

**DISASTER, RESILIENCE, INTERNATIONAL AFFAIRS, AND
PLANNING COMMITTEE**
Council of the County of Maui

MINUTES

October 21, 2024

Online Only via Teams

CONVENE: 1:31 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Tamara Paltin, Chair
Councilmember Nohelani U‘u-Hodgins, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Tasha Kama, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (In 1:37 p.m.)

NON-VOTING MEMBERS:

Councilmember Alice L. Lee, Member (In 1:34 p.m.)

STAFF:

Jarret Pascual, Legislative Analyst
James Krueger, Senior Legislative Analyst
Megan Moniz, Legislative Attorney
Maria Leon, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Zhantell Lindo, Council Aide, Molokai Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office
Christian Balagso, Council Aide, West Maui Residency Area

ADMIN.:

Bradford Ventura, Fire Chief, Department of Fire and Public Safety (All)
Parish Purdy, Captain, Fire Prevention Bureau, Department of Fire and Public Safety (All)
Kaunoa Hong, Fire Inspector, Department of Fire and Public Safety (All)
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel (All)
Josiah Nishita, Managing Director, Department of Management (DRIP-14)
Priya Landgraf, Executive Assistant, Office of the Mayor (DRIP-14)
Marcy Martin, Director, Department of Finance (DRIP-14)

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Shane Dudoit, Deputy Director, Department of Parks and Recreation (DRIP-14)

Jordan Molina, Director, Department of Public Works (DRIP-14)

Robert Schmidt, Deputy Director, Department of Environmental Management
(DRIP-2(10))

OTHERS: Glenn Haae, Environmental Engineer, State Department of Health (DRIP-2(10))

Testifiers

Kai Nishiki, Maui Nui Resiliency Hui (DRIP-14)

Faith Chase (DRIP-2(10))

Jasee Law (DRIP-2(10))

Johann Lall (DRIP-2(10))

(15+ additional attendees)

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

CHAIR PALTIN: . . . (*gavel*) . . . Will the Disaster, Resilience, International Affairs, and Planning Committee of October 21st come to order. The time is now 1:31. And if everyone could please silence their cell phones or any noisemaking devices, that would be appreciated. Members, in accordance with the Sunshine Law, if you are not in the Planning Conference Room, please identify by name who, if anyone, is in the room, vehicle or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity. My name is Tamara Paltin, and I will be your Chair for today's DRIP Committee meeting. And I'll go first, that I'm streaming live and direct from the Nāpili. And in the house I have two unnamed minors; one named adult male, George Vierra; and two canines, one unnamed minor canine and one adult canine, Kingy Poo Paltin-Vierra, and that's it in this household. Next up we have Committee Vice-Chair Nohelani U'u-Hodgins. Aloha 'auinalā.

VICE-CHAIR U'U-HODGINS: Aloha, everyone. I'm in the Pā'ia District Office with Susan Clements and Jade Rojas-Letisi. There are no testifiers here, and I really like your jan ken po gavel situation. It's awesome.

CHAIR PALTIN: Thank you. Got to get creative sometimes. Next up we have Councilmember Tom Cook. Looks like he is streaming live and direct from the Planning Conference Room. Aloha 'auinalā, Member Cook.

COUNCILMEMBER COOK: Aloha 'auinalā, Chair. And I am here with Staff, and there's nobody at the Kihei Region Office, but Bill Snipes is over there. And let's go to work.

CHAIR PALTIN: Sounds good. Next up we have Councilmember Tasha Kama. Aloha 'auinalā.

COUNCILMEMBER KAMA: Aloha 'auinalā, Chair. I am here in my home office, and I am alone.

CHAIR PALTIN: Thank you. Next up we have Councilmember Keani Rawlins-Fernandez. Aloha 'auinalā.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā kākou, mai Molokai Nui a Hina. I’m at the Molokai District Office. I’m on my side of the office, and there is currently no testifiers here. Mahalo Chair.

CHAIR PALTIN: Thank you. And next up Councilmember Shane Sinenci. Aloha ‘auinalā.

COUNCILMEMBER SINENCI: Hey, aloha ‘auinalā, Chair. *(echoing)* Happy...

CHAIR PALTIN: Maybe we’ll come back to Member Sinenci. I’m not sure if he has another device he’s listening to, or he needs to re-sign in, but we’ll return to you. I don’t see Member Sugimura on the line, so excused at this moment. And our Non-Voting Committee Member, we have Council Chair Alice Lee, Diwali, and aloha ‘auinalā.

COUNCILMEMBER LEE: Diwali? What did you say?

CHAIR PALTIN: Oh, I thought that’s what she said. Was it Ducati?

COUNCILMEMBER LEE: No. Dumela.

CHAIR PALTIN: Oh, Dumela.

COUNCILMEMBER LEE: Dumela. Yeah, Dumela.

CHAIR PALTIN: Oh, okay.

COUNCILMEMBER LEE: Close. Started with a D. Good afternoon, Chair. And I’ll be observing. I feel very, you know, I wouldn’t say passionate, but very interested in this subject-matter, and I thank you for bringing it up because it’s becoming a very, very pervasive problem. Thank you.

CHAIR PALTIN: Thank you. Dumela. And we’ll return to Councilmember Shane Sinenci to see if his audio issues are more better.

COUNCILMEMBER SINENCI: Yeah, aloha ‘auinalā, Chair. My apologies. I was signed in twice. Whoops. Happy to join from my home office. I’m here by myself except a couple of napping dogs, and there’s no testifiers at the Hāna District Office, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. We love that level of enthusiasm that you came to the meeting twice. Our other Non-Voting Committee Member is Gabe Johnson, and he is...not have to be here, but welcome to join at any moment...any time. Our land acknowledgement statement. This meeting of the Disaster, Resilience, International Affairs, and Planning Committee of the Maui County Council is located on the traditional ‘āina of the Kānaka...Kānaka ‘Ōiwi, who never ceded their sovereignty to the United States. We recognize that Her Majesty Queen Lili‘uokalani yielded the Hawaiian Kingdom to the U.S. in duress under threat of violence to avoid the bloodshed of her people. We further recognize that Hawai‘i remains an illegally occupied nation-state by

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the U.S., as documented in a 2021 scholarly article for the National Lawyers Guild Review by Andrew Reid, Adjunct Professor of Law at the University of Denver Sturm College of Law. Generations of Kānaka Maoli and their knowledge systems have sustainably cared for Hawai'i and continue to do so. We are grateful to occupy this space and learn the ways in which we can contribute. As a Committee, we seek to support the varied strategies that the indigenous peoples of Hawai'i are using to protect their land and their communities, and commit to dedicating time and resources to working in solidarity. From the Administration today, we have Executive Assistant Priya Landgraf from the Office of the Mayor; Managing Director, Department of Management, Josiah Nishita; Fire Chief Brad Ventura, Department of Fire and Public Safety; Parish Purdy, Fire Inspections Captain, Department of Fire and Public Safety; Robert Schmidt, Deputy Director of Environmental Management; Shane Dudoit, Deputy Director, Department of Parks and Recreation; Jordan Molina, Director of Public Works; and Michael Hopper, Deputy Corporation Counsel. We also have as another resource Glenn Haae, Environmental Engineer, State Department of Health. Members, without objection, I will now designate Mr. Haae as a resource person under Rules 18(A) of the Rules of the Council because of his expertise in today's subject-matter as Environmental Engineer of the Solid and Hazardous Waste Branch.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: And I'd also...thank you. I'd also like to recognize Councilmember Yuki Lei Sugimura. Dumela. Aloha 'auinalā.

COUNCILMEMBER SUGIMURA: Dumela. Dumela. And I'm here in Kula, no one else is here in my home office.

CHAIR PALTIN: Perfect. And our Committee Staff. Today we have Committee Secretary Maria Leon, Legislative Analyst Jarret Pascual, Senior Legislative Analyst James Krueger, Legislative Attorney Megan Moniz, Assistant Clerk Lei Dinneen. And our agenda for today is DRIP-14 and DRIP-2(10). DRIP-14 is Bill 142 (2024), Relating to the Procedure for Notices of Warnings and Violations, and DRIP-2(10) is Fire Prevention. For each item, we will take testimony after opening remarks or presentations.

ITEM 14: BILL 142 (2024), RELATING TO THE PROCEDURE FOR NOTICES OF WARNING AND VIOLATIONS

CHAIR PALTIN: So, this DRIP-14, Bill 142, came about after our last fire prevention meeting about, you know, documenting and acknowledging what the problems are, not just for the general public, but also for our own County lands so that we could know. So, that's why I scheduled it. Like from the last fire prevention meeting, we came up with this bill, so now it was ready. So, if there are any opening comments from our County resource personnel on this bill, we'll...we'll take those first before we have public testimony on the first item. So, let's see, I see Deputy Director Dudoit is in person at the Planning Conference Room. Do you have any opening remarks on this legislation and as to how it may affect your Department if it...if it works, it doesn't work, or so on and so forth?

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MR. DUDOIT: Aloha, Councilmember Paltin. Yes, we did meet with Parish Purdy, and we do have plans in place to take care of our County parks. We have identified...shucks, I want to say 30, 32 different areas where we can clean up in our parks and make it more safe and stop fires.

CHAIR PALTIN: Oh, awesome. That's music to this Committee's ears. Okay. Next, Deputy Director Schmidt, do you have any comments on the proposed legislation?

MR. PASCUAL: Oh, I'm sorry, Chair. Deputy Director Schmidt was invited for the second half of the meeting.

CHAIR PALTIN: Oh, thank you. Sorry, my bad. Director Molina, sorry, go ahead. *(Silence)* If Director Molina...we can hear you.

MR. MOLINA: Hi, good morning. Jordan Molina, Director with the Department of Public Works. We have no comment at this time. Thank you.

CHAIR PALTIN: Okay. Sounds good. And Fire Chief Ventura or Captain Purdy, any comments on the proposed legislation?

MR. VENTURA: Aloha. Dumela, Chair. How are you today? Thanks for having us. We, through conversation with you folks today, we'll probably propose a few changes. Because you guys haven't seen our Fire Code amendments, it's understandable that it was hard to write this bill in accordance with those amendments, but we do have ways that we can have them work together. So, as we delve into it, we'll explain more. Thank you.

CHAIR PALTIN: Sounds great. Mahalo. Is Director Nishita on the line, or was Ms. Landgraf going to speak on...on behalf?

MS. LANDGRAF: I'm not...hi.

CHAIR PALTIN: I see Managing Director Nishita. Sorry, Ms. Landgraf. Go ahead, Director Nishita.

MR. NISHITA: Thank you, Chair Paltin. Sorry, I was in the gallery here at the new site. I forgot you guys aren't operating out of the Chamber right now. No, I appreciate the opportunity to be here. No opening presentation or comments. Happy to work with the...the Committee. I probably need to leave by 2:30, just for the Committee's awareness. But other than that, happy to be here and happy to join the discussion. Thank you.

CHAIR PALTIN: Sounds good. Thank you. Director Nishita, I guess...shoot. For the second item, did you have any opening comments for that one?

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MR. NISHITA: No, Chair. I...I thought we were just invited for the first item, but I can take a look at the agenda and what's coming up if...if needed. Thanks.

CHAIR PALTIN: Okay. Perfect. Ms. Landgraf, did you have any comments for the first item? Are you here for the first item or the second item?

MS. LANDGRAF: Also here for the first item. Thank you, Chair. And no comments at this time, but glad to be part of the discussion and support our Fire Department.

CHAIR PALTIN: Awesome. Thank you. Okay. I think that concludes our opening comments for the first item. I did see a couple of hands go up, so I will read the public testimony spiel at this time. We will now move on to public testimony for DRIP-14. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. Testifiers wanting to provide oral testimony should join the online meeting via the Microsoft Teams link printed on today's agenda or call into the phone number which is also on today's agenda. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button near the top right of your screen. For those calling in, please follow the prompts via phone. Staff will add names to the testifier list in the order testifiers sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call the name you're logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. If you wish to testify anonymously, please notify Staff. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are done testifying or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. At this time, we will call on testifiers wishing to testify on DRIP-14. Staff, do you know the first person that raised their hand?

