

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

March 6, 2023

Online Via BlueJeans

CONVENE: 1:31 p.m.

PRESENT: Councilmember Tom Cook, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member (Out at 4:02 p.m.)
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (In at 1:39 p.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Nohelani U‘u-Hodgins, Member (In at 3:14 p.m.)

STAFF: Paige Greco, Legislative Analyst
Ana Lillis, Legislative Analyst
Jarret Pascual, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
Richard Mitchell, Legislative Attorney
David Raatz, Deputy Director
Maria Leon, Committee Secretary
Stacey Vinoray, Committee Secretary
Lenora Dineen, Council Services Assistant Clerk
Richelle Kawasaki, Legislative Attorney
Kasie Apo Takayama, Senior Committee Analyst
Ellen McKinley, Legislative Analyst
Nālani Fujihara, Hawaiian Language Communications Specialist

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

Jared Agtunong, Executive Assistant to Councilmember Cook
Stacy Takahashi, Executive Assistant to Councilmember Cook
Kate Griffiths, Executive Assistant to Councilmember Johnson
Axel Beers, Executive Assistant to Councilmember Johnson
Evan Dust, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Kama
Michele McLean, Executive Assistant to Councilmember Lee
Braedon Wilkerson, Executive Assistant to Councilmember Rawlins-Fernandez
Sarah Sexton, Executive Assistant to Councilmember Rawlins-Fernandez

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Noelani Ahia, Executive Assistant to Councilmember Rawlins-Fernandez
Gina Young, Executive Assistant to Councilmember Sinenci
Dawn Lono, Executive Assistant to Councilmember Sinenci
Don Atay, Executive Assistant to Councilmember Sinenci
Jordan Helle, Executive Assistant to Councilmember Sugimura
Laura McDowell, Executive Assistant to Councilmember U‘u-Hodgins
Susan Clements, Executive Assistant to Councilmember U‘u-Hodgins

ADMIN.: Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Jordan Molina, Acting Director, Department of Public Works
Jarvis Chun, Supervising Land Use and Building Plans Examiner, Department of Public Works
Shayne Agawa, Acting Director, Department of Environmental Management

OTHERS: JC Lau (WAI-1(1))
Robin Knox (WAI-1(1))

(3) additional attendees

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

CHAIR COOK: . . .*(gavel)*. . . Good afternoon. Will the Water and Infrastructure Committee come to order at 1:31 p.m., March 6th. And I ask that all the participants please silence cell phones and other noise-making devices. For those who are testifying on BlueJeans, please mute your mic until called on. I am your Chair, Tom Cook. Members, in accordance with the Sunshine Law, please identify by name if anyone is in the room, vehicle, or workspace with you today. Minors need not be identified. Now, I'd like to introduce the Committee...Committee Members. Vice-Chair Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Good afternoon, Chair, and I look forward to this meeting.

CHAIR COOK: Thank you. Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good afternoon, Chair. I am alone in my office on Lāna‘i. There are no testifiers at the Lāna‘i District Office. I'm here and ready to work. Looking forward to your first meeting as Chair, Council...

CHAIR COOK: Thank you, sir.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR COOK: Councilmember Tasha Kama.

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COUNCILMEMBER KAMA: Aloha ‘auinalā, Chair. I’m looking forward to having an exceptional meeting today.

CHAIR COOK: Great. Council Chair Alice Lee.

COUNCILMEMBER LEE: Konnichiwa, Chair, and aloha to you in person today. I’m spending the second half of my day with every...my colleagues, so I have lots of people in the Chamber. Thank you.

CHAIR COOK: Yeah. Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha ‘auinalā kākou, live and direct from the Council Chambers. We don’t have any testifiers at the Lāhainā District Office. Thank you.

CHAIR COOK: Councilmember Keani Rawlins-Fernandez.

MS. GRECO: Chair, we do not see Councilmember Rawlins-Fernandez logged in, so at this time we would consider her excused.

CHAIR COOK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Hey, aloha ‘auinalā, Chair Cook. Happy to be here for your first WAI Committee, and it looks like there are no testifiers at the Hāna District Office.

CHAIR COOK: Councilmember Nohelani U’u-Hodgins. She’s excused. Okay, representing the Department of Environmental Management, I would like to welcome Acting Director Shayne Agawa.

MS. GRECO: Chair, I do not believe that Director Agawa is logged in at this time, but we’ll let you know when he comes on.

CHAIR COOK: Representing Public Works, Acting Director Jordan Molina.

MR. MOLINA: Good afternoon, Chair.

CHAIR COOK: Developmental Service Administrator Wayne Shimabukuro. Engineering Program Manager Chico Rabara. From Corporation Counsel, we have Deputy Corporation Counsel Caleb Rowe and Deputy Corporation Counsel Michael Hopper.

MR. ROWE: Good afternoon, Chair.

CHAIR COOK: Thank you. From OC...Committee Staff, Committee Analyst Paige Greco.

MS. GRECO: Good morning, Chair. Good morning, Members.

CHAIR COOK: Ana Lillis, and Jarret Pascual.

