Department and the Fire Department. I know...I don't know when he's going to bring it up, but Police Chief Pelletier wants to have a command center in Waikapu, and then this would be a prime time to have something for them, for you, and for Fire, all together. And maybe you can have them do the master...you know, the planning initial study design. Because...and that way, you don't have to worry about it. All you have to do is put in...input your requirements. So...so that's one thing. When...do you know already, preliminarily, how much we're going to...how much we've paid out, and how much we could be reimbursed by FEMA?

MR. MOLINA: Give me a sec. I...off the top of my head, I believe there is...I know we've expended a lot. I think we have about 200, and this is just from the damage assessment side of it, more so. I think we have about 200 million right now projected in infrastructure repairs, and to date, there has been FEMA obligation of about \$2 million, mainly for replacement of fire equipment that was lost. And that money, I understand, is sitting with HI-EMA waiting for disbursement back to the County. So, there's at least that couple million dollars coming back already. But a lot of the project, that 200 million hasn't quite started spending yet.

COUNCILMEMBER LEE: We have 200 million? Or they're going to pay --

MR. MOLINA: We have projected costs of 200 million, that 90...yeah, so of that, which we think are all the PA...public assistance eligible projects for reimbursement. So, right now, we're in the...I think we're still at the 90/10 match, and so that would be, yeah, be approximately your 20 million if we have the ten percent right now.

COUNCILMEMBER LEE: The ten percent. Are we going to share that with the Governor, or are we going to come up with all of that ourselves?

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MR. MOLINA: I think we're...part of the WAM request is to help share in some of that cost. But then, the State also has their FEMA costs too that they keep incurring. So, they're also needing to fund their...their part of the bill that the County is not necessarily directly involved with either. So, they have their share of costs, too, they gotta --

COUNCILMEMBER LEE: So, we might have to pay 20 million?

MR. MOLINA: Potentially, yeah, the County match at this point is what the current projection is.

COUNCILMEMBER LEE: Yeah. Okay.

MR. MOLINA: But I guess the hard part is, we have to front the money, too, yeah?

COUNCILMEMBER LEE: The 200 million?

MR. MOLINA: Yes. It's all reimbursement based.

COUNCILMEMBER LEE: And where are we going to get that from? Huh? That's a lot of Moloka'i bread to sell.

MR. MOLINA: Yeah. You got something in your drawer over there?

COUNCILMEMBER LEE: Yeah, cookies. Oh, boy. That's a lot to think of. Thank you, thank you, Jordan. Thank you, Chair.

CHAIR COOK: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. So yesterday we had Secretary of Transportation Pete Buttigieg come and...and meet with a lot of the Administration, and some Federal Senators were there as well. Did you get a chance to meet with Secretary of Transportation Buttigieg?

MR. MOLINA: I did attend the...the visit to Lahaina with...with the group, yes.

COUNCILMEMBER JOHNSON: Okay. They...I tell you, they every time we hear Federal...Federal guys talk, they talk about how much money there is in Build Back Better and all these programs, they got all these acronyms, all these big pots of money. And it sounds like that we as a County have to go and apply through these big grants, right, to get them? So, it comes around at almost every budget season. Do you guys need a grant writer to reach up for those Federal funds? Are you doing it as a Director? Can you do it with spinning all these plates? Are...are these big chunks of money floating by, or are we actually able to grab some of those?

MR. MOLINA: You know, I will acknowledge there's probably a lot of money we're not chasing, just because we don't have that focus, that organization to chase them. And then, of course, implementation is difficult.

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COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: Not a lot of agencies in the County do Federal implementation. We're fortunate that we deal with Federal monies annually, so we...we know what it's like, but that's definitely part of the challenge, too. And it's challenging because you have to understand the whole life cycle to ensure that you don't end up paying back at the end of the day.

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: Which is a scary idea.

COUNCILMEMBER JOHNSON: Of course it is.

MR. MOLINA: So yeah, they, unfortunately, not to talk bad, but they...they tout it, and then, once you pull the curtains back, you see what's actually there, and you go, oh, this only helps this little piece here --

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: -- because a lot...unfortunately, a lot of times their programs are focused on Federal initiatives, rather than what the needs of the counties and states are.

COUNCILMEMBER JOHNSON: So, do you have the cap...capability and do you have the will to kind of contract out, like, maybe a third-party that has actually grant writers to go chase those grants?

MR. MOLINA: Yeah, we already do that.

COUNCILMEMBER JOHNSON: Okay.

MR. MOLINA: Yeah.

COUNCILMEMBER JOHNSON: And how is that working out?

MR. MOLINA: You know, we've...we've been lucky in some of the consultants we've been using. So, of course, we've won three competitive grants now.

COUNCILMEMBER JOHNSON: Okay, that's good news.

MR. MOLINA: Yeah. So...so you know, we've...we've been successful in that. But a part of the challenge, and I had this conversation with an individual from Federal Highways yesterday, is you need to understand the game of these grants because the grant writer is not necessarily enough --

COUNCILMEMBER JOHNSON: Okay.

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MR. MOLINA: -- if they don't know the game they're trying to play. So, transportation has a specific language, has its buzz points. You need to understand transportation to write a good transportation grant.

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: And you don't necessarily have grant writers who specialize in transportation, so it's...it's a step to helping, but it's...you still need to build upon that.

COUNCILMEMBER JOHNSON: Okay. It's just hard for me to...you know, we...we're upon budget season. And when it comes to look for revenues for this County, it's all through taxes, right? Property taxes. So, if we're going to debate this and say we need to raise some property taxes here, and then meanwhile there's this Federal stream of funds that we're not applying to, it's hard for me to kind of have that debate here in the body that...because we want to get those Federal funds first before we go and turn to our people, who we're going to ask for raising their taxes during a big crisis like this.

MR. MOLINA: Sure.

COUNCILMEMBER JOHNSON: So, that's the struggle that I'm trying to find, is how do we get the departments to reach for those funds? And I know they're tricky, I understand that, and I don't want us to have to be on the hook for paying them back, but we're going to be on the hook when it comes to tax time.

MR. MOLINA: Sure. You know, the challenge, I think, is aligning priorities. Sometimes, the needs of the County don't fit these grant programs exactly.

COUNCILMEMBER JOHNSON: Sure.

MR. MOLINA: And if you want to shift to make that...chasing Federal money the priority, then that might have to give on some of the other local priorities that don't fit within these grant programs.

COUNCILMEMBER JOHNSON: Okay. I'm going to pivot real quick here because I'm on limited time. The...the staff...the...the team of Public Works on Lānaʻi, they're...they're short, my understanding, is two operators. Is that in the budget? Is it...do you guys plan to fund those positions?

MR. MOLINA: I will have to get back to you. . . *(timer sounds)*. . . I don't believe we have expansions proposed in this upcoming budget yet.

COUNCILMEMBER JOHNSON: Across the board?

MR. MOLINA: Correct.

COUNCILMEMBER JOHNSON: Oh. Okay, my time is up. Thank you, Chair.

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CHAIR COOK: Member Paltin, second round?

COUNCILMEMBER PALTIN: Thank you, Chair. We're so lucky to have Member Kama that made a good connection for us in the Department of Transportation that broke it down at our luncheon, so maybe she can assist with that. But this Presidential administration has made equity and transportation a big part of it, and so we have a limited opportunity while this administration is still in control, to make use of it, because compared to places in the middle, we're better equipped to go after that kind of money. And so, I think we should while we can, and...and make the most use out of Member Kama's connection, which she can talk more about during her turn. I'm hoping that property taxes aren't the only way. As I drive in and out of West Maui, and see all the semis and large trucks, I hope that we're looking at increasing those fees for weight, that goes into the Hawai'i Highway Fund. It seems that every big truck on island is busy at work, and that will certainly tear up all of our roads, and so I hope there is proposed a little increase in that, not just property taxes. I was wondering about the culvert maintenance for West Maui, if there's any opportunities for a public-private partnership...in the maintenance?

MR. MOLINA: Yeah, I would say there's opportunities, something like an adopt-a-park, or an adopt-a-street-type program could be developed, adopt-a-drainageway. The only concerns that come to mind, of course, is having appropriate safety protocols in place for volunteers to be working in those areas, and then, having the staff to coordinate that program because, yeah, programs don't run themselves. And if you don't have the focus...person working on it, it's not going to maintain momentum.

COUNCILMEMBER PALTIN: And would it need to be the person in Public Works to coordinate it, or, I mean, if...if Public Works has a set of duties that they need to do, to do culvert maintenance, can they write down what they need to do and have some other group take it on?

MR. MOLINA: Maybe we could get there, but we would still need oversight, and maybe we don't talk about culverts per se, and maybe just talk about the drainageways. Because right now, private drainageways are the responsibility of the property owners. So, if they keep their drainageways clear, then the culverts should be clear as well. So, maybe that's more the focus, as opposed to the culverts themselves, because of course we have safety concerns with being in culverts and confined spaces. But yeah, I mean, that's definitely an opportunity to pursue. It doesn't have to be Public Works per se coordinating, but we definitely have to be involved to just make sure the oversight is appropriate, and you know, the...the information and the safety protocols are in place for those volunteers.

COUNCILMEMBER PALTIN: Maybe Office of the Mayor?

MR. MOLINA: Yeah. I guess the only concern with the Mayor's Office is the turnover, so if you, you know, if you envision a longer-term program, you would want that continuity --

COUNCILMEMBER PALTIN: If they can just help --

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MR. MOLINA: -- established.

COUNCILMEMBER PALTIN: -- get it started, and then...

MR. MOLINA: Yeah. Right. Right. Yeah, that's a good approach is, you know, utilizing the Mayor's Office to start these initiatives, and figuring out how to transition them to departments, so they can continue living, you know, throughout administrations.

COUNCILMEMBER PALTIN: And then, you know, I don't consider public safety frivolous. Any opportunities on that speed bump by the boat ramp? . . . *(timer sounds)*. . .

MR. MOLINA: I will say if you want to put that in the Budget, we'll get it built.

COUNCILMEMBER PALTIN: Like my Niheu Street's speed bump?

MR. MOLINA: I need to go find out. I apologize for those.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR COOK: Member Kama, second round? And I'm going...oh, okay, I'm sorry, Member Sugimura, since we're going down the line.

COUNCILMEMBER SUGIMURA: Okay, you can...you can do Tasha, and I'll...I'll go next.