MR. KRUEGER: Yes, Chair. The first person signed up to testify is Faith Chase, to be followed by Kai Nishiki.

CHAIR PALTIN: Thank you. Ms. Chase, it's your opportunity to testify. If you can unmute yourself and begin your testimony, we would so appreciate it.

MS. CHASE: I'm actually here to testify on 2(10).

CHAIR PALTIN: Oh, okay. Next testifier, I believe, was Ms. Nishiki, if she was here to testify on DRIP-14.

. . . BEGIN PUBLIC TESTIMONY ON DRIP-14 . . .

MS. NISHIKI: Aloha, Chair, Committee Members. Kai Nishiki. I am a registered Aloha 'Āina lobbyist, and I am testifying on behalf of the Maui Nui Resiliency Hui, and I am very excited to see this proposal. Recently, in the news, there was the cleanup of mile marker

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13.5, so just sending a shoutout if anyone wants to volunteer and go down and help clean up right across from Olowalu. That is the home of our Mother Reef, and we could use all the volunteers that we can on projects like this. This shows the County leading by example. And our nonprofit also is working on a neighboring area, the . . . *(inaudible)* . . . Cut Mountain area. Unfortunately, we run into, you know, some roadblocks. There was, you know, vandalism, and some agitators, and...and a lot of unsafe behaviors happening down there, and it is just so important for us to responsibly manage our public trust resources. There's a lot of environmental degradation, and safety and liability issues, a lot happening on County property. So, it would be great for the County to perhaps, you know, do an assessment of all County-owned properties and go one by one so that, you know, the County is...is showing how important our community is, and...and that, you know, we're leading by example. That's...that's the...that's the best way, right? You know make sure your own house is clean before you go start talking about other people's yards. So, anyway, mahalo nui for the legislation, and our nonprofit looks forward to working with the County on addressing a lot of these issues, especially in regards to our shoreline. It's a real passion for us, and these areas need to be clean and safe for everyone to enjoy, and to provide safe...safe...safety for our communities. Mahalo nui.

CHAIR PALTIN: Thank you, Ms. Nishiki. Any clarifying questions for the testifier? Seeing none. That is right in alignment with Committee Vice-Chair U'u-Hodgins' recommendation, as well as our County Auditor Taguchi, that we, you know, budget for our...our own County lands to make sure that we're not a part of the problem. So, I think at least the Chair and Vice-Chair agree with you, but probably everybody. I just haven't polled them all. So, thank you so much for your testimony. Seeing no further questions. Staff, is there anyone else that would like to testify on DRIP-14?

MR. KRUEGER: Chair, we currently do not have anyone else signed up to testify on DRIP-14, so we'll do a last call at this time. If there is anybody who would like to testify on this item, please identify yourself now. On Teams, you can do that by using the raise-hand function. We'll do a countdown...three, two, one. Chair, no one else is wishing to testify on this item.

CHAIR PALTIN: Thank you. I do note that we did receive one written testimony from Life of the Land...Land...Land of the Life, Life of the Land. And I will now close public testimony and accept written testimony for DRIP-14, if there is no objections.

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON DRIP-14 . . .

CHAIR PALTIN: Okay. Members, I would like to open the floor for discussion. I propose, you know, as many rounds as needed. Each Member will have three minutes per round. And I guess we can just go in order after Committee Vice-Chair U'u-Hodgins.

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VICE-CHAIR U‘U-HODGINS: Thank you, Chair. Well, I guess I have a question for the Fire Department joining us. And then I have a question for you too, Chair.

CHAIR PALTIN: Sure.

VICE-CHAIR U‘U-HODGINS: Okay. I will ask the Fire Department, who’s going to do the follow-up to ensure that the landowners that have provided this action plan are held to the timelines, and are doing so by the standards that we need it to be done by?

MR. VENTURA: Chair? Thank you for the question, Councilmember U‘u-Hodgins. The...what’s proposed in the bill to create a plan, a fire prevention plan, and then be followed up upon is going to still be complaint-driven until we get enough staff. I don’t know what that staff number is, but with the Fire Prevention Bureau right now, and with the staffing that we’re expected to get this year, is going to try to be more proactive in high-risk areas. But depending on how many of these prevention plans we have to manage will determine how many more staff we need. I’ll kind of get into some of the suggestions that we have --

VICE-CHAIR U‘U-HODGINS: Please.

MR. VENTURA: -- made about this bill, and I’ll let Captain Purdy also speak to it. What you haven’t seen yet is the Fire Code amendments that we submitted, and Corporation Counsel is reviewing right now. In the Fire Code, there is a section where we can add “and a maintenance plan be submitted.” So, we took the language that you folks had written into number 5 of Section 1.16.33, and we are able to add language like that into the new Fire Code amendments. However, we do have one recommendation change, and it is that we create this fire prevention plan on second offense, not only on first offense. And the reason being, a lot of times when people are first offenders, they are learning, and once they learn what correct looks like, they maintain it and they keep it that way. But if we have some people that are reoccurring and having second offenses or more, that then we’d like this maintenance plan to be added, and of course, we would do our best to watch over these people. Cap, anything else you want to add to that?

MR. PURDY: So, currently, we’ve got our amendment package in with Corporation Counsel. They’re reviewing it right now. So, we’re hoping to get that to you guys within November, at the latest December. By January 1st, we . . .*(timer sounds)*. . . need that package ready to go. It’s going to move into the 2021 Fire Code for the State, so we need our amendment package pretty much looked at, approved. And with...we’ve made some changes in this part, both the NOWs, NOVs. So, I think you guys will like what we came up with.

CHAIR PALTIN: Awesome.

VICE-CHAIR U‘U-HODGINS: Okay. Thank you. I heard the bell. I can wait for my next round.

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CHAIR PALTIN: Okay. And I did want to bring to the Members' attention, I'm not sure if people refreshed their browser, but there is an amendment summary form, item number 3 under Granicus on this --

VICE-CHAIR U'U-HODGINS: Perfect timing.

CHAIR PALTIN: -- and it...it has nonsubstantive revisions and...for clarity and like that. So, just bringing that to everyone in the conversation's attention that Granicus 3 has an ASF. Okay. Moving down the line, let's begin with Member Kama. Any questions for our resources, or clarifications, or any of the things?

COUNCILMEMBER KAMA: Chair, I just have a question for you. You know in our discussion with this, I'm looking at your...your substitution. So, when we talk about this, are we going to be looking at your substitution, or are we looking at what was already given to us, and then look at the substitution when it comes up?

CHAIR PALTIN: I would...My preference would be the substitution because it's...it's nonsubstantive, it's just fixing a few things --

COUNCILMEMBER KAMA: Yeah, yeah.

CHAIR PALTIN: -- that were pointed out.

COUNCILMEMBER KAMA: Right. Okay. So, I looked at the substitution. I...I...I, too, came to that conclusion, and I like what it says in both areas, but I like the substitution, too. But I have no questions, Chair, at this time. Thank you.

CHAIR PALTIN: Thank you. Member...

MS. CHASE: Okay. So, just let me read you the highlights of this bill...

CHAIR PALTIN: Oh, thank you for muting, Ms. Chase. Member Sugimura, go ahead. *(silence)* Oh, we can't hear you, Member Sugimura. You might...

COUNCILMEMBER SUGIMURA: Okay. So, I'm curious to hear from the Parks Department. I think Deputy Director Dudoit said that there were 32 parks that they identified. So, could you provide some information? Parks, how can we help you . . .*(inaudible)*. . .

MR. DUDOIT: Thirty-two of different areas that are owned by or in our inventory that needs to be either cut back or shortened to the height for the Fire Department.

COUNCILMEMBER SUGIMURA: Okay.

MR. DUDOIT: I do have a list that's on my desk, and I could forward that to all of you if you guys need it.

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COUNCILMEMBER SUGIMURA: Okay. So, this would bring you into compliance with where we would go?

MR. DUDOIT: Yes.

COUNCILMEMBER SUGIMURA: And that...I guess I'm asking, do you need help with it, or is it just part of your normal maintenance?

MR. DUDOIT: Do you have a chainsaw? No, we will be okay.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR PALTIN: Member Sugimura, would you like him to submit that list to...to the Committee?

COUNCILMEMBER SUGIMURA: Oh, yeah, I thought he said he would. Yes, please. Thank you.

MR. DUDOIT: Can do. Thank you.

CHAIR PALTIN: Yeah, if you submit it to drip.committee, you don't need to type in everybody's emails. And then it will be part of the formal record, and the public can see it as well. So, that would be awesome.

MR. DUDOIT: Okay. Thanks, Chair.

CHAIR PALTIN: Thank you. Next up would be Member Rawlins-Fernandez. Your opportunity.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I don't have any questions right now. Mahalo. Good job.

CHAIR PALTIN: Okay. Next up, Member Cook.

COUNCILMEMBER COOK: Is there an increase in fires in South Kihei that you've been reporting to? I mean is...is there increase, decrease, kind of the average?

CHAIR PALTIN: Is that for the Fire Chief or the --

COUNCILMEMBER COOK: Yes, that's for the Fire...

CHAIR PALTIN: -- Fire folks on . . . *(inaudible)*. . .

COUNCILMEMBER COOK: The Fire...yeah, Fire Chief. Which one of the dynamic trio want to answer?

CHAIR PALTIN: Okay. Anyone who's ready of MFD.

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MR. VENTURA: Thanks, Chair. We just kind of discussed it amongst ourselves real quick. The increase that we've seen most recently is due to the drought conditions and the increase in wildfire. There was a considerable lower number of fires last month in September due to the fact that we had a little bit of, you know, Hurricane Hone came through and greened things up a little bit. But numbers-wise, we are within a safe variance of what's normal. I'd say within 5 to 10 percent of what's normal.

COUNCILMEMBER COOK: Are the...are the fires mostly like from people cooking, you know, that type of thing? Or what's the major cause of...the average cause of the fires in the area?

MR. VENTURA: So, if we talk about brush fires, wildfires, grass fires, 99 percent of those in Hawai'i are started by people. Whether it's parking a car, machinery sparking, encampments that are cooking, other factors connected to people, utility lines and such. When it comes to structure fires, I'll let Cap Purdy kind of just more or less generalize where we see most of our fires in structures.

MR. PURDY: Most of the fires that we'd see would be either cooking fires or possibly bedroom fires and structures. Again, just carelessness, or using products that aren't listed, and things like that.

COUNCILMEMBER COOK: So, Chief, would the fire mitigation be most effective like in areas where people have access to along the side of the roads where they're parking cars and that type of thing, vacant lots? Is...is...is it...is it...can we kind of target where we need to do fire mitigation with irrigation and stuff?

MR. VENTURA: I mean irrigation is a great option, but where not available, I think, you know, Highways Division does a great job taking care of the shoulders of the road. State DOT contracts out a lot of that work, and they manage it that way. For us, it's just a matter of identifying if it's not being maintained so that we can kind of send it up the chain to those folks to take care of. But when you talk about our main thoroughfares, I feel Public Works does a good job at that.

COUNCILMEMBER COOK: Well, it's visible, they are doing a good job. Thank you very much, Chair. That's it. . . .*(timer sounds)*. . .

CHAIR PALTIN: Just in the right amount of time. Member Sinenci, then Chair Lee.

COUNCILMEMBER SINENCI: Mahalo, Chair. Just to be clear, this is just for County properties, yeah?

CHAIR PALTIN: The first section of it is to provide notice for 1.16.21...sorry, 1.16.2.1.2 is for any warning notice issued for violations occurring on County property, a copy of the warning notice must be sent to Office of the Mayor, Managing Director, and Council Chair. So, that one applies to County properties. But as you go to 1.16.3.3, that applies Countywide.