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MS. LILLIS: Good morning, Chair. Good morning, Members.

CHAIR COOK: Committee Secretary Maria Leon.

MS. LEON: Good afternoon, Chair and Members.

CHAIR COOK: Legislative Attorney Remi Mitchell.

MR. MITCHELL: Good afternoon, Chair and Members.

CHAIR COOK: Council Services Assistant Clerks Jean Pokipala and Lei Dinneen. On today's agenda, we have three items, WAI-3, WAI-1(2), WAI-1(1). The first item, WAI-3, contains two time-sensitive bills relating to the building code. These bills must be passed by the Council by April 20th, 2023, or the State building code will take effect. The second and third items on the agenda, WAI-1(2) and WAI-1(1), are presentations on the six-year capital improvement projects under the Department of Public Works and Environmental Management respectively, in preparation for the Fiscal Year 2024 budget. Let's begin with public testimony. For the first agenda item, testimony will be taken prior to the item. For the second and third items, testimony will be taken after the presentations. Oral testimony via phone or video conference will be accepted. Testifiers wanting to provide video or audio testimony should have joined the online meeting via BlueJeans link or phone number noted on today's agenda. All individuals logged into the meeting will be added to the testifier sheet. If you do not intend to testify, please state this in the chat. If you do wish to testify, please state your full name, organization, and the items you would like to testify on in chat. If you wish to testify anonymously, please state this request in the chat, as well as the items you wish to testify on. Chat should not be used to provide comments or discussion. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per item. If you're still testifying beyond that time, I will kindly ask you to complete your testimony. Please be courteous to others by turning off your video and muting your microphone while waiting your turn to testify. Once you're 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. Decorum must be maintained at all times. Any persons who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Committee meeting can, at the direction of the presiding officer or the majority of the present Committee Members, be ejected or banned from the Committee meetings. Or if participating remotely, muted, or dropped from the meeting. Examples of disruptive behavior include heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Committee, staff, or general public. Again, the chat should be used only to sign in for testimony, and not for public commentary on the meeting. It will be considered a breach of decorum for members of the public to use chat for anything other than testimony sign-in. Staff has been monitoring individuals joining today's meeting by phone and by video, and we will do our best to take each person up in an orderly fashion.

ITEM 3: BILL 14 (2023) AND BILL 15 (2023), RELATING TO THE

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BUILDING CODE

CHAIR COOK: At this time, we will proceed with testimony on our first agenda item, WAI-3, entitled Bill 14 (2023) and Bill 15 (2023), relating to the building code. Staff, please call the first testifier.

MS. GRECO: Excuse me, Chair, if you don't mind, I see that Councilmember Rawlins-Fernandez has joined the meeting; if you would like to recognize her before moving on to testimony?

CHAIR COOK: Thank you. Aloha...aloha Member Fernandez. Aloha, thank you for joining us, and I look forward to our meeting today.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair, mai Moloka'i Nui a Hina. I'm at the Moloka'i District Office, alone here at the office, and we have no testifiers here at the District Office. Mahalo, I look forward to a great meeting as well.

CHAIR COOK: Mahalo.

MS. GRECO: Chair, there's one person that's indicated they wish to testify, that is Robin Knox.

MS. KNOX: Aloha, I did not want to testify at this time. I was waiting to hear the later presentation. Mahalo.

MS. GRECO: Thank you, Ms. Knox.

CHAIR COOK: Thank you.

MS. GRECO: And it seems as though we have an individual in the Chamber that wishes to testify. You may come up to the podium and provide your testimony.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. LAU: Aloha 'auinalā. It's an honor to be here for your Committee meeting, Mr. Cook. I'll try not to heckle you. So I'm here on the one, you know, I didn't...I came yesterday, and I saw this was on here, so I made sure I was here for the...are we...can I testify on the other...just get it over with, and on the other items? I kind of messed up, because I'm --

CHAIR COOK: Yes, sir. We're going to take testimony on the first two items, which are regard to the --

MR. LAU: Okay.

CHAIR COOK: -- utility --

MR. LAU: Well, I won't testify no more waste time, I wanted to be here for the Environmental

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Management part.

CHAIR COOK: Thank you.

MR. LAU: We need it...we need it very badly.

CHAIR COOK: We...we will be taking testimony after the presentations, okay?

MR. LAU: Thank you, sir. Bye TV land, thank you.

CHAIR COOK: Staff, is there anyone else wishing to testify on this item?

MS. GRECO: Chair, there is no one else that has indicated they wish to testify. If anyone has joining the call via BlueJeans and would like to testify at this time, please unmute yourself and begin your testimony. Having a last call, three, two, one. Chair, there's no one else that's indicated they wish to testify on WAI-3.

CHAIR COOK: Members, seeing there are no more individuals wishing to testify, without objections, I will now close oral testimony for item WAI-3.

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON ITEM WAI-3 . . .

CHAIR COOK: Thank you, Members. In your Granicus files, you will find copies of Bill 14 and 15. At this time, I would like to invite Acting Director Molina to provide background information and opening comments for these bills. Acting Director Molina.