CHAIR COOK: Tasha? I mean, excuse me, Member Kama, you had to leave early. Do you want to do the second round of questioning now?

COUNCILMEMBER KAMA: Yes, thank you. So, I had some questions that I wanted to ask Director Molina, but I just wanted to comment on what Member Paltin was talking about, that during our Native luncheon, we met with Assistant Secretary to the Department of Transportation. He is a Navajo tribal leader, but his job was created to be able to assist all tribes. And whether we like it or not, you know, Hawaiians are considered a tribe because that's the only definition the Federal Government knows how to define us. So, you know, to me, I don't care what they call us; just give us what we want. So that is his job. And so, he offered us at the luncheon to call him, connect with him, whatever it is that we are in need of. And one of the things that...that why he...the job was created for him, for native tribes is because they're having a hard time accessing the Bipartisan Infrastructure Bill tribal dollars. So, with all that tribal dollars being there, but no tribe is accessing because they don't have the...they don't have the grant writing skills to do that, and that was his job to be able to assist the tribes, to learn to apply for those jobs. And so, I just wanted to mention that to you, should you...but also at the Federal level, they have a lot of these tribal indigenous people in different sections of the Federal Government whose job is to actually do this. In...for Hawai'i, we have the Office of Native Hawaiian Relations, whose job is to help Native Hawaiians access Federal agencies and things that we're talking about today. But that was...that's just FYI for everybody, and thank you, Member Paltin, for bringing that up. But also, I think

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what I really am asking you, Mr. Molina, is you know the...how many...how many employees do you have at...within Public Works, in all your Divisions? What is the total number? And...and is...are all your...and how many vacancies do you have out of that total?

MR. MOLINA: Put me on the spot.

COUNCILMEMBER KAMA: Oh, I'm sorry.

MR. MOLINA: No, it's okay.

COUNCILMEMBER KAMA: If you don't have --

MR. MOLINA: I think we have about 350 in that range, and our vacancy rate has been about 20 to 25 percent consistently over the past several years. Certain...certain groups are less, like I think DSA might be a little lower, and then, like with engineering, for the engineers, I think that might be a little higher right now. But yeah, in general, about 20 to 25 percent.

COUNCILMEMBER KAMA: Okay. So, if...if all these past years you've been working with 25 percent less staff, what has that done to the morale of your Department?

MR. MOLINA: I mean, I would definitely say it's a...it's...I'm just thankful that we have staff that are, you know, willing to pick up the slack, and you know, they don't...they don't complain really too much about it. But it just makes the job harder. It just makes the job less appealing to the next person coming to work here.

COUNCILMEMBER KAMA: Yeah. Yeah.

MR. MOLINA: And so yeah, all of that is a drain over the long course on morale. But I mean, generally, you know, we try and keep good spirits, but you know, it...it cannot but be a drain to staff to, you know --

COUNCILMEMBER KAMA: So --

MR. MOLINA: -- push through that challenge.

COUNCILMEMBER KAMA: So, have you been...have you been trying to advertise to get people to come and work for the County for your Department?

MR. MOLINA: We have not been aggressive in advertising. My...my approach has been more so working to refine our structure and the positions we have to make them more appealing to applicants. . . .*(timer sounds)*. . .

COUNCILMEMBER KAMA: Okay. Well, thank you. Thank you, Chair.

CHAIR COOK: Member Sugimura?

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VICE-CHAIR SUGIMURA: Yeah, thank you.

CHAIR COOK: Your second round?

VICE-CHAIR SUGIMURA: Thank you. I...going on your initial comments regarding the grants that you got, and you said three. I only know of North South Collector Road, 25 million for RAISE grant, and the other one was another RAISE grant for the Waialae Road extension. What was the third one?

MR. MOLINA: We just got a \$13 million grant from the Safe Streets for All program, and this is for Keawe Street to deal with the intersections to Lahaina Gateway.

VICE-CHAIR SUGIMURA: Oh, oh, oh. So direct...Secretary Buttigieg, or Secretary Pete, he did mention that Keawe Street project yesterday. Okay, so that's three. And my concern is that you're projecting for Fiscal Year '26, that we're going to need a lump sum of cash to proceed on with the projects, and these grants are, you know, part of the total dollar amount. So, when we get to that point in Budget...or maybe I'll send you a letter or we'll send you a letter because I want to know what that '26 number is. Because as you know, our GET is going to start...we're going to...we haven't gotten our first check yet, but April will be our first check from the State. It did start in January of this year, but because of wildfire, the projections that we got from Finance was that it was going to be less, but we still will have that extra funding as well as TAT. But it depends on what the Administration is going to budget it at...budget that at to help you.

MR. MOLINA: I also understand there's limitations on what that funding can be used for, and roads are not part of that.

VICE-CHAIR SUGIMURA: Oh, for GET? You're right. GET is only water and wastewater.

MR. MOLINA: Which is still works because Waiale and North South Collector have a lot of water and wastewater improvements associated with it. So, that will help those agencies cover their costs of the projects.

VICE-CHAIR SUGIMURA: Okay.

MR. MOLINA: So yeah, when I say we need money for those projects, it could be also that DEM is coming to ask for their share that they're going to owe for their water and recycled...wastewater and recycled water system, and water, potentially for their water line improvements as well.

VICE-CHAIR SUGIMURA: Okay. Excellent. And then, in earlier meeting that we had in this...this year was about lapsed bond money. And I'm not going to ask you for that now, but I wonder if...if because there's a lot of lapsed bonds, I think we chose like an arbitrary date to look from. But is the Department looking at that to see if there's any funds that are sitting there that we don't need anymore? Or is that not a big effort because of wildfire?

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MR. MOLINA: No, no. I mean, that's an annual effort that we go through with Finance, where they check with us on all the, you know, stale projects to see if any of that contract money can get disencumbered. And so yeah, we do, when we can, disencumber them. But a lot of these projects are still on the burner. They might be on the back burner, but they're still on the burner, and so we don't totally want to abandon them because they do, you know...conversations or questions come up from time to time about some of these, you know, more out-there projects. And so, we don't want to not be doing anything on some of these, so that's kind of generally what those lingering monies are related to. But generally, for lapsed bond for our bigger projects, that's not something we have too much holding on to, because by the time we get into construction, you know, we're able to spend it down, and the lapsed bond is really just savings that we realize from project costs versus the budget.

VICE-CHAIR SUGIMURA: Okay. Thank you very much. No other questions.

CHAIR COOK: Member Sinenci, any questions for your second round?

COUNCILMEMBER SINENCI: Thank you, Chair. And I, too, Chair was surprised to see Secretary Buttigieg here and our congressional delegates after just seeing them last week. So again, kudos to Member Kama. Those...making those connections and relationships really, you know...it really goes a far way. And...and also to our HSAC members, mahalo for reaching out to our delegates. Director Molina, I did receive the...the job numbers from Mr. Datiles, and so it looks like those Hāna pavings are on the books. However, the...the dates are not set yet, so I was just wondering, do you have to kind of work around the State paving project schedule? And...and do we have enough material, you know, for both State projects, as well as our County CIP projects?

MR. MOLINA: Generally, we don't have to work around them because they're separate physically. We do have a challenge in that we only have two paving contractors, so it's more the contractor limitation that we run into sometimes where, you know, between us and the State, we have them booked out years already. But that's usually...that usually doesn't affect the start of projects too greatly. You know, you might shift schedules weeks or a few months here and there, but once we hit construction, generally things are rolling at that point. Things get stuck in design and permitting, and that's where we get the long delays.

COUNCILMEMBER SINENCI: Okay. And then, are you going to need staging areas for East Maui? Can we help with that, or you guys already get all that? The company would solidify that?

MR. MOLINA: Yeah, so generally, that responsibility on the contractor to find land, to execute leases with private property to support their operations. But in certain instances, like Kīpahulu, where there aren't very many options, we may have to be involved with securing a staging area. And so yeah, when we get to that point, we'll definitely be in contact with your office to get support on those matters.

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COUNCILMEMBER SINENCI: Okay, great. Thank you, Director. Thank you, Chair.

CHAIR COOK: So, Director, I have a couple questions. What...do you have ideas or suggestions of how the County can improve the interdepartmental challenges when it comes to permitting? And is there anything that, legislatively, the Council can do to assist the Administration in that regard?

MR. MOLINA: I will say that this...the wildfires has forced that inter-agency coordination to a level I think never occurred before, and what I think is what drives that is a shared priority. In our regular day-to-day business, our priorities are not aligned at all. Between maintenance, keeping things alive, and capacity issues; Water, Wastewater, Public Works, we're all on separate tracks in that regard. So, I don't...I don't have a great idea on how you better align those priorities, short of a separate group, maybe that...whose focus is going to be on kind of those priority alignments or finding those synergies. But yeah, under the existing operations, it's something we try to do when we see projects are overlapping. We are doing that on Waiale, we do that with...we have been doing it with North South Collector in terms of helping extend the R-1 system, basically for wastewater with our project.

CHAIR COOK: I was meaning...sorry to interrupt you, but I was meaning more principally, like, the challenge that you have with Planning. Like, you're trying to get a permit for a project that is a municipal structure, road, park, et cetera, and quite often the permitting will be delayed because of I assume sometimes State, sometimes Planning, that...that regard.

MR. MOLINA: We...I mean, I do have monthly coordination meetings with the Planning Director. It's...I don't know if there's much coordination, as opposed to just being a squeaky wheel like every other applicant needs to be to get their things moving. We...we do try and tee them up when we can in advance and, you know, we try to get better at their processes, so we don't get stuck as well. But it...same kind of issue as far as what their priorities...what their objectives are versus ours. And generally, the dynamic is we're an applicant, they're a plan reviewer; they're not necessarily part of the County project team per se.

CHAIR COOK: I think that...thank you. That's...that's how it appears, and that's how the...I want to say dysfunctionality is because it is one municipality for the people. So, anyway brainstorm that and see, and I'm going to talk to Planning Director. We'll collaborate with the Directors. But it seems like the County could be not just saving money because projects will occur quicker, but also be able to serve the public need more effectively because projects will be...that are budgeted, will be able to be completed, and I just know it's really frustrating. I get a lot of feedback from the community. They don't understand why the County gets delayed by the County. So anyway, there's not...brainstorm that.