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COUNCILMEMBER SINENCI: Okay. Thank you for that clarification, Chair. I guess my question would be, you know, we've used...and we've had this discussion, I think, with Member U'u-Hodgins. We've...the County has acquired Open Space properties using Open Space funding, and then managed by local nonprofits. Would these also apply to those folks as well?

CHAIR PALTIN: From my perspective, if the County owns the land, it's ultimately the County's responsibility. But if the Managing Director or Fire Department wants to elaborate on that...

COUNCILMEMBER SINENCI: Josiah?

MR. NISHITA: Yeah, no, it...it looked like Chief was trying to respond. But in relation to...I'm sure Corporation Counsel will probably give you the legal interpretation. I think you're...you're probably on the right track there legally, but the...the landowner probably has the ultimate responsibility. I'm sure that there's, you know, language or whatnot that are put into, you know, rights-of-entry and lease agreements and whatnot to try to shelter some level of, you know, responsibility or activities that may take place. But in terms of County property, I think that, you know, it's...it's clear, especially given the events of what transpired, that we need to ensure that the County is a good steward of the lands that we own and manage and take care of, kind of...regardless of ultimately, you know, who's...who's on that bottom line or not.

MR. HOPPER: Yeah, Chair?

CHAIR PALTIN: Yes, Mr. Hopper?

MR. HOPPER: Yeah, I don't know if...sorry, I was unmuting, but I don't know if you have any more specific question, but I think that's generally correct. I mean if there's...just...I think there can be responsibility for those causing the issue, but practically speaking, in a lot of cases the landowner may be left holding the bag, so to speak, you know, especially . . . *(timer sounds)* . . . if the...those who are ultimately responsible are...are either judgment-proof or very hard to actually, you know, make come into compliance. So, in a lot of violation cases in general, not just fire, property owners can end up being ultimately responsible even if they're not actually doing the...the...the conduct that's in violation. But I mean I think it's a good idea to keep that into consideration, though, if the...if the landowner is looking to actually stop the violation and not the one causing it, that could potentially be considered by an enforcement agency.

CHAIR PALTIN: Thank you. Member Sinenci, does that satisfy your question?

COUNCILMEMBER SINENCI: Yeah, Chair. Thank you. I don't know if maybe we can address some of this in the Conservation Committee and The Greenprint, but I'll check on from that end as well. Thank you, Chair.

CHAIR PALTIN: Awesome. Chair Lee, your opportunity?

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COUNCILMEMBER LEE: Yeah. Thank you very much. My question for the Chief. Chief, I heard you mention something about normal rate of fires. I think you're speaking in general because in Wailuku, we have a report at least once a week without fail, whether it's raining or not raining, no matter what, and it's becoming very troubling. And I'm glad that you're...you're looking to expand your resources because right now, I believe we're so terribly under-resourced. We...we have that issue in Wailuku on an ongoing basis, as well as Pā'ia, so we really need to address this. Even though you may not have the staff right now or the manpower, something has to be done. Whether you outsource that part of it...you know, we...under the fire abatement program, don't you have that ability to pay for a contractor and get reimbursed to prevent fires?

CHAIR PALTIN: Chief?

MR. VENTURA: Yes, thanks for the question. The issue--and we can...we can go deeper into the fires if you guys want to. I have Inspector Hong with us here today. He oversees that Wailuku property there we're talking about. There is only so much we can do. We have the staff to do what we can regarding enforcement, it then becomes compliance, and then if they're not compliant, then we can start to fine them. It doesn't necessarily take care of the problem; however, we do have the ability, as you mentioned, we have a Revolving Fund with Finance that we can hire a contractor to do the work, whatever the work is, to abate the Fire Code violation. Now, just keep in mind, it's a Revolving Fund of \$50,000 a year. Obviously, if we're going to take an aggressive stance on this Countywide, we're going to need a lot more money. We just had a bid for a project in Kihei that was well over \$100,000 just to cut fuel breaks around one TMK. So --

COUNCILMEMBER LEE: Okay. So, Chief --

MR. VENTURA: -- going back...

COUNCILMEMBER LEE: -- I...Chief, I have a limited time. So, I just want you to know that this Council will stand by you when you request more money for the fund, as well as more firefighters. Because this is a growing and serious problem, and...and all the notices in the world is not going to solve it if we don't have good enforcement. And I'm glad that you recognize that, and you're probably ready to propose things to us, right?

MR. VENTURA: We're working on it right now.

COUNCILMEMBER LEE: Okay. Great. That's all I have. Thank you. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. And...and we may go more into detail on this on the second item that we've brought the Department of Health in, and see if there's any points we can collaborate on that, but in this item we're...we're mainly focused on the bill and...and that was relative to the discussion. But we'll...we'll go deeper in the second item on...on your...that thing.

COUNCILMEMBER LEE: Okay.

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CHAIR PALTIN: So, Members, does...is there a need for a second round? I'll go by hand-raising. Go ahead...oh, go ahead, Vice-Chair.

VICE-CHAIR U'U-HODGINS: Thanks, Chair. My question is for you, and then maybe the Fire Department, but first I'd like to say thank you. I love this, so, awesome. For the fines in 1.16.3.3, in 3 and 4, there's a \$1,000 fine. Are those fines...do you see them being negotiable? Then where do...where does that fine go when...when assessed, the fine? To the Fire Department?

CHAIR PALTIN: Are you asking me those questions?

VICE-CHAIR U'U-HODGINS: Sure, or somebody, whoever.

CHAIR PALTIN: Maybe Chief, do you know?

VICE-CHAIR U'U-HODGINS: Okay.

MR. VENTURA: Sure, thanks for the question. So, I'll kind of explain this. We are...in the State, we have regular fire prevention meetings, and our County is leading everybody and everybody's kind of copying our process, just so you know. Corporation Counsel is working with us to identify where we can put this money so that we can then use it. There's a lot of people wanting their hand in the same cookie jar to use it for a variety of things, but simple principle here is although the fines are going up drastically, historically, Cap Purdy can speak to how many times we've collected in the last decade.

MR. PURDY: Yeah. In the past, I don't recall us ever collecting anything on these things. So, it's only been within the last couple years that we've been trying to put together a package, or a process to be able to start fining people, and going after the fines, and...and figuring out where it goes and what fund it's going to go into.

VICE-CHAIR U'U-HODGINS: Okay. I ask because I think the last time we had this conversation about fees and collecting of fines, we found that there has to be a balance between what's assessed and then what people are willing to pay as...so they don't continue this behavior. And then sometimes we end up in court, and it's hard for Corp. Counsel to argue, and therefore collect. But I want to find that balance because I'm tired of people violating our Fire Code, and then the people of Maui have to pay for their violations constantly, as we'll see later on today. So, I would love for this fine to not be negotiable, for it to be assessed, and then we use this to help pay for, like, all the Air One fees that we just saw. I think that's what we were talking about the last time. But...do I have more time, Chair, before I ask my other question?

CHAIR PALTIN: I didn't hear the bell, so you can go ahead.

VICE-CHAIR U'U-HODGINS: Okay. Great. I just have a quick, small suggestion. I think Deputy Director Dudoit was talking about them recognizing all the Parks lands that maybe need to be cut or trimmed, and I'm wondering if Public Works . . . *(timer sounds)* . . . did the same thing as well.

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CHAIR PALTIN: Director Molina? *(silence)* If you're on, Director Molina, the question was if you've done an inventory of Public Works' lands that needs to be addressed to be in compliance with the Fire Code.

MR. MOLINA: I'm not aware we've been put on notice for any properties under our responsibility. Thank you.

VICE-CHAIR U'U-HODGINS: Okay. Thank you. Thanks, Chair.

MR. VENTURA: Chair, can we add...can we add to that, Chair?

CHAIR PALTIN: Go ahead, Chief.

MR. VENTURA: Okay. Thank you. I...I just want to share with the body and everybody how we actually make notification to County Departments. So, Cap Parish will talk about the notice of violation or notice of warning, and what the outcome. Our goal, as the Department of Fire and Public Safety, is to mitigate or get mitigated Fire Code violations. And the...what we've set up over the last several years is working within the County. And so, that is going to kind of speak to that language that is proposed in 1.16.2.1.2, that there might not be a lot of communications to those parties. So, Cap will kind of lay it out for you.

MR. PURDY: So, currently, as a complaint comes in, what normally happens is we'll take the complaint, we'll do a property search and see if it's County property. If it's County property, we will reach out to the Deputy Director and see whether or not it's Public Works' land or whether it's Parks and Rec, and then we will inform them on the...the brush abatement or hazards that they might have on that property, and...and what we are looking at, and how we can abate that hazard. And we've been pretty successful working with them on that, and if they've had any questions, they'd reach back out to us and ask more questions. And then we would send out our inspectors to check to make sure that that has been done. And normally, if they have abated the brush, then they'll reach back out to us and let us know that the...the hazard has been corrected.

MR. VENTURA: So, do we actually put out a notice of warning?

MR. PURDY: So, we actually don't put a notice of warning out to the departments.

CHAIR PALTIN: Member...Vice...Committee Vice-Chair, does that satisfy your question?

VICE-CHAIR U'U-HODGINS: Yeah. Thank you.

CHAIR PALTIN: Okay. I did see Councilmember Rawlins-Fernandez's hand up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And my apologies if I missed this in the discussion with Member U'u-Hodgins, but Chapter 3.68, Fire Hazard Removal Fund, was that something that was considered?

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CHAIR PALTIN: As to where the...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, not...not for you.

CHAIR PALTIN: As to where --

COUNCILMEMBER RAWLINS-FERNANDEZ: But if you...okay.

CHAIR PALTIN: -- the fine money would go, you mean?

COUNCILMEMBER RAWLINS-FERNANDEZ: Where the fines would. Yeah. So, the question would go to the Department if that's something that was discussed, since he said that different departments are interested in the potential funding that this could result in, while it likely won't result in much.

MR. VENTURA: Thanks for the question. Thank you, Chair. The...that's where we have to, I think, work a little bit more with Corporation Counsel. There are some of those funds that you were mentioning that have just kind of laid in the side and we have not used for any reason in the past. And that's maybe what the creation of those funds were for back in the day, and now we are kind of getting into the kind of exploratory area. Maybe that is the area where all this money goes then we can draw from it for fire prevention use.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I'm looking at the total for FY 2025, and it's \$48,126. But it's something that we could appropriate funds into if it was something that made sense...but it's Revolving, so it can carry a balance.

MR. VENTURA: Thank you. Is that...can you...is that Department...is that with Finance, that particular fund?

COUNCILMEMBER RAWLINS-FERNANDEZ: That...that is under...yeah, it's 3.68, Fire Hazard Removal Revolving Fund. So, it's under Title 3 with Finance, but it says in the Code that...3.68.030, Administration, the Director of Finance shall...oh wait, where is it? It basically gives the Chief discretion to use that funds.

MR. VENTURA: Okay. And I think that's the Revolving Fund that we currently use for hiring the contractors, as Chair Lee mentioned, so that we can clear land when needed. And if it's just a 6,000-square-foot lot, it only costs us a couple of thousand dollars, easy to do. It's when we have the larger amount that we're going to need more funds for.

COUNCILMEMBER RAWLINS-FERNANDEZ: I see. Yeah, it says County Fire Chief is authorized to make such expenditures as may...as may be necessary to render buildings or premises safe from fire where the owner or occupant neglects to refuse...or refuses to do so. The expenses incurred by such action of the Fire Chief shall be recoverable against the owner or occupant. And then under Administration, Subsection C, in the event the owner or occupant . . . *(timer sounds)* . . . refuses to pay expenses incurred by

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the Fire Chief for the removal of the fire hazard within 30 days of such action by the Fire Chief, the Director of Finance is authorized to file a lien on the real estate on which the building or structures are located or the premises involved.