MR. MOLINA: Yeah, well, I get a few comments, I guess. And of course, the County is not homogeneous, right? We're not one being. The laws aren't the same, right. The laws are all different and very unique. I think, you know, one...one thing we kind of joke

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about internally is people need to be the victim of their own process, so they can appreciate and have empathy for the applicants and better serve them, better help them. I think we in Public Works are one of the few that are both a regulator and a victim of those processes. So, we...we have a unique perspective in that regard, but we still get trapped in the same, you know, regulator mindset, too. I think my approach to that is just to try and encourage people to be partners in all these projects. We may not be on the project team per se, but even in your job as a reviewer or regulator, you know, you should be supporting the ultimate objective of why we have these processes in place, why we have these regulations. And you know, in particular, if it's a project everyone's supporting, we should try our best to try and get those projects delivered, you know, to our community.

CHAIR COOK: Thank you. My second question, while I still have time, is that the...the baseyard expansions, like for Central Maui and for South Maui, would it be...is it possible or beneficial to identify the areas, plan and collaborate...collaborate with possibly the other Departments? I'm thinking of the Maui Police...the South Maui Police Station and the 100 acres there, that if it was just even in the planning stage, that didn't cost a lot of money, but there again, inter-department communication, to see if that would be a suitable location and a staging area for use, even if it's not a full-blown facility?

MR. MOLINA: Yeah. So, I'm sure you guys are aware there was a master plan effort done, I believe, in 2016, to look at that consolidated baseyard. I'm not familiar with how the conversations unfolded after that, but I know it definitely fizzled out and that, you know, all the momentum really died with trying to put that thing together. Now that we have the wastewater treatment plant going, it's sort of re...re-spurring the thought with Police and Fire as well having ideas for out there. Yeah, so we're not...we're not opposed to being out in Waikapu. We just...there hasn't been a coordinated effort, you know, recently, and so, to throw my counterparts under the bus right now, but you know, the Department of Management would be best to lead, at least reigniting that coordination among the agencies that have an interest in developing operational facilities out there.

CHAIR COOK: Okay, thank you. I mean, we...I think we bring it up as encouragement and letting the Department know of support, and I agree, Department of Management would be the...the appropriate lead for it. Third round of questions? And starting with Member Sinenci, since he's on the far left. Member Sinenci, do you have additional questions for the Director?

COUNCILMEMBER SINENCI: No questions, Chair. Thank you.

CHAIR COOK: Thank you. Chair Lee, additional third round of questions for Director Molina?

COUNCILMEMBER LEE: Could you come back to me? Thanks.

CHAIR COOK: Member Johnson? Third round of questions?

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COUNCILMEMBER JOHNSON: Okay, budget related. We...we often hear the...the permitting process is so slow. Is there anything in the budget right now that you guys are doing to address speeding up the permitting process?

MR. MOLINA: It's in the current budget we are...well, thankfully, yeah, so you got to just take the...the silver linings of all this wildfire stuff --

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: -- so, it has forced, or pushed our staff to, you know, we are doing the third-party for the emergency permits.

COUNCILMEMBER JOHNSON: That's great.

MR. MOLINA: So, that's brought us some exposure to what that looks like, and comfort in understanding how those services are provided, and you know, what kind of firms are out there, how they're organized and all that. So, they are...our staff at DSA is looking at putting that together for the regular permits as well, to help deal with that. And of course, that's specific to the processing side of it; and the Building Code review, which DSA does, which is kind of the extent of Public Works' purview. We also have third-party reviewers on contract already for some of our drainage requirements that we administer. We are putting a third-party contract together for the flood program that's coming over to Public Works.

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: So, we'll have support to administer those programs, and then, we can shift into refining the standards to make them more, let's say, effective for all parties of concern. So that's kind of what Public Works is working on now.

COUNCILMEMBER JOHNSON: That's really good news that you're actually doing third-party and contracting it out. So, one of the things that we've done in the past in the...in when we start...when Councilmembers start putting in their budget priorities, we'll put in money for planning, design, and permitting for this year. And then, maybe next year we'll put in the actual money for construction. Is that how you guys roll? Do you do it the same? Okay.

MR. MOLINA: It takes two to three years, right, to plan and design and permit a project.

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: Yeah.

COUNCILMEMBER JOHNSON: That's...okay. That's why I wanted to clarify that. Those are my only questions. Thank you, Chair.

CHAIR COOK: Thank you. Member Paltin, third round of questions?

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COUNCILMEMBER PALTIN: Thank you. My...my questions were similar. On the expedited permitting process, when you presented it, you said like four years, but you expect it to drift off in the third year to a level that's manageable. At that point where you see it kind of slacking off, but we're still in the contract period, would it be possible to shift some of our regular workload to that contract? Or no because it's just about the rebuilding?

MR. MOLINA: I think we would ideally have that other contractor on board that could then take on the fire permits as regular permits, rather than keep the emergency team on contract.

COUNCILMEMBER PALTIN: And then, I know we went back and forth with the flood. I think it was in Planning and now it's in Public Works, right?

MR. MOLINA: It was Public Works, it went to Planning, now it's back at Public Works.

COUNCILMEMBER PALTIN: And so, you're saying that there's also a contract coming for expedited flood zone permits within the burn zone?

MR. MOLINA: Good question. We haven't talked about special permits for Lahaina. We don't think that those flood regulations have a special process; you have to do flood permits, and that's a FEMA program that we have to comply with. But the third-party review--and it's not necessarily expedited, it's just having --

COUNCILMEMBER PALTIN: More workers.

MR. MOLINA: -- more workers to focus on just doing flood review, so that they can turn them around quickly, and it's not a competing task with other...other things staff has to be doing.

COUNCILMEMBER PALTIN: So, we are putting out a bid?

MR. MOLINA: Yeah, we have an RFP to do...not only assist with the individual reviews, but part of the flood program is a Federal audit annually, and every so many years is a bigger audit, so they're going to be supporting us in responding to those audit requirements.

COUNCILMEMBER PALTIN: And what is the average length to get through the flood zone permit process?

MR. MOLINA: I would say we don't have good numbers on that, because the staffing has been in great flux over the last four years, but --

COUNCILMEMBER PALTIN: And it just came back to you guys.

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MR. MOLINA: And it just came back to us. But fortunately, with the staff we've recently hired who's been helping Planning, we have been able to catch up on the flood reviews.

COUNCILMEMBER PALTIN: So, we're...we're...there's not a big backlog at this time, besides the entire town of Lahaina?

MR. MOLINA: Correct. There...it's all...from what I understand, it's all back with the applicants. So, we...we completed all our initial reviews. Whatever can be approved has been, and now it's just pending the back and forth with the applicants to address comments.

COUNCILMEMBER PALTIN: And just clarifying, the Historic District and the SMA, that is with Planning, not you folks?

MR. MOLINA: Correct. Nope.

COUNCILMEMBER PALTIN: And then, for the...have you received any flood zone permits for Lahaina yet?

MR. MOLINA: We...I would have to check. I haven't...I have...not to my awareness, but I would have to check.

COUNCILMEMBER PALTIN: And then, I guess once the RFP goes out and everything, many of those structures in Lahaina are so historic that people probably never went through the flood zone permit process in the first place. So, could it be part of the contract that, you know, there's like a how-to video or something, or steps?

MR. MOLINA: Yeah. So, part of the emergency permit services scope is a strong emphasis on outreach for that very purpose of, you know, not just...really any property owner in Lahaina hasn't really dealt with this, right, before, for...except for a select few. So, we do anticipate needing to do a lot more hand-holding for these people, so that is part of the scope.

COUNCILMEMBER PALTIN: And then, the Keawe Street, I was wondering if you had reached out at all to the DOE as to the make-up of the new school. If they go by the previous lines, the traffic on Keawe Street is a nightmare, but if they keep the people . . . *(timer sounds)* . . . that are north to the new school, that would alleviate traffic a lot. And there's no reason to arbitrarily draw lines. And I just was wondering if that's a possibility?

MR. MOLINA: Yeah. I mean, we haven't...I don't think we've had direct discussion. Are you talking about the permanent rebuilt school, or the new school? Or the temporary school? Temporary school is not going to have any sort of traffic --

CHAIR COOK: You can continue --

MR. MOLINA: -- adjustments done.

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COUNCILMEMBER PALTIN: Thank you, Chair. So, everybody makai of the highway used to go to King Kamehameha III Elementary, and everybody mauka of the highway used to go to Princess Nāhi'ena'ena.

MR. MOLINA: Okay.

COUNCILMEMBER PALTIN: But that lines drawn doesn't make any sense for traffic flow. Now, if you go up Keawe Street, for me to come out on a school day versus a non-school day, it just adds to the entire nightmare of the situation. So, if they could make something where Mahinahina North goes...and whatever else to the capacity goes to the new school, it would make a huge difference on Keawe Street. And then, with no evacuation plan for Lahainaluna Road, and only one way in and one way out, which is the bypass, it would alleviate in case of an emergency as well. So, if we can do things that make sense, rather than arbitrary lines, we could make a big dent in alleviating Keawe Street, especially 8:00, 2:00, 1:00, 3:00, which are pretty prime times for traffic.

MR. MOLINA: Yeah, I don't believe there's been any discussion about trying to shift enrollments to deal with traffic. I'm sure you can imagine there'll be some pushback if people that were going to Nāhi'ena'ena are being told to go Mahinahina now, and vice versa. But yeah, we...I can bring that up to the DOE to see if that's a consideration. And even with DOT, too.

COUNCILMEMBER PALTIN: I mean, the alternative of what is going on right now is untenable. I don't know if you're getting the same complaints I'm getting on the daily, but the difference between when school is in and when it's out, is 100 percent.

CHAIR COOK: Thank you, Member Paltin. Member Sugimura?

VICE-CHAIR SUGIMURA: So, I think we're asking you to advocate for the State, right, the DOE. And I think that sounds like an Ed Sniffen question?

MR. MOLINA: I mean, I will say this, that they gave us quite the mess with Keawe Street.

VICE-CHAIR SUGIMURA: Yeah, Keawe is challenging.

MR. MOLINA: And they abandoned the north segment, so it's a problem to stay for a long time.