MR. VENTURA: Perfect. Yeah, that's the one that we currently use for doing small brush abatement projects. And normally, if somebody is noncompliant and we have to go to that point, chances are we're not getting the money back until the lien is paid off. So, that's why that fund may need to be very, very, very large. If people are communicative with us, they're generally compliant, and they'll take care of it themselves.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, the fund isn't large, there's only 48,000 in it right now.

MR. VENTURA: Right. So, like I was mentioning to Chair Lee, we would have to make it larger because that one property in Kihei was, I think, \$117,000 to cut the firebreaks around it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, next budget session, we'll make sure to remember to do that. Mahalo, Chief. Mahalo, Chair.

CHAIR PALTIN: And then for Member U'u-Hodgins and Rawlins-Fernandez, I don't...I think 3 and 4 of 1.16.3.3 was pretty much already there almost in that form. So, we're not adding those, but I guess because we haven't collected for a very long time, it's not specified where the money goes, and if it's negotiable or what. But is that something this Committee would like to do, is specify that it goes to that section that...okay. All right. Any more questions before we start deliberations [sic]? Seeing none. I'll entertain a motion to pass Bill 142.

VICE-CHAIR U'U-HODGINS: So moved.

COUNCILMEMBER COOK: Second.

CHAIR PALTIN: It's been moved by Committee Vice-Chair U'u-Hodgins, and seconded by Member Cook. I'll entertain a motion for substitution at this time.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

VICE-CHAIR U'U-HODGINS: I'll move to amend--Chair, sorry--to add submit a fire prevention plan for the property subject to its second violation on number 5 for 1.16.3.3. And then we can...Member Rawlins-Fernandez, I think, would be great to add the other language for the fund specification.

CHAIR PALTIN: Committee Vice-Chair, is it okay to do the substitution with the ASF first, and then amend the substitution?

VICE-CHAIR U'U-HODGINS: Wonderful.

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CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR PALTIN: So, substitution motion by Committee Vice-Chair U'u-Hodgins, seconded by Member Rawlins-Fernandez, and then I'll take up the motion that Member U'u-Hodgins had to amend 16.3...1.16.3.3 to put it on the second violation rather than the first violation. And that...is there a second for that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR PALTIN: Second by Member Rawlins-Fernandez. And we don't have the exact wording, but Staff, do you have the legislative intent down and you can pretty it up for us?

MR. PASCUAL: Yes, Chair. We have the legislative intent.

CHAIR PALTIN: Awesome. Okay, Members. So, for that first one, based on Fire's recommendation that it would be on the second notice rather than the first notice for the reason that people are figuring it out on the first notice, and that's the recommendation of the Fire Department. Any discussion on that amendment to the substitution? Seeing none. All in favor...oops, sorry, I didn't silence my...

MS. MONIZ: Chair, this is Megan. I just wanted to see if Member U'u-Hodgins had specific where she wanted this at the beginning of...of number...Subsection 5. I just wanted to draw to your attention that preparatory language in 1.16.3.3 is a list, so it starts off as the notice of violation and order may require the person to do any of the following. So, if we're just talking about Subsection 5, Member U'u-Hodgins, do you...did you want that to apply only to Subsection 5, or to the entire 1.16.3.3?

CHAIR PALTIN: We can defer to the Fire Department --

VICE-CHAIR U'U-HODGINS: Yeah.

CHAIR PALTIN: -- on what their preference is.

VICE-CHAIR U'U-HODGINS: I thought the Fire Department said...yeah, for the action plan, but to whatever works.

CHAIR PALTIN: Chief, do you have a preference, or was it specifically for the Fire action?

MR. VENTURA: Thanks, Chair. Can...we were kind of discussing it as you were as well. Can you just kind of rephrase the question so we can understand it best?

CHAIR PALTIN: Sure. Legislative Attorney Moniz, can you rephrase the question so the Chief and his members understand what you're asking?

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MS. MONIZ: Thank you, Chair. So, Chief, I...I am just trying to incorporate what Member U'u-Hodgins provided as a potential amendment to the CD1, and we're addressing Section...what would be a...amending Section 1.16.3.3, and there are five sort of Subsections to that. Following along with the discussion with what Member U'u-Hodgins' suggested, and they...wanting to have the fire prevention submission be for a second violation? That seems to be her intent, but I'm wondering if second violations for all of those, you know, list would apply.

CHAIR PALTIN: Or just number 5.

MS. MONIZ: Just...which is number 5, which is what Chair's bill is intending to change.

MR. VENTURA: Okay. I think I understand what you're saying. So, if we have a notice of violation which follows a notice of warning, we want the party, the owner, the responsible group, whoever it is, to do 1 through 5, all of the above, not just part of it. We are good with changing it to a second notice of violation rather than first notice of violation. So, we are good at that. Just got to put this caveat in there. Just so you're aware, when the new Fire Code comes your way in hopefully a month, this Section that we're actually discussing right now is a totally different section, it's 1.16.2.5. So, you're going to...there will be another opportunity to kind of make sure we polish everything up the way we want it.

CHAIR PALTIN: So, what I heard is for now, in 1.16.3.3, that the fire prevention plan for the property subject to the second violation.

MR. VENTURA: Agreed.

CHAIR PALTIN: Thank you. And then in a month, or a little bit around there, we'll come back and do more changes. I did see Member Rawlins' hand...Rawlins-Fernandez's hand up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, the question is for Chief. Is...was that the Department's request to have the penalty apply at the second violation notice?

MR. VENTURA: That is our recommendation to the...create the maintenance plan after a second notice of violation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. So, it would be a warning, and then if noncompliance occurs, for how long before the violation...the notice of violation is sent?

MR. VENTURA: So, we do an inspection of the property, and when we find a Fire Code violation we do a notice of warning. It gives them 30 days to abate the problem. If they don't, we try to get back to that property as soon as we can and give a notice of violation. They're given an additional 30 days. That is when...when that expires, that's when we can be fining them. If they become compliant after that...a lot of times, like we mentioned, it's an education thing. This is the first time we visited this property, they weren't aware of the Fire Code that they were violating. So, they...once they get around to doing it, hiring

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a contractor, they're compliant. We don't often visit those properties a second time. But if we had a problem property, we would want a maintenance plan when we issue a second notice of violation.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the warning would like stay on the record, or like what if in like a subsequent year, like one or two years pass and you visit them again? So, then it would start with a warning again?

MR. VENTURA: So, great question, and that's also changes that we've made to our current Fire Code. I'll let Chief Parish talk about it so I don't butcher it, but it will remain on record. Go ahead, Cap.

MR. PURDY: Yeah. So, on the...on the new amendments that we're proposing, we are going to...anytime that there is a violation, it will...if there's another violation, instead of going to the notice of warning, it's going to go straight to the notice of violation. And in order for you to get off of that list, you've got to keep your property clear, no warnings for up to five years, and then we'll reset it. And then we'll start the whole process all over again.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. That's clear. Hopefully that's clear to Ms. Moniz as well.

CHAIR PALTIN: Staff, you good?

MS. MONIZ: Yes, Chair. If...you want me to read out...currently as I have it is we would be amending Subsection 5 to say submit a fire prevention plan for the property subject to the second violation in that first sentence.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I think it's the...at the top. The notice of violation...because...never mind, I'll stop talking and look at it closely.

CHAIR PALTIN: And then I had a question for Captain Purdy. That's regardless if the property changes hands or not, right? Because due diligence and all?

MR. PURDY: That has come up, and if the property does change hands, then it's like you're starting all over again. It's a new process.

CHAIR PALTIN: Oh, okay. So, except that if the...if it's a new owner, then it starts over?

MR. PURDY: Correct.

CHAIR PALTIN: Okay. Okay. And that's going to be future changes that will come to us when it comes to us?

MR. PURDY: Correct.

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CHAIR PALTIN: Okay. All right. It seems that we're all clear on this. And is there any need for a roll call, or a voice vote is cool? Okay. All in favor of the amendment to the substitution as stated, raise your hand and say "aye." Aye.

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, you have seven "ayes," zero "noes," motion passes.

VOTE: AYES: Chair Paltin, Vice-Chair U'u-Hodgins, and Councilmembers Cook, Kama, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVE AMENDMENT.

CHAIR PALTIN: Awesome. Great. Okay. Another amendment, anyone? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, we're going to designate the...any penalties collected or fines collected to...I lost it...1.6...oh, no, 3.68, I think I said?

CHAIR PALTIN: Let's just make sure that we're not giving their money away to somebody else.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, I was looking up a different section. Oh, yeah, 3.68, Fire Hazard Removal Revolving Fund.

CHAIR PALTIN: Is there a second?

VICE-CHAIR U'U-HODGINS: Second.

CHAIR PALTIN: Okay. The motion's been made by Member Rawlins-Fernandez and seconded by Committee Vice-Chair U'u Hodgins to allocate the fines paid to the Fire Removal Hazard Fund that she just said. Discussion, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, I'm guessing it would likely go under Subsection 3 and 4 since that's where the initial fine language is. And then

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additional fines for each day of \$1,000 would go into 3.68, Fire Hazard Removal Revolving Fund.

CHAIR PALTIN: Staff, do you understand the legislative intent and you can pretty it up for us in 3 and 4 of 1.16.3.3?

MR. PASCUAL: Yes, Chair. And apologies, who is the second for this motion?

CHAIR PALTIN: Committee Vice-Chair U‘u-Hodgins.

MR. PASCUAL: Got it. Thank you.

CHAIR PALTIN: Thank you. Any further discussion amongst the Members? Seeing none. All of those in favor of the amendment to the substitution, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven “ayes,” zero “noes,” motion passes.

**VOTE: AYES: Chair Paltin, Vice-Chair U‘u-Hodgins, and
 Councilmembers Cook, Kama, Rawlins-Fernandez,
 Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: APPROVE AMENDMENT.

CHAIR PALTIN: Sorry, my dog really feels passionate about this. Any discussion on the substitution as amended? Seeing none. All of those in favor of the substitution, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven “ayes,” zero “noes,” motion passes.

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VOTE: **AYES:** Chair Paltin, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Kama, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: **APPROVE SUBSTITUTION.**

CHAIR PALTIN: Thank you. Any discussion on the main motion as amended? Seeing none.
All of those in favor of the main motion as amended, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven “ayes,” zero “noes,” motion passes.

VOTE: **AYES:** Chair Paltin, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Kama, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: **Recommending FIRST READING of Bill 142, CD1 (2024).**

CHAIR PALTIN: Wow, guys, right on, nice work. Let’s see, that item passes. And so, if there’s no objection, we’ll take our mid-meeting break for ten minutes, to return at 2:45. Gave you an extra minute.

COUNCILMEMBERS: No objections.

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CHAIR PALTIN: All right, here we go, recess. We'll come back at 2:45. . . .*(gavel)*. . .

RECESS: 2:34 p.m.

RECONVENE: 2:49 p.m.

CHAIR PALTIN: . . .*(gavel)*. . . Will the DRIP Committee meeting of Monday, October 21st return to order. The time is 2:49.

ITEM 2(10): FIRE PREVENTION (Rule 7(B))

CHAIR PALTIN: And we're proceeding on with our second item, DRIP-2(10), Fire Prevention. And this is, you know, an ongoing discussion of those chronic areas where we have fire. And I scheduled this item and invited State Department of Health because the last time we brought this up, the Fire Department mentioned that they don't have anything in the Fire Code or any way to address abandoned vehicles. And a lot of times, it's abandoned vehicles getting set on fire that, you know, causes larger problems. And so, that's why we scheduled it, and we invited Public Works, Environmental Management, Fire, State DOH. After getting many email complaints from various folks, I reported ourselves and other chronic properties to State DOH Solid and Hazardous Waste Department, and like the very next week or three days later, DEM informed me of their plans to clean up the mile marker 13.5 area. So, I may have jumped the gun by three days there because now it's getting addressed. But at this time, for opening remarks before we open for public testimony, is there any opening remarks from Director Molina?