VICE-CHAIR SUGIMURA: So, I had a communication with Director Sniffen because of Secretary Buttigieg being here. And I asked about--I think this is more Tamara's question...it was Tamara's question about doing the bypass, extending down to...to Kā'anapali, you know, to alleviate the Keawe Street roads, and he did say that they...the State has been trying to advocate for that, but it's not, you know, like as we talked about earlier in terms a priority. So, I think what we need to do is if that...if that is important, sounds like for that community, I would be willing to advocate with our Congressional team because I think that's where it has to set that priority. Do you have a comment for that?

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MR. MOLINA: Yeah. I mean, the STIP? It's not on the STIP? The STIP is the master plan. If we don't address that first, I think it's hard to go to the congressional delegation and say this is a priority when it's not on the six-year plan. It fell off several years ago, because of the prioritization by the State, mainly the southern realignment was the priority.

VICE-CHAIR SUGIMURA: So, I think it got \$95 million, that Honoapi'ilani was falling into the ocean, right, so that was the --

MR. MOLINA: The southern segment, yeah.

VICE-CHAIR SUGIMURA: -- that's...that's the southern segment. I'm sorry. What?

MR. MOLINA: That's the realignment --

VICE-CHAIR SUGIMURA: The realignment.

MR. MOLINA: -- project. Yeah.

VICE-CHAIR SUGIMURA: So, because of that, then, that took a big chunk from Maui.

MR. MOLINA: Correct.

VICE-CHAIR SUGIMURA: So, we got to put it back on the STIP.

MR. MOLINA: And then, during COVID too, which prompted the change. When their revenues were shot, they had to trim projects, and so the expansion projects get cut over maintenance projects.

VICE-CHAIR SUGIMURA: So, I think that with all the things going on with the wildfire and having, you know, Secretary Pete, if I could call him that, because I have a hard time saying his last name, having him just, you know, seeing that, then, you know, if we can work on it, you would be okay with that?

MR. MOLINA: Getting the North segment in? . . . *(laughter)*. . . Oh, yeah, that'd be terrific.

VICE-CHAIR SUGIMURA: Yeah, so let's work on that. Right?

MR. MOLINA: It would...it would...I mean, that's...Keawe Street was meant...built to have that north segment there. It wasn't meant...built to --

VICE-CHAIR SUGIMURA: Be it.

MR. MOLINA: -- be the highway.

VICE-CHAIR SUGIMURA: Yeah, be the highway. So, I have no questions. I'll work on...I'll work on that, and Member Paltin can work on that.

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CHAIR COOK: Thank you. So, Member Kama, your third and last questions?

COUNCILMEMBER KAMA: Chair, I have no questions. Thank you.

CHAIR COOK: Okay. Chair has a question for the Director. Director Molina, I believe you referred earlier to a list of FEMA reimbursable projects. Do you have a list developed for West Maui, and when could you provide it to the Committee? It's sort of like a homework assignment.

MR. MOLINA: Thank you. Chair, I...I would defer that question to Office of Recovery.

CHAIR COOK: Okay.

MR. MOLINA: And the team from Tetra Tech. I'm not sure the status of when they're preparing to come to Council, but I know it is something we want to bring to you folks to see the work that they've been doing to get a handle on all this spending.

CHAIR COOK: Okay. Question from my district. The monies that were allocated in line item for open space purchase for flood mitigation in the wetlands. My last communication with the Administration was that they were talking to the landowner, and there was a...requesting an appraisal. Could you give an update on the status of that?

MR. MOLINA: Sure. Thank you, Chair. So, in FY '24, there was actually a bunch of different monies added for South Maui flood mitigation. So, one appropriation, I believe 500,000, was for maintenance of Waiakoa Stream. And so, we've...we're utilizing that money to support hydraulic studies for that drainageway to get a better handle on the conditions there, to better guide what the maintenance should be. So that effort is underway. Then, we also got appropriations from the State with a County match totaling 2.5 million for Kulanihakoi and Waipuilani flood mitigations. Then, there's also a \$5 million allocation in the Open Space Fund for supporting the Kihei Drainage Master Plan, which we intend to focus in on Kulanihakoi and Waipuilani as our two major drainageways in Kihei. Both Waipuilani and Kulanihakoi are undergoing appraisal review right now. Once we get those appraisals, we'll talk with the property owners to see if we can reach agreement on a purchase price, and then, we'll be intending to bring that to Council for your guys' consideration. In the meantime, we do have a project through NRCS to clean up the debris in Kulanihakoi Gulch that's accumulated to help alleviate some of the funding, and we have a second project looking at a mauka mitigation to put diversions and flood control mauka of the highway, to help stem the amount of flow going into Kihei. So that's everything that's happening actively with Kihei projects. Thank you.

CHAIR COOK: Thank you. Do you think the...will the appraisals and that cost determination be completed during this budget cycle?

MR. MOLINA: I think my...the appraisals are scheduled for April, and yeah, so it'll likely be a budget amendment when we come forward because we're not going to...we're not going

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to have time to prepare that for the budget and to go through the discussions with the landowner to see where they're at with the appraisal prices.

CHAIR COOK: Thank you for that answer. So, my final question is the...yesterday, when we spoke with the Department, Mr. Shimabukuro, about the design registered plans and the current law, ruling that...the inability to make any changes whatsoever, and comparing that to a regularly applied permit that goes through the system, where the building inspector had the authority to authorize minor, nonstructural, nonsubstantive changes in the building, providing they get architectural or engineer's letter to validate the type of work, is there . . .*(timer sounds)*. . . is there the opportunity to adapt the existing design registered plan criteria with some flexibility that the Department would still be able to manage, but that would enable that program to become more applicable and user-friendly for the general public?

MR. MOLINA: Yeah. Thank you. You talk about, you know, changes that inspectors can approve. Those are generally done after permit approvals have occurred, in the field. When we're talking about modifying design registration plans, you know, that's in the review process still that they're making those changes. And the design registration is not intended to be this open-ended review process; it's meant to be here's what we're building, and we're going to build this same thing over and over again. So, in a typical case where somebody comes in with an individual project and they want to change the plans, they got to go through that review to look at what those changes are because they're generally beyond just your field adjustment type things. And even in the field, if there's major adjustments, we have to send them back to plan review. So, we...we can look at trying to...we do try to turn around the re-reviews quicker. The challenge becomes because the backlog is so big, you are cutting in line. So, I can get to your re-review, but the person who's still waiting for their first review now gets pushed back further, and that's a challenge for the staff, because they want to try and be equitable. So, short of giving clear, explicit priority reviews by law, or by directive, or otherwise, that's kind of the standoff we struggle with, is trying to be equitable and somehow be expeditious at the same time.

CHAIR COOK: So, thank you for that explanation. The...the...the idea that I'm advocating is the...the design registered plans have...it's something like changing from a tub to a shower, changing the swing for an interior door; that is nothing. So, things that are recognized as not substantive changes that would not have to be re-reviewed. I know it is a change of policy; it is a change. But this striving not only to make it easier for people to get permits, but to lighten the load and expedite the review process for the people in the Department. I can't give you more people to do the review. I'm striving to work with the Department and how they could redefine some of the reviewing to make them less work.

MR. MOLINA: I'll just say that, you know, we can't be accommodating every little whim and change. That's not manageable to try and gain efficiency. If one little change here and there, you know, at the...at the convenience of the applicant is going to inhibit our ability to be effective and efficient. So, you know, I would push those applicants to do their homework, study their plans, be clear on what they need when they submit, so it's not

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a draft they're sending to us that's going to be revised and corrected through the review process because that's wasting both parties' times by doing those things.

CHAIR COOK: Well, thanks for the answer. We'll...we'll strive to establish some common ground that works for everybody. So, I think that the departments--and I just want to give you feedback, that plans review people...the plans review process is respected and I get good feedback on it. It's more some of the other...the State agencies and some of the other County agencies. But Department of Public Works is...you tell everybody they're appreciated. That's my message.

COUNCILMEMBER LEE: I'm ready.

CHAIR COOK: Okay. Oh, I forgot.

COUNCILMEMBER LEE: Yeah, I know.

CHAIR COOK: My apology.

COUNCILMEMBER LEE: That's okay.

CHAIR COOK: Okay, Chair Lee. Third and final.

COUNCILMEMBER LEE: Yeah. Third and final. So, Jordan, the...while we're on the subject of permits, I heard that commercial...somebody said that commercial permits will be put on hold in March, so that all the other permits will be given priority, especially West Maui. And I was thinking, gee, I don't think you have too many permits from West Maui right now; is that true?

MR. MOLINA: No. For the last I checked, which is now a couple of weeks ago, there was only a...a handful. There wasn't very many. But we can check to see what the current load is, and I am...I'm personally not aware of any directives to defer commercial reviews at this time.

COUNCILMEMBER LEE: Okay.

MR. MOLINA: So, it's not coming from Public Works; at least they better not be putting that out without me knowing.

COUNCILMEMBER LEE: And it was a...it was a nonprofit that told us that they have a, I guess...I don't know if it's a warehouse or whatever it is, but it's commercial, yeah? And that that's going to be put on hold in March. So...so, it's not true? That's good.

MR. MOLINA: I'll go verify the...you know, clarify what that discussion was if it was with our staff.

COUNCILMEMBER LEE: Okay. So, you...you've knocked down that backlog pretty good so that you're back on track on all permits?

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MR. MOLINA: No, that was just the flood permits I was referring to, we got through the backlog.

COUNCILMEMBER LEE: Oh.

MR. MOLINA: Not the building permits.

COUNCILMEMBER LEE: Well, how many do you have waiting in the queue?

MR. MOLINA: Oh, I don't know the exact queue number. But I know our review time is on a three- to six-month delay right now, which is kind of the time it'll take for us to get through our first review of your application.

COUNCILMEMBER LEE: Okay. All right. Thank you.

CHAIR COOK: Okay. With everyone's approval, I would like to thank Director Molina for joining us this morning.

COUNCILMEMBER SINENCI: Chair?

CHAIR COOK: Member Sinenci?

COUNCILMEMBER SINENCI: I just had a follow up...thank you. Just a follow up before you...before you end with Jordan. Jordan, for some of the...our County buildings that burnt in Lahaina, like the senior center and the community hall, would those projects get priority as far as the...building it back?

MR. MOLINA: Yeah. So, those properties will be engaged in the emergency permitting process. But as with all government projects, we're held to the highest standards, so I doubt we will be expedited through the process very much. Public is treated as commercial, in the same regard.