MR. MOLINA: Hi, Chair. Jordan Molina, Director with Public Works. No comments at this time. Thank you.

CHAIR PALTIN: Thank you. Any opening remarks from Department of Environmental Management Deputy Director Mr. Schmidt...or Deputy Director Schmidt?

MR. SCHMIDT: No comments at this time.

CHAIR PALTIN: Thank you. Any opening remarks from Fire Department?

MR. VENTURA: Thank you, Chair. We're more just here to clarify our processes and answer any questions you folks have. Try to make this place safer, for sure. Mahalo.

CHAIR PALTIN: Thank you. And we also have Glen Haae from Department of Health, who was previously designated a resource person. Any opening comments from the Solid and Hazardous Waste Branch about, I guess, your processes?

MR. HAAE: We can go into any . . .*(inaudible)*. . . if you folks have any questions. But I'm happy to be here to discuss these issues. It is a concern. A couple of years ago we did have a large fire in the Poamoho area due to an illegal chop shop and the vehicles being

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set on fire. And so, it is...it is an issue that should be addressed. And so, happy to here...happy to be here to discuss it.

CHAIR PALTIN: Thank you so much for being here. We really appreciate it. And long time no see. Thanks for coming and visiting with us again.

MR. HAAE: Yes, no problem.

CHAIR PALTIN: Okay. Let's see. That is...oops, sorry. That is all the resources that we have, and those were the opening remarks. So, at this time, if there is anyone wishing to testify on this item...we did have Faith Chase, who said that she had signed up for this item. And I think she heard the spiel the first time, so that's on record. Ms. Chase, are you ready to provide your testimony at this time? If you're still on?

MR. KRUEGER: Chair, Ms. Chase has been unmuted on our end. She'll have to unmute on her end, and then she may begin testifying.

CHAIR PALTIN: Okay. Ms. Chase, it's your opportunity to testify. You've been unmuted on our end, and you will need to unmute on your end in order for us to hear your testimony.

. . . BEGIN PUBLIC TESTIMONY ON DRIP-2(10) . . .

MS. CHASE: Aloha.

CHAIR PALTIN: Aloha. Go ahead.

MS. CHASE: Aloha Chair, Committee. What a great conversation. Thank you. I'm just here to, again, be the broken record and state my support for rotational grazing as fire mitigation. And I can proudly announce that myself and my colleagues received a USDA NRCS grant for \$100,000 to do rotational grazing as a pilot project so that we have the data. It's been done before, but we've never really been able to show that data so that other people will sort have that buy-in or that opt-in. So, I am excited to show the results of that. Of course, we're at the beginning if a one-year program, but there is a component where I scripted in advising this Committee on the progress so that it can be replicatable [sic]. And I have talked to Fire Chief about this before. I know I've mentioned that before, but I just wanted to state it on the public record because as you start to support your ranchers and your farmers, please don't forget about that. I mean, I was raised on a cattle ranch, my dad did rotational grazing. Shane is well aware. On the backside, Kīpahulu, you know, it helped to keep all the growth down, the invasives, and firebreaks, and all that. And so, it's...it remains true, you know, to revitalize our soil, soil remediation, that will help. So, as we find those farmers and ranchers who want to explore and get, you know, micro ag grant funding on all these kind of things, I just to make sure that it's at the top of people's minds to encourage people to use that process. And once that data is captured, like on the . . .(inaudible). . . then maybe it can be applicable. So, just wanted to state that for the record. I know that maybe the

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Fire Chief is gone, but still working on it, and it's...it's getting better every day. Thank you.

CHAIR PALTIN: Thank you. We got some cattle grazing beginning on this side, West Maui as well, so great news. Members, any questions, clarifying questions for the testifier? Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And yeah, congratulations, Faith, on that. I was just...want...this is all grazing--cattle grazing, goat grazing, those types of things?

MS. CHASE: Yes. The pilot project that we started with a couple years ago was actually pua'a, but it's...because of the...because of the wild cattle in Kahikinui, obviously there's some opportunity to do other animals as well. We kind of did our pilot project and we had the data, but it wasn't scientifically recorded, like soil samples before and soil samples after. So, that's why we're going through the formalities because it just...for those people to apply this methodology, it's good to have that examples, and we just didn't have that other...you know, more than the coconut wireless kind of sharing, so...

COUNCILMEMBER SINENCI: Yeah. And...

MS. CHASE: I also think it's going to be more important as we talk about...I know I...I know I was here talking about the landfill expansion and my concerns about that, but you know, Brownfield remediation, there's all these kind of great explorations we can do. And certainly now, with all our new issues, I see them kind of meeting in the middle in the future. So, just wanted to keep everybody informed.

COUNCILMEMBER SINENCI: Okay. Thank you. And I only brought it up because we been getting calls from farmers looking for manure, fertilizer. So, I don't know if it's...it's...they're just looking for either chicken manure, or if...or we can use other, you know, manure for fertilizer. But just...just farmers asking for the use of...of animal manure as fertilizer. There's...I guess there's just a need on the...on the island right now.

MS. CHASE: Yeah, there is. I can't say that this is going to supply that, but certainly the benefits of manure are huge. I mean, you know Uncle Don Heacock in Kaua'i. He literally went to the State to remove the water buffalo as a dangerous animal so he could bring water buffalo back to Hawai'i. So, he has proven the concept. He also got a small grant to do rotational grazing. And his water buffalo definitely are a lot larger animals, but he's been able to prove in one year he can increase the soil by two feet. So --

COUNCILMEMBER SINENCI: Okay.

MS. CHASE: -- it's --

COUNCILMEMBER SINENCI: Thank you for that.

MS. CHASE: -- it's...it works. Yeah, thank you.

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COUNCILMEMBER SINENCI: All right. Thanks for the update. Thank you, Chair.

CHAIR PALTIN: Chair Lee?

COUNCILMEMBER LEE: Thank you. Hi, Faith. As far as cattle and goats, when they graze, do they go down to the roots?

MS. CHASE: That's the beauty about rotational grazing is, once you get them on a cycle, you actually are only giving them the beginning shoots of the grass, which is the yummiest, the wettest, the most beneficial. And you want to make sure that they move away before they start getting...before they start getting down to the roots, certainly. That's where a lot of our ranchers suffer, especially with the lack of rain, drought, grasses, what have you. You can see...I'm sure Upcountry folks, you can see those ranchers on the side of the road cutting weeds and extra grasses to feed their animals, that's what's happening. So, once you get past that compromised land grazing, then it's hard to revive...get it back to that space. So, definitely, the axis deer have been contributors. We...we have seen that as well. But, you know, not everybody can always afford those intern...internal fencing, as you will. So, NRCS being a partner is...huge part of the grant is to educate the ranch owners and homesteaders that if we can do the fencing for you, then you can operate with your rotational grazing better. And so, that's part of it, is to let them --

COUNCILMEMBER LEE: That's good to...

MS. CHASE: -- know what they can do. Yeah.

COUNCILMEMBER LEE: That's good to know. Faith, did you know that tortoises also eat grass? They do that on Molokai.

MS. CHASE: Oh, the...the large land tortoises?

COUNCILMEMBER LEE: That...they do that on Molokai.

MS. CHASE: Oh. Yeah, I have not --

COUNCILMEMBER LEE: Yeah.

MS. CHASE: -- visited.

COUNCILMEMBER LEE: And they just clip the tops, they just clip the tops. They don't go down below. I know this because a rancher...Keani Rawlins-Fernandez told me about that. Thank you.

CHAIR PALTIN: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's true. . . .*(laughing)*. . .

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CHAIR PALTIN: Verifiable. Okay. Thank you, Ms. Chase. I just had one follow-up question. In one of the, I think, watershed workshops I was in many, many years ago, they used cattle as a way to help the watershed, as well as hurt as the watershed. And it was that if it was too much cattle for the land or not rotational, then it comes in to be a liability rather than a benefit. So, you're going to be keeping good statistics on like how many, and how often, and all that?

MS. CHASE: Yes. We...we definitely have to have that recording data for the reports. We have a two-month rotation on the beginning, and then it gets less frequent depending on...or more frequent rotational depending on the weather...depending on the rainfall. So...yeah. And...and balance is...is where it...where it's key, right? Balancing your herd and balancing your feedstock is what is absolutely key. So, those examples, hopefully. We can't afford feed. And then there's a whole other...a whole other component. Like Balthazar and I were talking, you know, they need...when you have to buy feed for your animals, you're...you're usually buying corn that is GMO corn. So, it's not favored by the ranchers, so...the alternatives to feedstock are the long-range plan. So, after you get your soil remediated, then you want to grow your feedstock as well.

CHAIR PALTIN: Okay. Great. Thank you. Any further questions for the testifier, clarifying? Seeing none. Thank you so much for your testimony. I see we have another testifier, Mr. Johann...it looks like. Staff, is that what you see as well?

MR. KRUEGER: Yes, Chair. We...we do have one person signed up to testify in the conference room, and...and then we can . . .(inaudible). . .

CHAIR PALTIN: Oh, okay.

MR. KRUEGER: Should I call the person in the conference room first? They were signed up first, I believe, before . . .(inaudible). . .

CHAIR PALTIN: Oh, yes. Certainly. Thank you.

MR. KRUEGER: So, Chair, the next person signed up to testify has identified themselves as Fire Horse 66, to be followed by Johann.

CHAIR PALTIN: Sounds good. Fire Horse 66, it's your turn to testify.

MR. LAW: Aloha awakea, Luna Ho'omalū Paltin and Ka 'Aha o Ke Kalana o --

CHAIR PALTIN: Aloha.

MR. LAW: -- Maui. And thank you lālā e koho Tom Cook for being here live and in person. Jasee Law, aka Fire Horse 66. I was...so, fire is my kuleana, and I didn't really know what to say on this one, it was kind of hard to decipher the...the agenda. So, I appreciate you, Chair Paltin, for bringing up the...the subject-matter. And I was just concerned with...what came up in my mind was I'm sure that the Parks Department is...one of the

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areas on there is mauka of the Kula Community Center. And those...those wattle trees, it's pretty much all wattles in there, and it was like...so that's not a great loss if you cut them all out of there. But as soon as...right across the post office--and Yuki Lei Sugimura probably noticed this too--the...the...I don't know who owns the land right there on the corner by the intersection, but they clearcut all the trees out of there...well, not all of them, they left some of them big Captain Cook pines in. But it looks like...it looks like hell when they just clearcut everything and just leave stumps in there. So, I'm not sure if it's private property or not, so you can't really tell 'em what...what to do in there. But...so, I'm wondering in the discussion, do we still have an Arborist committee that would...can recommend, you know, plant some 'ōhi'as or whatever indigenous species can...would be the best thing go in there? And also...so, yeah, like I was saying, I was trying to decipher this thing on the...where it says status under DRIP-2(10), abandoned vehicle abatement, sanitary maintenance. That's also my kuleana, maintenance of property. And I'm...I'm looking forward to hearing your discussion on where it says sanitary maintenance of structures and exterior property, and how that relates to the...the fire prevention. So, in conclusion, I...I didn't hear anything from the...I'm assuming that the abandoned metals and sustainability department is...is...is listening to this meeting...Cecile Powell, and her assistant Gary. And I was trying to communicate with those guys before, but I always get stopped in the office by the mean wāhines that...that seem like they don't like...they don't appreciate me stopping by every day in there. And while we're talking about the Kula Community Center, I just wonder if you guys are listening. Can I please get a cardboard dumpster at the Kula Community Center? Thank you.

CHAIR PALTIN: Members, any clarifying questions for our testifier? Seeing none. Thank you so much for your testimony. Moving on to our next testifier. Mr. Johann, it's your turn to testify. And we're ready.