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

CHAIR COOK: Thank you. So, Members, I would like to thank Director Molina for joining us this morning. It's been a healthy conversation. We've learned a lot. And I appreciate all your efforts, and I know that you've been wearing a lot of hats and working really hard. You are appreciated. Members, I'd like to take a five-minute break.

MR. PASCUAL: Chair, I apologize. Would you be able to defer this item?

CHAIR COOK: Oh. Thank you. Any objections to deferring this item?

COUNCILMEMBERS: No objections.

ACTION: DEFER pending further discussion

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CHAIR COOK: Yes. Okay. So, I suggest we take a ten-minute break. The time is now 10:39, and the Water and Infrastructure meeting is in recess until 10:49. . . .*(gavel)*. . .

RECESS: 10:39 a.m.

RECONVENE: 10:57 a.m.

CHAIR COOK: . . .*(gavel)*. . . Welcome, Members. The WAI Committee meeting will reconvene at 10:50...10:57.

**ITEM 1(17): OPERATIONAL AND BUDGETARY REVIEW OF THE DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT (EXCLUDING
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY DIVISION)
(RULE 7(B))**

CHAIR COOK: Members, our next item of Operational Budgetary Review discussion this...this time, with the Department of Environmental Management, with the exception of the Environmental Protection and Sustainability Division. Deputy Director Schmidt, at this time, you may share any opening comments followed by your presentation.

MR. SCHMIDT: Yeah. Aloha, Council...Chair, Councilmembers. Happy to be here. Just ready to start the presentation when you are. So, here today to give you an update of the Solid Waste and Wastewater Reclamation Division's FY '24 Budget. Next slide. Starting with Solid Waste Division. Solid Waste Division mission statement is to provide public health, safety, and environmental protection of Maui County's air, land, and water through effective and sustainable solid waste management practices, resources, and a dedicated team. Next slide. So, here's a quick overview of current year expenditures halfway through the year. The expenses to date are all kind of in line with, you know, approaching 50 percent. Nothing's out of the ordinary or anything that I need to bring to anyone's attention. Things are doing well. Next slide. The FY '24 CIP projects we have going are listed here. We've had to move Biosolids Activity from the site where we need to build the expansion of the landfill on Phase III B, and so we moved them onto the new property downhill from the waste...from the landfill, and that's what the first projects about. The second project is, as we...as we build the new landfill on...on the base, on III B, we're actually laying back against the slope of the old Phase II, and that's an engineered slope. And so that's what this project is about. We have to...as we build the mound of the...the waste, we have to build a new layer of basically containment between Phases II and then the new Phase III. So that's what that project is about. And then the Comprehensive EIS is for the entire landfill parcel. We've got to do a District Boundary Amendment in order to move forward. We're no longer able to get special permits for landfill activities, and the EIS is the first step in that process going forward. And then, the next one is Partial Closures for Active Landfills. State Department of Health is requiring now that we do a demonstration of closure cap effectiveness prior to closing landfills, and so this is just going to be a study and some testing on closure cap effectiveness. And the Kalialinui Gulch Crossing is the gulch between Phases V...IV and V, and Phases I, II, and III. A gulch runs between them, and we...we had pretty severe flooding a couple of years back and recognized that the...the waterway beneath our

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crossing really isn't sufficient, so we need to rebuild that gulch crossing. So that's what that one is about. And then, we're needing to purchase land, and that's going to take place shortly. You folks are going to see a resolution for eminent domain coming your way, and that will be what that money is used for. And then, we need to do a Master Plan for Moloka'i Landfill. We do master plans on all the landfills on a periodic basis, but as Moloka'i Landfill's filling up, and we're needing to expand over there, we need to do a...we're going to rethink the entire operation, maybe improve traffic flow. Just in general, see what we can do to improve the solid waste management practices there. An Environmental Compliance System and Design Construction, that's kind of a...an overall...helps us to mitigate issues as they come up. And then, the final one is to expand the Landfill Gas System. As...as we fill landfill space, we have to then improve, or add the Landfill Gas Collection System beneath the new waste that we set. That's...that's a regulatory requirement. Next slide, please. So, the effect of the wildfire disaster on Solid Waste, it really took on a...a large part of our efforts. The Division Chief and the Engineering Section there kicked into gear immediately, and at first, we thought this was going to be a disaster, that we had to recover from ourselves, and so we just instantly took on design for a temporary debris site. It's part of our...our Charter, or part of our mandate to be responsible for disaster debris. And so, we instantly took that on, and of course, soon thereafter, not too far after that, found out that the mission was given to Army Corps for the temporary debris site. So, we still have yet to design, and construct, and operate a permanent disposal site, which we're about to make a final decision on, on or before March 1st. We've been really heavily involved in assisting with the environmental monitoring of the wildfire-related activities. A lot of meetings, a lot of coordination with...with FEMA, with USAIDs, with EPA. One thing that occurred or happened is in the burn area, we lost 800-plus refuse carts. And we've got some decreased revenue, currently 420,000. And we've also got lost revenue at the Central Maui Landfill, assuming from the wildfire, and its recovery, slowly. Next slide, please. So, for next year, just a snapshot. We're planning on...on no increase. In fact, we're going to propose a decrease from...from FY '24. Mostly, we're going to...we're going to lower our plan for replacement of equipment, and we're going to put in a little bit less CIP to create that...that flat budget, or slightly reduced. The concern for the equipment is, it seems like the last few years between COVID and now this disaster, the equipment replacement has been...we've had to stretch and go farther, and that, along with supply chain, used to be equipment could come in six to eight months, and now it's a year to 18 and sometimes more after it's ordered. And so concerned that we're getting a little bit further and further behind. We're trying to mitigate that to the extent possible by trying to up our maintenance, trying to really make the equipment run better and last longer just by an added maintenance. But...but that's a concern, as we look into the future, but it may come to light; we may come back needing equipment if things fail. Next slide, please. So, now on to Wastewater Reclamation. Next slide. Wastewater Reclamation, it's a big division, 124 positions, 5 treatment facilities, 42 pump stations, 260 miles of underground pipes and recycled water system, serving over 46,000 residents and 1,700 nonresidential customers. On the bottom right, you can see our disposal percentages versus reuse, and we're...we're in the 30 percent range. But our CIP moving forward, we're hoping to add the reuse side more heavily as we go forward. Next slide. So, here's a snapshot of our current budget. Again, the percentages are in range for halfway through the year. Here again, we've got a little bit less loss of revenue,

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2.8 million, assumed due to the fire. It's not a huge deficit, but it is...it is there. Next slide. So, we've got 27 FY '24 projects, budget 36 million. 4.8 is encumbered to date. Currently there's no contracts processing, but we do have...we do intend to get all these projects in the queue and encumbered by the end of the...by the end of the year. Bear in mind, still active from previous years, we've got 22 CIP construction projects and 61 CIP design and study projects. This division is CIP intensive, and a lot going on. It's a big division, and so there's a lot of maintenance, a lot of upgrades, just a lot of projects that are constantly ongoing. Next slide. So, here's the history of sewer rates. In '23, we had a 3 percent rate increase. In this fiscal year, we had 2 percent rate increase. And we asked the Mayor to send forward a 2 percent rate increase for FY '25. You can see on the...on the graph on the right, our CIP projects forecasted forward, and especially the Central Maui Treatment Plant that we're planning on building is going to continue to cause rates to increase over time. Next slide, please. So, wildfire disaster efforts. In Lahaina, we had four pump stations in the fire zone. Two of them were completely ruined, two of them were partly damaged. The system was affected, especially the...near the ocean, the downhill portion. We ended up getting a whole lot more inflow into the system, and the theory is we had...the different service lines were burned and melted, you know, potentially below water level, and so we got a whole lot more inflow coming in. We're currently doing damage evaluation. EPA is helping us with the CCTV of the entire system. That's ongoing. We have other damage assessments just to try to see what...what the fire may have caused actually into the mains. Currently, nothing large has come to light, but the whole...the whole thing is going to get CCTV'd for that damage assessment. Because of that I&I, we had big upset at the treatment plant. We thought for a while we were going to lose the biological process, but they were able to recover it, and at this point, it's doing well, but they're still monitoring. Next slide, please. So, the continuing challenges are energy...that's one of our biggest expenses. We're always looking for ways to lower that energy cost; newer, better efficiency equipment, more efficient treatment processes, whatever we can do to...to find ways to reduce. Manpower, that's a struggle Countywide, especially for this division. They need skilled manpower; they need engineers, they need operators that are certified. I mean, they need electricians, a lot of skilled workers, and they're hard to come by. And of course, we talked about all the CIP projects, constantly fighting the aging infrastructure and equipment, always needing to maintain the system for reliability, and then stricter regulatory requirements. Seems like there's always more restrictions, more tighter restrictions, and our recent NPDES permit requirements on Lahaina Treatment Plant, actually going to see some budget requests for new positions. The...the requirements from the NPDES, the testing, the reporting, it's...it's onerous. It's...it's going to really cause...it's going to need more manpower to...to cover those permit regulations, and so you'll be seeing some positions asked for in this upcoming Budget. And then, money. I mean money to do the projects. I wanted to highlight the rate increases projected forward. It's going to be really important as we go forward to do our best to reach out for grants, try to find outside monies that's not going to cost the ratepayers, and so that's going to be a big focus as we move forward. Next slide. So, legislation basically focused on funding. We're going to do our best to reach out and find grant monies. Hopefully, you folks can help. You know, I heard earlier, you guys are looking at the...the Federal Government and State, looking for potential for, you know, grants and that sort of thing. So, that's...we're going to...we're going to really be

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hoping to work with you and do our best on our own, but look for outside resources and then, possibly new legislation. One issue is we're going to need the...the new property owners rebuilding in Lahaina to actually CCTV their private lines like we're doing out on the public to...to make sure that their lines are watertight. Otherwise, we're going to continue to struggle with...struggle with the I&I, the, you know, the inflow, if their lines aren't sound, and we may need some kind of legislation along those lines. Next slide. And that is all. Thank you for your time.

CHAIR COOK: Thank you, Deputy Director Schmidt. Now, on to testimony for WAI-1(17). Staff, do we have any testifiers?

. . .OPEN PUBLIC TESTIMONY (WAI-1(17)) . . .

MS. LILLIS: Chair, there's currently no one signed up to testify. If anyone would like to testify, please raise your hand by clicking the raise your hand icon at the top right of your screen. We're going to give a brief countdown; three, two, one. Chair, it appears no one wishes to testify on this item.

CHAIR COOK: Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (WAI-1(17)) . . .

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: Thank you, Members. I would now like to open the floor for questions and discussion. Vice-Chair Sugimura.

VICE-CHAIR SUGIMURA: Thank you, Chair. So, I guess all of this is on Granicus, or not Granicus. Teams. We can look up their presentation. Thank you very much, Deputy Director Schmidt. So, Wastewater Reclamation Facility, on...on that segment. Of course, we're building the Central Maui Wastewater Reclamation Facility. Are we still...are we still looking at 2029 as a completion date?

MR. SCHMIDT: My understanding is that schedule has not...not changed currently. I mean, I know there's...there's going to be pressure to try to expedite, try to get more capacity for...for housing, and so, we're --

VICE-CHAIR SUGIMURA: Okay.

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MR. SCHMIDT: -- going to react and do our best to respond.

VICE-CHAIR SUGIMURA: Yeah. Thank you. And in order to accommodate all the customers that we have on our Kahului Wastewater Facility right now, and then, are we...is that...are we planning to decentralize that and closing that down to the Central Maui, or what is the plan for the Kahului plant? That didn't change?

MR. SCHMIDT: Yes, at some point...at some point future, yeah, that is in the plan to...to send everything just to Central, to increase capacity there to make it, yeah, one treatment plan in the middle there. But I mean, in the meantime, we actually have...are trying to find out creative ways to temporarily increase capacity at the Kahului plant to react to need for temporary housing or maybe just...or maybe other housing in the area, you know, permanent housing even, you know, so...so...so that's in the works at this point.

VICE-CHAIR SUGIMURA: Okay. And on the question of funding, as we talked about with Public Works, with the needs that are pending in future fiscal years, this...the Wastewater Reclamation, the...the both sites, right, for Central Maui and Lahaina, both have costs associated with it. And I believe that the reason that the Legislature wrote into our GET for water and wastewater, for the GET to be used, so that is our plan. And we're not anticipating...expecting for funding from the Legislature to pay for it because we got the GET; is that correct?

MR. SCHMIDT: My understanding is there was 20,000 or 20 million that was proposed to help with the Central Maui Treatment. I...I think that was...I mean, we weren't able to spend that in time. I mean, I...I don't recall if --

VICE-CHAIR SUGIMURA: *(Audio interference)*

MR. SCHMIDT: -- *(audio interference)* from the Legislature, right? And that got...that got put forward. But I thought...I thought that was hopefully going to be still available.

VICE-CHAIR SUGIMURA: I'll verify, I'll verify that because I think when they offered the money, we weren't ready from what I was told.

MR. SCHMIDT: Oh, okay, right. Yeah.

VICE-CHAIR SUGIMURA: And so, when are we going to...when are we going to be needing the 20 million? And this is for Central Maui.

MR. SCHMIDT: Right. Yeah, I don't remember exactly.

VICE-CHAIR SUGIMURA: Okay.

MR. SCHMIDT: I mean, as...as...yeah...

VICE-CHAIR SUGIMURA: Can you send me a Gantt chart?

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MR. SCHMIDT: I can, yeah.

VICE-CHAIR SUGIMURA: Can...can you do that?

MR. SCHMIDT: Yeah, I do know we had that all worked out. I don't...I don't recall the details.
...*(timer sounds)*...

VICE-CHAIR SUGIMURA: Okay, thank you.

CHAIR COOK: Thank you, Deputy Director. If you could send the Gantt chart to the Committee --

VICE-CHAIR SUGIMURA: Oh, okay.

CHAIR COOK: -- and we'll just give it to everybody. Okay, I believe Member Kama is gone for another appointment, so Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Deputy Director Schmidt. I guess my first question would be on the legislation that you meant for the CCTV for reconnecting to sewer services for folks whose house burnt down. What did you imagine the legislation to look like?

MR. SCHMIDT: Oh, this is hot off the press, so, I need to get details from...from Eric and Scott, guys, but I mean, my assumption is...is there...there...there is not a requirement for that currently in the permit process. So, it would just be a requirement set to verify that their service lines are sound, right?

COUNCILMEMBER PALTIN: And then...yeah, and then I guess, you know, like we heard from the Department of Health last night about the need to have a civil engineer inspect all of the cesspools that they're allowing re-hookup to. Is there a possibility of maybe the Mayor's Office or something working together with HCF to do a package deal for civil engineers as well as the CCTV for the homeowners? Because they collected \$180 million on behalf of the victims, and these property owners are...are the victims. And I don't know that a regular person knows how to contract with CCTV or civil engineers. If...if we can make that appeal, maybe through the Mayor's Office, through the Hawai'i Community Foundation, to take the lead on these types of things because I don't know who are more victims than people whose homes burned down, and need to reconnect to sewer. If...if a contract can be put out for all the residences as a whole, whether they're on cesspool and are allowed to re-hookup, or they're on sewer and they need to CCTV their lines, if the Administration could take the lead on coordinating that on behalf of the people and...and have HCF fund that, that would be my preference.

MR. SCHMIDT: I think that's a...that's a good plan. I mean, I would certainly advocate for that.

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COUNCILMEMBER PALTIN: Okay. And then, the loss in revenues, would the GET be able to cover that, or how does that work out?

MR. SCHMIDT: I'm uncertain about...about whether or not the GET would work for that.

COUNCILMEMBER PALTIN: Okay. And then, I was wondering, is Olowalu Transfer Station still in operation . . .*(timer sounds)*. . . at this moment?

MR. SCHMIDT: It is.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR COOK: Thank you. Councilmember Johnson, questions --

COUNCILMEMBER JOHNSON: Thank you. Thank you, Chair.

CHAIR COOK: -- for Deputy Director?

COUNCILMEMBER JOHNSON: Good morning, Deputy Director Schmidt, always good to see you. I know you're so busy, so thank you for joining us. I'm going to just jump right into some of the Lāna'i questions we have. So --

MR. SCHMIDT: Sure.

COUNCILMEMBER JOHNSON: -- the...is...in...in the budget, is there any funds? Did you guys budget for the dump truck or the loader, as well as an attendant for Lāna'i?

MR. SCHMIDT: In the future ask? For upcoming budget?

COUNCILMEMBER JOHNSON: Right. Right.

MR. SCHMIDT: Yeah, I...I honestly...I don't have that in front of me. I have to...I'll have to let you know.

COUNCILMEMBER JOHNSON: Okay. If...yeah, if you could let us know.

MR. SCHMIDT: I might be able...I might be able to come up with that here shortly. Hang on.

COUNCILMEMBER JOHNSON: Okay.

MR. SCHMIDT: Or...or --

COUNCILMEMBER JOHNSON: I'll move on to my other --

MR. SCHMIDT: Yeah.

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COUNCILMEMBER JOHNSON: So, you know, the...I'm curious about the funding for the testing for the air quality, the water quality, and the existence of runoff at the Olowalu site. Will that...will...will DEM be funding those tests, or is it FEMA?

MR. SCHMIDT: No, the Army Corps, and then, ultimately, FEMA is going to be paying for that.

COUNCILMEMBER JOHNSON: Okay, right.

MR. SCHMIDT: So, we...we are going to, as a follow up, just as an interest in the whole ecological potentials out there, we do have some old test wells that we're going to refurbish ourselves and go ahead and do some testing there. So...so aside from those requirements, we're going to actually do our own testing just to double-check. So that small --

COUNCILMEMBER JOHNSON: Okay, do you have a timeline for things?

MR. SCHMIDT: I don't yet. I mean, we haven't yet contracted it, but...but I know that task has been, yeah, forwarded, so.

COUNCILMEMBER JOHNSON: And who's going to be paying for those?

MR. SCHMIDT: We...we will. The Solid Waste Division.

COUNCILMEMBER JOHNSON: Okay.

MR. SCHMIDT: Yeah.

COUNCILMEMBER JOHNSON: You mentioned the March 1st deadline. Can you clarify that?

MR. SCHMIDT: Oh, it's a...it's a self-imposed deadline to --

COUNCILMEMBER JOHNSON: Oh.

MR. SCHMIDT: -- to...to make the final decision for the...the, you know, permanent disposal site.

COUNCILMEMBER JOHNSON: It's really around the corner. Any updates on that? Have you just --

MR. SCHMIDT: Well, and we just got the results of the survey.

COUNCILMEMBER JOHNSON: Yeah.

MR. SCHMIDT: And so, we're going to...we're going to take those results and then weigh that into our earlier, you know, decision and reevaluate, and then give a final decision.

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COUNCILMEMBER JOHNSON: Okay, thank you for that. You mentioned, during the fires, two pump stations were ruined. Can you give us a cost of what a...what a pump station is?

MR. SCHMIDT: Oh, easily two million, I think, and maybe, maybe more. I think we're going to try and do some upgrades, some resilient...resiliency. I don't have a firm number for you, but I can get that.

COUNCILMEMBER JOHNSON: I'm sorry if I...this...this is an odd question, but is any of the things we...things we...you know, you saw...I saw all the...so many CIPs. Do we have any insurance on any of these? Is there...do we have insurance on *(audio interference)* --

MR. SCHMIDT: Well, the...the County is self-insured --

COUNCILMEMBER JOHNSON: Okay.

MR. SCHMIDT: -- to my understanding, so yeah.

COUNCILMEMBER JOHNSON: All right. And let's see...okay. Priority land parcels. That's my next question. So, we often hear developers say, well, we need land, but not just land, but we need land with water and sewer attachments. And in a time of crisis like this, how's that going? Like, do we have any land that has the sewer and water? Do you guys have a priority? Have you been ranking lands that the County owns or any available parcels that you could start, you know, if you need to do a . . . *(timer sounds)*. . . CIP or any kind of money that needs to be spent on getting those parcels up to par for development?

MR. SCHMIDT: Yeah, we...that...that's kind of backwards from the...the process that's going now. I mean, we've got people coming out of the woodwork wanting to build temporary or permanent housing, and so...they're...they've been coming to us saying, how close is your sewer? How...you know, and going to Water and saying, where's the water? And do we have capacity? And so, we've been more reactive at this point. Typically, there's not a lot of sewer areas that weren't developed because development drives, you know, the infrastructure, so.