MR. LALL: Aloha. It looks like my camera is not unmuted or something. But anyway, I wanted to testify on this DRIP item too. And I guess you guys are going to discuss fire prevention, including Federal, State, and County laws that regulate fire prevention. And so, I think one thing you should look at is information flow, like between the Fire Department and the other departments, including Planning and Public Works. There was an instance recently that some of you are aware of, Waipuilani Mauka here in Kīhei, where the landowner actually cleared trees. He cut down trees illegally. And this was actually over several years, according to the aerial photos. And recently, like late last year, people started reporting that there's, like, dead tree material that was creating a fire hazard. And so, the Fire Department issued violations, which is really good, but the violations included requiring clearing of a firebreak. And then he ended up using that as an excuse to clear the entire parcel, which in the SMA requires SMA use permits. And this area was also a wetland, so we have a situation where people are actually increasing fire risk. Because he actually did...as he was creating this clear...as he was doing all of this clearing, he was leaving even more trees, and it was...it was also creating dust and all these other issues. Some of us from the community actually filed a lawsuit. And there was a news article where the Fire Department said that they were aware of the SMA permits and all those other permits, but at the same time, the fire inspector was actually going out there and encouraging the landowner to keep working. So, I

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mean, everyone kind of needs to be on the same page, and the Fire Department needs to be aware of all the regulations, the Police Department also, and...and vice versa...and especially when it ends up increasing a risk, and increasing breathing problems for people, and creating trash on the roadway. There's actually still tree stumps along the road where people used to park and they can no longer park, and there haven't been any violations issued for that. So, it's like everything compounds somehow, and we need to have better communication. Mahalo.

CHAIR PALTIN: Thank you, Johann. Members, any clarifying questions for the testifier? Seeing none. I had one question. My understanding is the Fire Code regulates within like 50 feet of a structure, and I don't know that it regulates the cutting of trees. I thought it was grasses taller than 18 inches. Was there a structure within 50 feet of this parcel?

MR. LALL: Yes. On two sides...or actually on one side, there are houses. On one side, there's just a fence and...and that's kind of it. And so, they were ordered to...to do...like, I think the Fire Department said they ordered a 30-foot minimum firebreak --

CHAIR PALTIN: Oh.

MR. LALL: -- which even that, you still need the SMA use permit because you're like removing like large amounts of trees in...in the SMA. It's not the same as grading and grubbing and all that, but you still require a permit. But then he cleared the entire parcel, and it's...it's 7.2 acres, so it's a pretty large area.

CHAIR PALTIN: Okay. I got it. Thank you. Seeing no further questions. Thank you for your testimony.

MR. LALL: Mahalo.

CHAIR PALTIN: Staff, is there anyone else waiting to provide testimony?

MR. KRUEGER: Chair, we currently do not have any other individuals signed up to testify, so we'll do a last call now. If there's anybody else who would like to testify on this item, identify yourself now. On Teams, you can do that by using the raise-hand function. We'll do a countdown...three, two, one. Chair, no one else has identified themselves as wishing to testify.

CHAIR PALTIN: Thank you. Members, without objection, I will now close public testimony and accept written testimony into the record.

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON DRIP-2(10) . . .

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CHAIR PALTIN: Thank you. Before we start questions and whatnot, I was wondering if Mr. Haae could give us an overview of when the State Department of Health would step in on cases of solid and hazardous waste, and...and how that looks like.

MR. HAAE: So, in general, for general solid waste issues, we...we get involved in general if the solid waste is a cubic yard or more...an estimated cubic yard or more. In relation specifically to vehicles, and also white goods, that...there...there has...the unit number has to be 25 or more. So, any time it's 25 or less vehicles, at least waste vehicles, then we would...then our...then essentially, our statutes and rules can come into effect for that. If we get...normally we...we receive complaints regarding these issues. That's the way that we are able to address these. If we get a complaint for abandoned vehicles, and it's unknown as to the number or whether they are actually waste vehicles, we will still send out our inspector go...to go take a look and investigate. But in general, we can't do anything if we determine that there are less than 25 waste vehicles. And to make a distinction between, say, abandoned vehicles and waste vehicles, in general...like because we tend to regulate facilities, say a tow truck company has vehicles that they bring onto their lot, a lot of those vehicles are not waste vehicles. They...you know, they were just towed for various reasons, parking violations or things like that. Unless those vehicles total...unless waste vehicles out of that...out of those vehicles total 25, we do not enforce any of our regs for that purpose either. And so, it tends to be larger properties, vacant properties that we hear about that we go out to investigate. A lot of times it's an agency, it's their property. They may be leasing the property out to someone, and that tenant is accepting, for example, abandoned vehicles or waste vehicles onto their property. And we'll either find out about it through a concerned citizen, or sometimes the agency themselves might contact us to let us know since we do have authority in those areas, and then we'll go out and investigate. So, those are the only times we'll...we'll go take a look. We're kind of limited when it comes to certain situations. So, if there's a criminal activity occurring, we...we cannot do anything until that criminal activity is addressed. So, we didn't hear about it at the time, but there was that...that...essentially an illegal chop shop operation occurring in the Poamoho. Vehicles that we...were allegedly being stolen and brought to that location and then, you know, parts and stuff taken out. If we had heard about...you know, if somebody had complained and we investigated at that time, we wouldn't be able to do much. I think the owner of the property was a...was a State agency, so the most we could do is alert them to the issue, and then potentially contact, you know, law enforcement, as well as the...the owner to try to address the issue before we could do anything. Our role in general is to, you know, clean up properties, or have them cleaned up and remediate. And so, that's our goal for any of these situations. So, that's what we try to...try to accomplish. A lot times, as Deputy Corp. Counsel Hopper had said in that first item, unfortunately, there are a lot of illegal dumpings occurring onto landowners' property. It's hard to track down who those illegal dumpers are, and so it tends to become the owner's responsibility, the landowner's responsibility, to do the cleanup. And in a lot of cases, that's what happened. In that case in Poamoho, there was this illegal operation going on. It was a tenant allowing this to occur. The State agency, for whatever reason, wasn't able to...to address the issue. And then a fire occurred, a very large fire that burned multiple acres and hundreds of vehicles that were on the property. And essentially, we came in, and it became the...that State agency's

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responsibility to clean up that property, remove all those vehicles, and then remediate the...the property. Yeah. And so, that's, in general, what our role would be, yeah, to...to address any of those issues.

CHAIR PALTIN: Thank you so much. I have so many clarifying questions, but I will wait my turn and open it up to the Members first. Committee Vice-Chair U'u-Hodgins? And we'll go as much rounds as we can until our time is up or until questions are exhausted. Committee Vice-Chair U'u-Hodgins, for your opportunity...three minutes.

VICE-CHAIR U'U-HODGINS: Thank you. The first thing I'm going to say is I realize what I'm about to say we really don't have any control over, but in talking to Police and talking to--even Marvin Moniz, when I was talking to him about the abandoned cars at the airport--a lot of the issue stems from our mail-in system when we sell cars. So, previously, you would go into the DMV, I would sign it over to you, Chair, let's say you're buying my car, and we would both sign for responsibility in front of someone. Now, let's say I sell you my car, I send in my paperwork, you don't send in your paperwork, and then nobody knows who owns the car. And we have a lot of those. Apparently, we have some--see, even Kingy Poo agrees--we have some collective bad actors that people are well aware of. And so, I'm hoping we can make that change on the State side, and we can prevent abandon...abandonment of the cars to begin with in those situations. My question is, though, for Mr. Haae. When you talk about remediation on the land, let's say mile marker 13 is in an SMA area, or Holomua Road is in an SMA area, and I think on Holomua Road, maybe there's 100 cars removed in the last year or so. How do we clean up the toxic spill that comes with a abandoned vehicle when there's gas and oil leaking so close to the ocean? . . .*(inaudible)*. . .

MR. HAAE: So, for us, if we're involved in it--and I think we have another branch, that's the Hazard Evaluation Emergency Response Branch, that also addresses site remediation--we will tend to ask the--and in the case of Puumoho this was true--we asked the landowner at the time when they were clean...after they had removed all the solid waste...for a sampling and analysis plan to determine what contaminants might have, you know, come from any of the vehicles. And in their case, also from any of the burning material that was there. And then we have our technical guidance manual that needs to be followed for, you know, developing that sampling and analysis plan, and how to address what needs to be sampled, and what contaminants need to be sampled. And there's also what we call our environmental action levels that...for each contaminant, there's a specific number that...that has to meet to be able to be considered a clean site, what we call an unrestricted site. So, if we're involved, that's what tends to happen for the remediation of the site, we bring it back . . .*(timer sounds)*. . . down to unrestricted levels.

VICE-CHAIR U'U-HODGINS: Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you. Going in reverse order this time. Member Sinenci, for your opportunity?

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COUNCILMEMBER SINENCI: Mahalo, Chair. I just had a question for Deputy Schmidt. If...I was just curious, do we still have the abandoned vehicle program that is running, where people...you can still go ahead and tow one vehicle per...per family per year?

MR. SCHMIDT: Yes. Thank you for the question. We do still have that program, and I actually believe it's...it's two vehicles per year.

COUNCILMEMBER SINENCI: Two vehicles, yeah.

MR. SCHMIDT: That is very much active and...and working, yeah.

COUNCILMEMBER SINENCI: Okay. Yeah. And I do understand that although, you know, a lot of these dumping that's going on, you won't...you won't tow some of these because I believe you need the paperwork, or your...your registration fees prior to...to towing them. So, if...if the Police are marking it as...as total for...for towing, the Department can still go ahead and do that if the Police puts a tow sticker on them?

MR. SCHMIDT: Yes. What triggers our...our activity, or what triggers our tow is...is having a police report that it is an abandoned vehicle. And so, I'm not sure what criteria they use to determine that, but yeah, once we receive the report, then we typically tow within a couple of days unless it's in a difficult area.

COUNCILMEMBER SINENCI: Yeah. I think for...for that program, it requires the Police to go ahead and...and cite it, and mark it as an abandoned vehicle, yeah.

MR. SCHMIDT: Correct.

COUNCILMEMBER SINENCI: Okay. All right. Thank you. I was just checking. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. Member Cook, your opportunity?

COUNCILMEMBER COOK: Thank you, Chair. For Mr. Haae, the Department of Health, how does it come into play with the unsheltered, where there's large quantities of storage stuff, and vehicle that is not registered, not roadworthy, and sort of...that...that kind of situation? Does the Department of Health come into play with that at all?

MR. HAAE: For us, that's similar to criminal activity. You know, if there's squatters or an unsheltered in an area that there's solid waste, we're limited in...in terms of what we can do. We'll tend to, again, investigate, determine what we can, and then turn to the landowner to address the issue. Before we can address any specific solid waste issues, that squatter or unsheltered issue has to be addressed first before we can do anything. And then a lot of times, something to keep in mind is, again, until an item is considered waste, our rules don't come into effect. So, if...if someone's property is there, and we may view it as sort of waste material, or unsightly, or whatever, we don't consider it that. We consider it that person's property, and so we won't act on it, essentially. But yeah, if there's...if there's a lot of, for example, vehicles on site, we don't necessarily deal

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with whether it's registered or not. For us, it's...is...yeah, is it...is it considered a waste vehicle? So, is it inoperable, or is it not...not roadworthy? That...that type of thing, we would then consider it a waste vehicle. But again, if someone's using it for shelter or something like that, that's an issue that has to be resolved before we can do anything.

COUNCILMEMBER COOK: So, if it's on public road, public sidewalk, that's...County issue?

MR. HAAE: It becomes a County...yeah. We would contact the County to address it.

COUNCILMEMBER COOK: Okay. That's it. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Rawlins-Fernandez, for your opportunity?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. The question is for the Fire Department. I was reviewing the transmittal dated September 10th on Granicus, and question 1.C. asks about the usage of the Air One helicopter during fire rescue operations. And it looks like it was deployed to Molokai three times in 2024. Do you like specifically notate like where on Molokai? Because like the other places on Maui it's specific, and Molokai is a whole island.