COUNCILMEMBER JOHNSON: Right. That makes sense. Okay, my time's up. Thank you, Deputy Director.

CHAIR COOK: Okay. Chair Lee, questions?

COUNCILMEMBER LEE: Did anybody ask you, Bob, about cesspools in West Maui?

MR. SCHMIDT: Oh, yeah, that...that subject comes up often.

COUNCILMEMBER LEE: No, no, I mean today, like a few minutes ago.

MR. SCHMIDT: Oh, not yet.

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COUNCILMEMBER LEE: Okay. So...so people who rebuild, I suppose they're not allowed to rebuild their cesspools in Lahaina?

MR. SCHMIDT: Well, it was announced last night at the Lahaina meeting, Department of Health actually made an exemption for the...the...Wahikuli in Lahaina, that the folks that have cesspools can rebuild and connect to the cesspools if they make sure that the cesspool is functional and they...they, at the meeting required an engineer to check that out and to verify, and then they can only build to the same level, or the same number of bedrooms, or bedroom-like rooms--I'm not sure what that means--that they had permitted before, so they're not able to build something bigger and better, unless they build a septic tank...a septic system to replace their cesspool. But they did make the exception that folks with cesspools can rebuild and connect to their cesspool, which is --

COUNCILMEMBER LEE: Okay.

MR. SCHMIDT: -- which was not earlier available.

COUNCILMEMBER LEE: Okay. Well, that's good. They can move back sooner.

MR. SCHMIDT: Yeah.

COUNCILMEMBER LEE: The other thing is, you know, what about all these modular homes that are going to be constructed all over the island? What is...can...do they have to be sewerer? Do they have to be connected to the sewer? Can they have such a system that the sewer is picked up and disposed of?

MR. SCHMIDT: Yeah, I don't know about that as an example. I...I mean, that's...those...anything not connected to sewer is going to be in the...in the purview of Department of Health. So, you know, septic tanks and any...any other kind of treatment is...is going to be a Department of Health determination. So, it'd be outside of our purview.

COUNCILMEMBER LEE: Okay, this question didn't come up with you, considering that the County is...is supporting a number of modular homes?

MR. SCHMIDT: Well, what...what...what has...what I have seen come up is...is there have been applications with the idea of...of Modular Treatment systems. So...so, onsite, you know, I don't know what technology is available, but...but I have seen some applications with...with a modular treatment of some sort. And again, I haven't paid that close attention.

COUNCILMEMBER LEE: You need to, Bob.

MR. SCHMIDT: Well, again, it's --

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COUNCILMEMBER LEE: Well, Modular Treatment systems would be approved by the DOH for every project?

MR. SCHMIDT: Right. Correct. Unless...unless they ultimately flow to sewer. . . .*(timer sounds)*. . .

COUNCILMEMBER LEE: Unless they ultimately, what sewer, did you say?

MR. SCHMIDT: Well, I mean, if they have a, like, some sort of an onsite treatment that...that needs an outfall. And I'm just...I'm just...I don't know what all...what all has been proposed. Again, it's in the purview of the Department of Health if it's...if it's not connected to sewer.

COUNCILMEMBER LEE: Okay. All right. Thank you.

MR. SCHMIDT: Yeah.

CHAIR COOK: Member Sinenci, first round of questions?

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Deputy Schmidt. Yeah. My questions are geared towards our Hāna landfill. Are there any CIP projects for the Hāna landfill? I know in the past, we've appropriated funding for covers for some of the equipment down there. Is that still on the books?

MR. SCHMIDT: Not to my knowledge. The...the cover got...got nixed because the fire flow. I mean, it...it was...it was upsetting to me because the hoop...hoop structure like we have at Central Maui Landfill, we wanted to do the same thing for Hāna, and regulations, permitting required we get fire protection for it, and that --

COUNCILMEMBER SINENCI: And we don't --

MR. SCHMIDT: -- that drove the cost way up. And so, I mean, we'd have to build a big water tank, or...or bring the water down from Hāna Highway, and the cost was prohibitive.

COUNCILMEMBER SINENCI: Okay. It just...or I...and I can understand we're...we're in conversations with the State to...to get easements for water in the future. However, it just means that our lifespans for some of these equipment is going to be...they're right next to the ocean. So, they're exposed to salt air and the rain that we get in East Maui. So, I mean, that's...that's a concern for us. Is there anything else for East Maui District, or anything that we can support you, the Department, during this next budget cycle?

MR. SCHMIDT: Nothing. Nothing comes to mind.

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

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CHAIR COOK: Thank you, Member Sinenci. So, Deputy Director Schmidt, the Item 3567 land purchase, utilizing the eminent domain process, could you elaborate on that a little bit? Where, what, and how?

MR. SCHMIDT: Well, initially when we asked for that...that appropriation, we were looking at properties east of what we currently have...I and II, our Phases I and II, on quarried out lands. But since that appropriation, that...that land has sold. And so, there's a new owner that...that, in at least early communications, is not interested in selling. And so, we...we asked for that appropriation to be retitled, so it had more flexibility, and we have just come to the conclusion or decision to ask you folks to approve an eminent domain for what we called Phase VI, which was immediately south of our Phase V. It was a parcel that we had subdivided and intended to purchase, and weren't able to fund, and then another party came in and purchased it. And we've been in long communication and repeated negotiation to try to purchase it and have come to a...yeah, an impasse. And so, we need to expand. And so, we're going to ask you folks for approval of that eminent domain.

CHAIR COOK: The permanent site for the Lahaina wildfire debris, previously, when it was planned at Olowalu, it was going to be a Schedule-C site?

MR. SCHMIDT: Right.

CHAIR COOK: A Schedule-C design.

MR. SCHMIDT: Correct.

CHAIR COOK: Is that still the plan if it's relocated to a different area?

MR. SCHMIDT: That's currently not our intent. We...we...we went that extra expense, and...expense and environmental safety for Olowalu, just because we knew...well, we didn't know the public outcry, but we...we did anticipate that concern. And so, we wanted to do that extra step for Olowalu. But it's...it's not required; it's...it's not...it's not necessary, and so if...if it does go anywhere else at this point, we're...we're really thinking Subtitle D.

CHAIR COOK: Okay. Thank you. I think, you know, that's a good thing for the public to know, that the...that the additional efforts in protecting the environment that was planned so that people know that it was very respected. And so, that'll be approximately half the cost; is that correct?

MR. SCHMIDT: Maybe not half, but...but significantly less. Yeah.

CHAIR COOK: Could you clarify...well, 78 . . . *(timer sounds)*. . . items--okay, that's my questions, so I'll move on. Councilmember Sugimura? Second round.

VICE-CHAIR SUGIMURA: I'm going to...I'm going to hold off. If you could come back?

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CHAIR COOK: I'll remember to come back to you.

VICE-CHAIR SUGIMURA: Thanks.

CHAIR COOK: Councilmember Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I might have missed the last part of that conversation you had. Deputy Director Schmidt, did you say we're...we're building a Subtitle D or a Subtitle C for the ash debris?

MR. SCHMIDT: The intent at this point would be a Subtitle D.

COUNCILMEMBER PALTIN: And...and the difference between in...in finances between a C and a D?

MR. SCHMIDT: I'm going to say roughly...I would say the...the C, if it's 100 percent, maybe 60 percent the cost for a subtitle D. I mean, it's...there's...there's two complete liners for the Subtitle C landfill.

COUNCILMEMBER PALTIN: So, you'll spend more for a C?

MR. SCHMIDT: Well, 40 percent more, or --

COUNCILMEMBER PALTIN: Okay.

MR. SCHMIDT: So, 60 to 100 percent, yeah, is --

COUNCILMEMBER PALTIN: And...and that's --

MR. SCHMIDT: Just...just rough numbers.

COUNCILMEMBER PALTIN: And...and the decision to build a D is based on DOH? That's what it calls for? Because initially they didn't want to let Kula ash debris into our landfill, and they've had a change of heart for Kula ash debris. And so, Lahaina ash debris, they're...they're requiring only a Subtitle D landfill?

MR. SCHMIDT: Well, to get into the weeds, the fire debris from residential houses doesn't actually come under the...the hazardous waste requirements of EPA. They're actually exempted, and so, on the mainland, we heard from EPA, from Army Corps, that any permitted landfill...any permitted landfill, even unlined landfills, could accept fire debris. So, I mean, as far as regulatory is concerned, Subtitle D, just a permitted landfill, is...is fine for fire debris and ash.

COUNCILMEMBER PALTIN: I feel like we've gone into the past with our wastewater injection wells, and I just would like to caution that this is not just the fire debris from one residential house. I don't know how many entire towns have been put into a Subtitle D landfill, and it's not just residential properties. So, I would ask that the Administration

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double, triple, quadruple check this because in the long run it will cost more if we get sued like the injection wells situation, and we got to go back and go to a Subtitle C. I feel like we're a little bit in treading uncharted waters here. I can understand how the ash debris from a residential house, or a block or even a neighborhood, but we're talking about an entire town which had medical facilities, you know, all kinds of things. HVAC, you know, that whole transformer station on Lahainaluna Road . . . *(timer sounds)*. . . So, I would just ask the Administration to do their due diligence in...in regulatory hurdles.

MR. SCHMIDT: Rest assured, we're covering...we're covering that ground. I mean, we...we have a whole host of, you know, Federal experts. And when I said on the mainland, what happens, I'm talking about big disasters. The...the big fires that have happened there, the Cal OES, I mean, been told by many of them that the disaster debris from those fires go to Subtitle D landfills on a regular basis, and it's completely approved and environmentally sound. You did mention hospitals, any commercial properties, all bets are off. They have to do the whole RCRA testing, and if they...and if they find portions or all of that debris as...as actual hazardous waste, that has to be shipped off island to a hazardous waste landfill. So...so the commercial properties, they're coming to us, will all be tested. I mean, so...so there's an extra measure of...of safety there.

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: Thank you. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I'm going to go back to little Lāna'i. Deputy Director Schmidt, our wastewater vehicles...our wastewater treatment plant, the vehicles, I just had...got a note that they are broken. One of them is down, so it's just one more...one more piece to the puzzle, I guess. Is there anything, any updates on vehicles going to Lāna'i for the --

MR. SCHMIDT: I...I do know specifically that vehicle has been requested. Yeah. A replacement for that vehicle. Yeah. That was, yeah. I found out about that one not too long back, and I was not happy with...I don't know if they just weren't yelling loud enough, but yeah, that concern didn't...didn't get to this level.