MR. VENTURA: Thank you for the question. We pulled those statistics from our helicopter company. We could refine it if you wanted to. I'll look into it, and we'll send those fire locations to you for the Molokai Island.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. That's all.

CHAIR PALTIN: Thank you. Next up, we have Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. So, kind of similar to Member Cook, the...Naomi Crozier from the Mayor's Office with the homeless group is looking for a safe parking area, and this is kind of making me think about how would Department of Health, Glenn Haae, tie into that, or have concerns, or do we need to get his approval with Department of Health for a safe parking area for homeless?

MR. HAAE: I'm sorry. Can you repeat the question?

COUNCILMEMBER SUGIMURA: So, the County of Maui has looked at, budget-wise, and did not secure a place for safe parking for homeless. And your requirement for 25 vehicles or more, I'm just wondering if you would have concerns about homeless, you know, vehicles. It wouldn't be encampment at that point, but it would be a gathering of cars. I don't know how many, you know, there would be, but to gather that, does Department of Health tie into it in any way in terms of any permitting or requirements if we look into this?

MR. HAAE: If the vehicles are operating, again, we wouldn't consider them waste vehicles. If they're being collected there as shelter, I guess it's a gray area, you know. I don't know whether we would permit it or not, necessarily. We would probably have to take a look

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at it. It would probably be something on a case-by-case basis we would need to...need to discuss with you folks. And we do have an exemption for minor...you know, issues that pose minor environmental risks, which might be the case here, but it will be something we need to discuss more.

COUNCILMEMBER SUGIMURA: Okay. Thank you. Thank you very much.

CHAIR PALTIN: Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, I have a situation I'd like to talk about that...and I'm not sure who to address this to, but on the...on Pi'ihana Road, there is the...the...the part of Pi'ihana that has the...the Haleki'i-Pihana Heiau, and just below that, there's a lot of encampments pretty much on the bank of the river. And the concern for the neighbors on the other side, on the Paukūkalo Hawaiian Homestead side, is the potential for fire that has been happening out there time and time again. At least last month, they had it, I think, three times...three fires out there. And the community is concerned that on the Pi'ihana side, that the landowner on that side is not taking care of his land, and if anything, he's allowing the homeless to be able to encamp, and then I heard from people that he's actually charging the homeless rent to stay there. So, in terms of they not having any kind of showers, or toilet facilities, or anything like that, and that means I'm not sure what they're doing, but it's right there on the river, right on the riverbed. So, in a situation like that, what can the Department of Health do? What can the County do to...to be able to mitigate the issues of fire, and also the contamination into the river itself?

MR. HAAE: You know, sorry, but that's...some of those questions...or some of those topics are not within my jurisdiction, I guess.

COUNCILMEMBER KAMA: Okay.

MR. HAAE: They're probably other branches might be able to address that better. So, I could probably pass that information along and have them contact you folks --

COUNCILMEMBER KAMA: Oh, yes. That'd be nice.

MR. HAAE: -- to discuss it. Because there are issues like with...our Clean Water Branch regulates any waste that can go into any surface water, so it being near the bank of the river, that could be an issue that they could potentially address under their regulations. And maybe the Wastewater Branch might be able to...to address it, although they tend to do more, I guess, large-scale type wastewater operations rather than, you know, smaller violations, I guess. But I could refer it to some of our other branches, see if they have any jurisdiction over any of that. But for us . . . *(timer sounds)*. . . at the Solid Waste section, again, unless...unless there's waste identified, like specifically waste being identified that's there, we can potentially address it. We...it would be something we could take a look at. But if there are homeless there, and if the owner is not cooperative to let us onto the property to take a look and investigate, it might be hard to, again, say

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that there's waste there that...that needs to be addressed. But we'll...we'll be glad to investigate if that's the case.

COUNCILMEMBER KAMA: Okay. Thank you.

MR. HAAE: I believe...I believe if that's one of the complaints that came in recently, our...our investigator is going out this Friday to take a look at a couple of sites, so...

COUNCILMEMBER KAMA: Okay.

MR. HAAE: Yeah.

COUNCILMEMBER KAMA: He could add that, too?

MR. HAAE: He can, yeah, if it's not on there.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. That address is one of the sites that I put in a complaint to the Solid and Hazardous Waste Branch about. I mentioned that there may be violations of the clean water because of the stream, and that maybe also violations of the clean air because when the cars burn, I'm getting complaints of that toxic smell throughout Wailuku, so it could be also a clean air one, but I'm not sure how they go about it. Chair Lee? Your opportunity.

COUNCILMEMBER LEE: Thank...yeah. Thank you for...for bringing this up. Because as Pro Tem Kama mentioned, the people in Wailuku are at their wit's end already. This problem is so horrible. Mr. Haae, why do you choose 25 for vehicles as a...as a minimum to address and remove?

MR. HAAE: That is a good question. I have no idea.

COUNCILMEMBER LEE: No idea. Okay.

MR. HAAE: Yeah.

COUNCILMEMBER LEE: Second question...

MR. HAAE: That rule has been in place since the '90s, and it's way before our time.

COUNCILMEMBER LEE: Oh, okay. Maybe time to change the rule, yeah? Especially for Maui. We have less people.

MR. HAAE: I mean, you know, in some cases, even though we have 25 in our rule--and again, it may be to address towing companies and things like that that might do both waste vehicles and towed vehicles because that tends to be our authority is regulating permitted facilities--the counties have also, in some cases, lowered that...that amount --

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COUNCILMEMBER LEE: Oh, okay. Thank you very much.

MR. HAAE: -- under their ordinances.

COUNCILMEMBER LEE: Okay. Thanks. Okay. That's...okay. Everybody take a note. We can lower that amount. Mr. Haae, so, who actually removes the vehicles, and where do they dispose of them?

MR. HAAE: So, any vehicles that...so, in general, like I had mentioned earlier, it tends to be the owner, owner's responsibility, to...to clean the property in a lot of these cases. And so, they'll contract with a towing company to remove the vehicles from their site.

COUNCILMEMBER LEE: Okay. So, you don't have...

MR. HAAE: Any of that waste...

COUNCILMEMBER LEE: You don't have an enforcement arm?

MR. HAAE: We don't. Ourselves, we don't. Our...our enforcement is to...

COUNCILMEMBER LEE: DLNR?

MR. HAAE: No. Yeah. We don't...not that I know of. So, we don't implement any of the cleanups ourselves. We don't have that capability. It's not part of our resources. Our...what we do is tend to find the responsible party to clean up the site. And so, it's --

COUNCILMEMBER LEE: Okay.

MR. HAAE: -- tend...if...if we can determine who the illegal dumper is, it would be that person or those parties. If not, it tends, like I said, to be the landowner --

COUNCILMEMBER LEE: Okay.

MR. HAAE: -- that needs to clean the site.

COUNCILMEMBER LEE: So, you said you have somebody coming up to Maui to inspect these properties where you've had the complaints?

MR. HAAE: Yes.

COUNCILMEMBER LEE: And so, Pi'ihana is one of them?

MR. HAAE: I believe so. If that was one of the complaints, then yeah.

COUNCILMEMBER LEE: Okay.

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MR. HAAE: They were going to investigate that site.

COUNCILMEMBER LEE: And then, I don't know, any...any places in Pā'ia? Did you...Holomua Road?

CHAIR PALTIN: I didn't complain about Pā'ia, but the Fire Department was going to accompany their inspector when they fly to Maui. So, I did open it up to Chief Ventura, you know, if he has . . .*(timer sounds)*. . . any other areas that were problematic in his brain. And so, if Chief Ventura wanted to comment under your time frame...or under your time limit.

MR. VENTURA: Thank you. Just a quick comment. Yeah. On Friday is when Department of Health is headed out to Maui to meet with Inspector Hong, who's here with me today. And Pi'ihana Farms is the primary visit.

COUNCILMEMBER LEE: Very good.

MR. VENTURA: We can determine if we want to do 13.5 or not. Now it sounds like we probably don't have to, which might have created some time for us to look at other locations if we don't have to go to 13.5.

COUNCILMEMBER LEE: Very good. Thank you.

CHAIR PALTIN: You're welcome, Chair Lee. For my opportunity, Mr. Haae, thank you so much. I was wondering on that 25, is that per lot regardless of the size of the lot...25 vehicles?

MR. HAAE: Yeah, essentially.

CHAIR PALTIN: Okay. And then...

MR. HAAE: It's...it's per site, essentially. Yeah.

CHAIR PALTIN: Okay. And then the next question was, you know, in your reference to towing companies, like my understanding is that they would need to operate on specifically-zoned land...like you can't open a towing company on agricultural land. So, I...I don't understand the 25 per lot on agricultural land situation because most of these are occurring on agricultural lands. And it's my understanding--and Corp. Counsel can correct me--you can't run a towing company or a junkyard on agricultural lands unless you have like a State and a conditional permit or something. Like you need to operate that maybe industrial or business or something else.

MR. HAAE: Yeah, we don't make...so, we're not in charge of any zoning or any of the zoning requirements, essentially. So, we address all facilities sort of equally. So, regardless of what the site is, whether it's an actual commercial operation, whether it's a private, you know, landowner on agricultural land, a farmer or whatever, regardless sort of...of whatever that...however that land is zoned or operated, the 25 waste vehicles applies to

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that property. And so, it's sort of like just sort of a catch-all in our rules. You know, we don't make a distinction to separate items, any type of zoning out with that.

CHAIR PALTIN: Okay. I guess that would bring to our Corp. Counsel. Mr. Hopper, is it something that the County could say, like, you know, we don't want more than five nonworking vehicles on one acre of ag land, or something like that? Is that something that we could do and make a part of the Fire Code or something?

MR. HOPPER: Well, I mean, I think placement...I think as you acknowledged, Chair, placement of that many vehicles, I think, would probably be considered a...a illegal use. You know, I think that storage, as far as a zoning violation. I mean, if that's considered a fire risk, and you also wanted to make it a fire violation, I guess we could explore that. If...if Fire...I'm not as well-versed in fire issues as I am with Planning and Zoning, but I guess if the Fire Department can show that having that many abandoned vehicles there is a fire hazard, then I suppose you could look at amending the Fire Code. But as you...as I think you acknowledged, I think you're correct, that that many vehicles on...on ag land may be considered an illegal use.

CHAIR PALTIN: Oh, maybe we go it from zoning...from a zoning standpoint more so.

MR. HOPPER: And I don't want to quote Planning on that, but to me, it...to me that seems like you're operating sort of a junkyard, or something like that.

CHAIR PALTIN: On...on ag land.

MR. HOPPER: Right.

CHAIR PALTIN: Okay. So, maybe we should try and look at developing guidelines for how many abandoned vehicles there are, or nonworking vehicles on ag land or something like that per square footage or something. There's nothing in the County Code at this time, right?

MR. HOPPER: Well, I suppose there wouldn't be a definition of...well, maybe there is. We could check to see if there's a definition of junkyard. But, I mean, that many vehicles there, I'm not sure if Planning has guidelines on how much is considered, you know, to be where you're doing a different use. But yeah, if you wanted...if there's something Fire can, I guess, think of. . . .*(timer sounds)*. . . And I don't want to speak for them because they'd have enforcement issues too. But I guess it's potentially possible that if that's...that's seen as a fire hazard, that it could be, you know, a potential...potential Code violation. But again, that's...you have to determine that that's a fire hazard in...in some way.

CHAIR PALTIN: Okay. Chief, do you have any comments in response to Mr. Hopper's things that he was saying? Like, could it be a fire violation, or is it better as a zoning violation, or both?

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MR. VENTURA: So, I think when you...from the fire prevention point of view, abandoned vehicles or junkyards are generally not an issue if properly managed. It's the people. The cars aren't starting on fire by themselves. It's the people that are there that are starting the fires. However, there was...Council had some good ideas in our offline conversations about if there's more than X amount of car fires in a year, or in a period of time, maybe then we can enforce, you know, better maintenance of the property. But as of now, Mr. Hopper is...is kind of in line with what we're saying, that abandoned vehicles on your property are not a Fire Code violation unless we write it into the Fire Code. But then somebody Upcountry with two acres and ten cars that one day he wants to rebuild, is that a junkyard? We just don't know how to define the two.

CHAIR PALTIN: Okay. So, just to clarify--I'm going a little over into my personal second round--maybe we need to define junkyarding in our Code in...and zone...where it could occur in zones. And then as you update the Fire Code, would it be possible to include that a certain number of car fires in a certain amount of time is a violation of the Fire Code, and thus keep abandoned vehicles to a lesser number on those parcels?

MR. VENTURA: If that's something Corp. Counsel thinks that we can navigate, then we can definitely have a discussion about it. I don't know where the numbers would land. But the problem that we have up in Pi'ihana Farms and stuff is evident, and we want to reduce that as much as possible.

CHAIR PALTIN: Okay. I mean, I guess maybe looking at the chronic fire areas and work backwards from there, like how many cars there are, how many fires there are, how many acres and what the zoning is, and see like, you know, how often the fires occur, and...and turn that into a Fire Code violation working backwards?

MR. VENTURA: Yeah, I think there's a formula to get there. More discussion maybe on it. But when we come before you guys with the Fire Code, hopefully we can have some offline conversations prior to us getting to this forum.

CHAIR PALTIN: Okay. Perfect. Yeah, and you know my digits, so don't be afraid to reach out. In terms of junkyarding, Mr. Schmidt, is there any oversight from your guys' Department on a junkyard, legal or otherwise? Or is it mostly Planning, or some other department?

MR. SCHMIDT: Yeah, that would be outside of our jurisdiction. As stated previously, we're basically only active on public right-of-ways [sic] or public lands.

CHAIR PALTIN: Shoot. I remember the first year that I was on the Council, we cited somebody on Lāna'i for having so many abandoned vehicles. It was determined to be illegal junkyarding, and they ended up having to sell the property to come into compliance with their fines. I might have to go back and see how that came about. It was a residential property, not an agricultural property, if I remember correctly. But maybe if we can revisit that, and...and make it apply to these types of situations where we're having chronic issues. Just thinking out loud. I guess to that, I didn't invite the Planning Department also to inquire about what Mr. Johann said. . . .(timer sounds). . .

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And that's my second time up. Okay. Going back around, second round. Members, by hand-raise? Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. I was just curious...for Mr. Haae, just some of the other sites that he might be visiting on Friday, if that's possible.

CHAIR PALTIN: For me, I listed a lot of TMK in the mile marker 13.5 area, as well as Pi'ihana Farms, just due to the volume of complaints that we received. But I did open it up to Fire Chief if he had other areas. And then we got word that mile marker 13.5 is being addressed with the whole Ola 'Āina program, and they're starting it this week. And so, it seems as though possibly that we wouldn't need to have the Department of Health come to that property because it is being addressed. And if it is being addressed, I would hate to have us fined right when we're doing the right thing, you know, because I've been talking about this for five years. And so, you know, sometimes it takes a few terms to GSD, as our good friend Commissioner Gore would say, but that's all that I'm aware of. Maybe you could ask the Fire Chief if he has any other locations, since mile marker 13.5 is not necessary anymore.

COUNCILMEMBER SINENCI: Okay. Chief Ventura?

MR. VENTURA: Yeah. I think we have about a week before Department of Health comes. So, we're going to look at some other areas. And I'll have Inspector Hong discuss, prior to his arrival, the inspector from Honolulu, to make sure he has enough time to go over a few other places if we can identify them.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR PALTIN: I see Committee Vice-Chair U'u-Hodgins' hand was raised.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. This is for Fire. So, I know in the last item, you were talking about how your revisions are with Corp. Counsel, and we should expect them by the end of the year. But did you say something about a State timeline and deadline that we needed to meet?

MR. VENTURA: Yes. Thank you. The Fire Code needs to be adopted by January. So, that's why we got all of our amendments done and moved up the chain right now.

VICE-CHAIR U'U-HODGINS: Okay. And then I hope they're adopted by January. And what happened...like January 31st, January 1st? Like when...when do they have to be adopted by?

MR. VENTURA: I can double check with State Fire Council on that to find out the exact date. And if...if they're not adopted, then we'll...we'll be going with what the State adopted. So, we want to make sure--and every county does this--we put our County amendments into the Fire Code. Because...for example, some counties amend out much of the Fire Code because they can't enforce it. They don't have enough staffing. We don't do that here.

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VICE-CHAIR U‘U-HODGINS: Okay. Okay. That’s it. Thank you so much. Thanks, Chair.

CHAIR PALTIN: Sure. Members, it’s by hand-raise. So, if anyone has a follow-up question?
Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to clarify for the record that when the County was exploring, and was close to the idea of having a safe zone for parking, it did require that the vehicle run. So, it wasn’t going to be abandoned vehicles. It was going to be nighttime park, daytime, you know, the cars would...would exit the parking lot. And that was something that Chair Lee, you know, helped us to secure, almost. I just wanted to clarify for the record. And then if anyone wanted more information on tortoise ranching, let me know. I have information on that.
...*(laughing)*... But they do clip the tops and keep the grass short. Mahalo, Chair.

CHAIR PALTIN: I might be interested. Then I won’t have to listen to my husband weeding and lawnmower. Which he just finished, so I can take my earphones out.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. They’re very quiet. They don’t bark.
...*(laughing)*... They don’t make any noises.

CHAIR PALTIN: And then they do they fertilize as they go?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, they do. And I wanted to thank Chief Ventura for sending the information on the specific locations on Molokai that had the response from Air One helicopter.

CHAIR PALTIN: Okay. Cool. Any other further hand-raises? I did have a third round for myself. Okay. Chief Ventura, the...the time frame that you were referring to, following up on Committee Vice-Chair U‘u-Hodgins, if there are further amendments beyond January, are we not able to amend the Fire Code beyond then?

MR. VENTURA: Corporation Counsel can correct me if I’m wrong, but we are able to. And I’m pretty sure we’ve amended the Fire Code mid-term in the past.

CHAIR PALTIN: Oh, okay. Oh, Mr. Hopper?

MR. HOPPER: Yes, Chair. That...that’s...that’s correct. The State Code would become adopted. I think one of the issues mentioned was that that Code has some...some gaps dealing with...dealing with permitting that the...that...that the County wanted to...to clear up. So, there might be sort of a mini version as a stopgap if there’s a problem between now and...and then. But yes, it’s...the State Code would become effective up until the time the County would adopt its amendments, which could then supersede the Code amendments. So, I think the effort is going to be to get it to the Council as soon as possible. But that’s generally what happens with State codes if they’re not adopted within that time frame.

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CHAIR PALTIN: So...so, the importance of us following that January time frame is that that will update the State Fire Code or...oh, okay. And then any mid-amendments would only update our County Fire Code. Is that how that works?

MR. HOPPER: Well, it's...I think it's a little strange. The State...the State, I think, adopts the...the...the Uniform Code, and puts its own amendments on that code. And then it says within a certain time frame after that, that that will become effective Statewide unless the counties adopt their own amendments to the Code. And so, the County has a deadline to do that. If it doesn't, the Uniform Code, as amended by the State, becomes...becomes the law. And then the County can still adopt amendments to the State Code, which is...the State Code are basically amendments to the Uniform Code. So, we're sort of making amendments to the amendments. The County's done this before with other Fire Codes. It's done this before with...previously with Building Codes, Plumbing Codes, Electrical Codes. So, the process...this is similar to that process, as I understand it.

CHAIR PALTIN: Okay. And then Chief, just to clarify, that that first amendment with the time frame, usually in other jurisdictions, it's to weaken it, but we don't weaken it, we usually strengthen it. And so, then strengthening it beyond the time frame is okay as well. But we wouldn't be able to weaken it beyond the time frame; is that --

MR. VENTURA: Yeah --

CHAIR PALTIN: -- correct?

MR. VENTURA: -- that's...that's accurate. I would say Corporation Counsel and Maui Fire Department have literally spent hundreds of manpower hours to write all of our amendments. And what we've done is, we've tried to make things very clear to the public so that when they read the Fire Code, everybody knows what the expectation is. There's a lot less to decipher in reading something or interpret if you leave it general, so we made things pretty specific. We also increased our Fire Code for brush abatement and vegetation management, not only 30 feet, but up to 100 feet. So, we did go stricter than what we've done in the past. And then there's a lot of procedures that we put in there on how the notice of warning/notice the violation is going to work. So, everybody knows what to expect if they get a letter from the Department as to what the next steps are.

CHAIR PALTIN: Okay. Thank you. And then to clarify, I guess, about the testifier, if it's 100 feet of firebreak, and it's in the SMA, and they're given like 30 days or 60 days, but they also need to get an SMA permit, how does that mesh?

MR. VENTURA: So, part of our notice of warning or violation tells them to follow all requirements of...by law. We're going to be more clear with that in the future so that we don't have that same issue that happened in Waipuilani. We've definitely told them at the Waipuilani area to only mitigate the edges of their property. What they went into the middle and did was not by our direction, and correct, they did not get the appropriate permits to do any of that work. So, what we plan to do is make sure that they have the ability...that they're working on it. We will give grace as long as they can show us that

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they are working towards. They apply for the SMA, they have a contractor lined up, then we will give them some grace outside of that 30 days because we all know permitting takes some time.

CHAIR PALTIN: Okay. Okay. That makes sense. So, if they like have a date scheduled with Planning to get on the Planning Commission agenda to get the SMA permit, and they're just waiting for that--maybe it's canceled, no quorum--you're not going to issue a violation because they're making their best efforts to comply with all the laws...not just the Fire Code, but also the SMA and...and so on and so forth?

MR. VENTURA: Yeah, that is correct. And there's...there's even some room...Public Works has a process to...not negotiate, but make the fines reasonable for what the violation was. So, if we're charging somebody up to \$2,500 a day, and it's several months down the road, but then they abate the problem and they come up with a plan to maintain that Fire Code violation, there is room to negotiate the fine to a fairer amount. So, that is a potential.

CHAIR PALTIN: Like...like a formula.

MR. VENTURA: Yeah, we want to come up with some clear direction as best as we can, rather than how somebody feels.

CHAIR PALTIN: Okay. Yeah, I...I like that, so that it can be replicated and people don't feel like they're being targeted, or somebody's friend like made out, or whatever...like you can point to a formula, like hey, I followed the formula, I'm not...I'm not friends with this guy or related or anything.

MR. VENTURA: Yeah. I like that.

CHAIR PALTIN: Perfect. Okay. That satisfies my third opportunity. Does anyone have need for a third opportunity? No? Okay. We might have talked this horse to death for this time around. Thank you so much, especially to our special guest from the State, Mr. Haae, for spending the afternoon with us. You cleared up a lot of our concerns, and we look forward to your inspector coming to Maui on Friday and spending some time with the Fire Department. We're super excited for that. Hopefully some issues get resolved, or some ideas come forth about, you know, abandoned vehicles, chronic fires, square footage, and whatnot. And I'm glad we were able to pass one legislation out today. So, then, Members, if there are no objections, the Chair will defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

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CHAIR PALTIN: Thank you. The time is now 4:01 p.m., and this meeting is adjourned.
...*(gavel)*...

ADJOURN: 4:01 p.m.

APPROVED:



TAMARA PALTIN, Chair
Disaster, Resilience, International Affairs,
and Planning Committee

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Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 45 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 15th day of November 2024, in Wailuku, Hawai'i

A handwritten signature in cursive script, reading "Daniel Schoenbeck", is positioned above a horizontal line.

Daniel Schoenbeck