COUNCILMEMBER JOHNSON: Well, hey, I guess --

MR. SCHMIDT: Yeah, we're going to try and resolve that.

COUNCILMEMBER JOHNSON: Okay. So that's...that'll be in this year's *(audio interference)*?

MR. SCHMIDT: Yes. Yes.

COUNCILMEMBER JOHNSON: Okay. That's...that's wonderful news. I'm really curious about the eminent domain. This...this...so, I know...I don't know...I don't know how...like I've never had us do eminent...in my experience, I've never seen the County do eminent

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domain. This...this is...it...can you explain how this works? Like, we...that...you put \$2 million in the budget for that, right? Is that...is that --

MR. SCHMIDT: Well, anticipated we needed to purchase land, so the...the...the budget request was...was we had already been in conversation with the landowner, and they...they showed a willingness to...that we could...we could subdivide, and...and so we put in that...that monies, anticipating that, that would...that would go forward, but then subsequent, that property owner...the property that we were interested in to the east of the landfill sold, and the new property owner is not interested in...in parting with land. And so, then we went back to --

COUNCILMEMBER JOHNSON: Right. You mentioned that.

MR. SCHMIDT: -- yeah, to the other parcel, so.

COUNCILMEMBER JOHNSON: So, I mean --

MR. SCHMIDT: So we --

COUNCILMEMBER JOHNSON: Will the \$2 million cover that, is where I'm going?

MR. SCHMIDT: Oh, yes. Yes, yes, very much so.

COUNCILMEMBER JOHNSON: Is it less than two million, or is that right on the money?

MR. SCHMIDT: No, no, it's...it's half, maybe a little less than half is what the appraise...appraisal is.

COUNCILMEMBER JOHNSON: Okay. And as far as eminent domain goes, is you just pay the appraisal rate...appraisal?

MR. SCHMIDT: That's...that's typically the...the practice, yes.

COUNCILMEMBER JOHNSON: Okay.

MR. SCHMIDT: The...and if...if the landowner, I mean, can take that decision to court, and try to negotiate to...to show --

COUNCILMEMBER JOHNSON: Right.

MR. SCHMIDT: -- how...why the appraised value isn't accurate, and there may be a value...a different evaluation based on a court decision.

COUNCILMEMBER JOHNSON: And if that happens, that will delay the process, yeah?

MR. SCHMIDT: Actually...actually, no. I...I've been told by Corp. Counsel that once the eminent domain is...is . . . *(timer sounds)*. . . ratified, and money is in escrow, that the

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County can take possession of the land. And so yeah, that...a change in valuation wouldn't...I mean, that would just happen later, right, the payment?

COUNCILMEMBER JOHNSON: You know, Deputy Director, my time is up. But I just want to thank you for that. That's really...thank you. Thank you, Chair.

CHAIR COOK: Okay. Okay, Chair Lee?

COUNCILMEMBER LEE: Hi. Bob, do you know, do you have a projected amount on the repairs that have to be paid for in the coming weeks? Months?

MR. SCHMIDT: Yeah, I do not have a grand total for you. I actually...when I heard you asking that question of Jordan, I put out feelers, and we don't have that to date. But...but I will try and put that together if you'd like to see those numbers.

COUNCILMEMBER LEE: Yes, because we need to know how we're going to pay for it. So, you know, it'd be good to --

MR. SCHMIDT: Oh, right.

COUNCILMEMBER LEE: -- to have that. And what about reimbursements? Do you have a list of what you think FEMA will reimburse you for, for what you've repaired and paid for --

MR. SCHMIDT: Again --

COUNCILMEMBER LEE: -- so far?

MR. SCHMIDT: Yeah, I don't have...I don't have totals today.

COUNCILMEMBER LEE: Okay. Appreciate if you could get that. All right. Thank you very much. That's it.

CHAIR COOK: Member Sinenci, question?

COUNCILMEMBER SINENCI: Thank you, Chair. No more questions. Thank you, Deputy Schmidt.

CHAIR COOK: Member Sugimura?

VICE-CHAIR SUGIMURA: I have no more questions. I'm...I actually am accumulating getting ready for Fiscal Year '25, based upon the Members questions, a request that we can ask all the departments, and part of it is this...this question about reimbursements and what the Administration has asked for other organizations, you know, like Tetra Tech is one that comes to mind, is taking...keeping track of the monies that we are requesting from FEMA and related organizations, and reimbursable also from the State; HI-EMA, which is funneling the money through, so...towards us. So, just that money trail, you

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know, just trying to understand it. Tamara and I went to the WAM briefing, with...which was an open meeting, not a committee meeting, and it was very interesting, listening to the Legislators' questions. So, I'm going to be submitting requests to all the departments based upon, you know, kind of the questions that you are bringing up through your Committee. Thank you.

CHAIR COOK: Okay. Thank you. Chair's questions for Deputy Director. Equipment replacement/deferral. When you order equipment and it has a long lead item, do you have to pay for it upfront, or is there just a PO issued? How does that work?

MR. SCHMIDT: Yeah, typically, payments not made until delivery.

CHAIR COOK: So, is that something where we can get out in front of it a little bit with the long lead items, to get...to get as much ordered as we need? I'm just...just concerned that getting...continuing to fall back, and then having the lead item inhibit our providing the necessary equipment.

MR. SCHMIDT: Right. It...it kind of came to a head. We had a recent meeting with Budget, and...and they basically shared...or the...well, they...they asked that our...our...our budget request for the coming year are fairly flat, and that they thought the loss of revenues wasn't going to really hurt us super bad in the next fiscal year. But '26 was going to be a really hard year. And so that's kind of got us into a kind of a scramble mode and...and rethinking. Like I said, our reaction immediately is we need to do more internal equipment maintenance and try to really focus on repairs, or maybe rebuilds that would cause the equipment to...to go longer. But...but we do actually need to think, like you mentioned, kind of a long-term strategy. If we're going to have kind of a lean season ahead, how...how we're going to mitigate and...and keep operations running. So...so yeah, that's...that's wisdom, you know, what you mentioned. We need to...we need to get a strategy to somehow mitigate the situation we're in.

CHAIR COOK: Thank you. So, my final question is Item 7869, processed gas use. And that's sort of a summary of what I gathered from that. Could you give a brief explanation of what that is? Like, so that's when you close it, and the...there's methane gas being generated. Do you measure it? Use it? What's the process for that?

MR. SCHMIDT: Well, currently we...we have the flare. It's...it's a regulatory compliance. If you flare off the gas at a high enough temperature, you know, the bad emissions are essentially, you know, done away with, or most of them. We did...we did try to compete for a HECO contract for, you know, power sales to them. We thought we were getting close, and then...and then, that fell through. So, our intent in the near future, probably next...beginning of next fiscal year, is just to put out just a...just a RFP for just that methane sales, and just see who...who grabs that, because right now, we're just throwing into the atmosphere, I mean, you know, gas that could be utilized for...for power generation, or...or whatever someone answering an RFP, you know, would...would want to use it for. So...so, we do intend to do that next fiscal year.

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CHAIR COOK: Okay, well, I want to thank you, Deputy, for coming today with your presentation. It was very informative. And I want to compliment you and everybody in the Department for your work.

MR. SCHMIDT: Thank you.

CHAIR COOK: Members, if there's no objections, the Chair would like to defer this item.

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay. Thank you, Members --

COUNCILMEMBER PALTIN: I was wondering if I could ask one more question?

CHAIR COOK: Oh, okay. Deputy Director Schmidt, Member Paltin had a question for you.

COUNCILMEMBER PALTIN: Thanks, Chair. Thank you, Deputy Director Schmidt. If the commercial properties test such that they need hazardous waste, would the Army Corps of Engineers address the final disposition site for those? Or would we then have to build a Subtitle C landfill just for those commercial waste properties?

MR. SCHMIDT: No. My understanding is they've accepted the *(audio interference)* mission to take on all the waste, commercial included, and so they understand the testing requirements, and they're going to take the responsibility for final disposition, however it tests out, whether it's hazardous waste, it'll go off island and then, the rest will come to us.

COUNCILMEMBER PALTIN: For the commercial sites?

MR. SCHMIDT: For the commercial properties that...that opt in, right.

COUNCILMEMBER PALTIN: Okay. And then, some folks have asked me, if Central Maui Landfill is chosen by the Administration as the final disposition site, would the Administration create a temporary disposition site while the final disposition site is being built at Central Maui Landfill, so that there's just one stop?

MR. SCHMIDT: Yes, that's correct. We...we...we would need to...as soon as we get the final disposition chosen, that's going to be our first order of business, is to build a TDS as soon as can, because that's where the opt-out debris has to go. Army Corps is not going to take the folks that opt out into their TDS.

COUNCILMEMBER PALTIN: Okay.

MR. SCHMIDT: So, the opt-out --

COUNCILMEMBER PALTIN: And then, would they...would they also drop off the...the newer opt-ins to the CML TDS, if that is the final site chosen?

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MR. SCHMIDT: If...yeah, if we get the final disposition cell built prior to the mission clearing Lahaina, that waste will come directly. I mean, rather than...rather than stop at the TDS and then...and then come here.

COUNCILMEMBER PALTIN: But what about the TDS that *(audio interference)* at the final disposition site for those that opt out? Can the Army Corps bring there, so that they're not stopping at Olowalu if the Central...the Central is the final site?

MR. SCHMIDT: Yeah. We're not going to try and build it big enough for, you know, a section of Lahaina ash and the opt out. We're estimating it, you know, scaling it according to...to what we feel like the opt-out volume will be, so.

COUNCILMEMBER PALTIN: Got it. Thank you.

CHAIR COOK: Thank you, Director. Any other follow up? Otherwise, I would like to defer this item with no objections.

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay, thank you all very much. Members, this concludes today's Water and Infrastructure Committee meeting. I thank everyone for being here for a great meeting. The time is now 11:54 a.m. This meeting is now adjourned. . . .*(gavel)*. . .

ADJOURN: 11:54 a.m.

APPROVED:



TOM COOK, Chair
Water and Infrastructure Committee

wai:min:240222

Transcribed by: Kaliko Reed

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CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 53 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 1st day of March 2024, in Wailuku, Hawaii



Kaliko Reed