MR. MOLINA: Thank you, Chair. Good afternoon, Chair Cook, Members of the WAI Committee. I am Jordan Molina, Acting Director for the Department of Public Works. We're before you today requesting your consideration on adoption of the County building code to incorporate the 2018 International Building Code Standards, and the State Building Code Standards into the County Code. Chair, I have a short presentation that I'd like to show if there's no objections.

COUNCILMEMBERS: No objections.

CHAIR COOK: No objections. Please do. Proceed.

MR. MOLINA: Okay, you guys are seeing the presentation?

CHAIR COOK: Yeah, we can see it.

MR. MOLINA: Okay. So, yeah. Thank you, again, for your time today. Just jump right into this. Oh, sorry, I'm sorry. So on the call today, I have Jarvis Chun, who's our Supervising Plans Examiner. But unfortunately, Wade and Lance are not able to join

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today. They fell ill over the weekend, so it'll just be myself and Jarvis today.

CHAIR COOK: Director Molina, may I ask you to speak up, please?

MR. MOLINA: Sorry, apologize about that. So the State Building Code, Act 28 [sic] 2007, established the State Building Code Council. The purpose of the Council is to establish a State Building Code and ensure timely adoption of the international and national codes as it relates to fire, building, plumbing, electrical, and energy conservation codes. So within the HRS provisions, the County shall amend and adopt the State building code into its own code no later than two years after the adoption of the State building codes. If the counties do not hit this deadline, then the State code becomes...the State code becomes the interim County code that is applicable. So in 2021, April 20th, the State adopted the State building code, which incorporated the 2018 International Building Code standards as part of the State building code. So under that two-year requirement, we are approaching the County's deadline --

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

MR. MOLINA: -- which is this April, to adopt the County's amendments to the State building code.

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

MS. LILLIS: Please remain muted, unless you are the presenter. Mahalo.

MR. MOLINA: All right. So currently, our current County code has been operating since 2012, and has adopted the 2006 International Building Code, so it's due for an update now, while we're coming through with the 2018 Code. And even, just for reference, the 2018 code is old already because they've already published the 2021 IBC. Before you today we have two bills. The first bill is a new Chapter 16.25, which is intended to pull out the administrative functions of the building code, with the intent of making future updates a little bit more easier to manage. As you can see before you, you have two very voluminous bills, so by trying to pull apart, you know, the administrative procedures, it'll hopefully make amendments in the future be less burdensome, and so voluminous of a document. So within the administrative procedures, you have the...you know, the scope of the...of the building code, the duties, permit processing, requirements for plans, inspections, how the enforcement's going to be administered, and a lot of the procedural framework for issuing and reviewing building permit applications. Also, within these components, are the...kind of the County provisions specific to public street improvements that are triggered by building permits. Post-construction stormwater BMPs, and the Indigenous Hawaiian Architecture sections of the building code. So, one of the kind of key changes that occurs through the building code is the wind design, and you know, basically how strong do our buildings need to be built to withstand the types of wind that we anticipate here in Hawai'i. And so every year...or every edition, they refine the wind maps, taking into account kind of the frequency of storm events, as well as the local topography on how those...how the terrain can affect the types of wind forces buildings can experience, depending upon their locations. So, yeah, the

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State code works to try and develop Hawai'i-specific wind design provisions. Hawai'i is identified within the IBC as being in a hurricane-prone region, so the...you know, the wind...the wind components are a substantial factor that we look at in the code updates. And so, the State adopted the latest standards for those wind design criteria that are presented in the International Building Code, as well as the ASCE-7 wind maps. So, it's getting a little technical, but basically, the way the code is organized is the 120-mile-per-hour threshold is established to guide when additional level of scrutiny is needed on basically inspecting properties when they're built, to ensure they're compliant. So, when you're in an area that's at 120-mile-an-hour forecasted winds, we will require a special inspection of the improvements to ensure that those...those structural systems are installed properly. Within the other component of the wind factor is this where...windborne debris protection. And so, currently, the State adopted a 130-mile-per-hour threshold, and so, if you fall within that range, you are triggering this windborne debris protection requirement, which basically is to try and address your windows and your doors from being blown open during a storm event. And that's critical because that compromises the integrity of the structure. This slide before you, so the 130 threshold was chosen because it corresponds with Category 4 level hurricanes. So once you hit the 130-mile threshold, you're in a Category 4 storm. So, that's the standard that the State has decided to apply in this current code update. So, based on the risk category of your structure, you get...you have a certain wind map allocated to your type of structure. So, this next slide is showing you the wind maps. All the squiggly lines on here are the various wind speeds that the...the IBC standards have identified for these thresholds. And again, each risk category of structure has its own map...wind map associated with it. So, this...this slide here just shows you kind of a close-up of one of these wind maps, and just points out some certain areas, just for kind of a frame of reference on which properties are located in reference to these wind contours. And, you know, the impact of these wind maps is, they're always kind of modifying where these boundaries lie, and so, every year, generally, the wind speeds...the higher wind speeds are shifting lower and lower from the island. You know, usually the mauka lands are more wind prone, but as we...as we get these updates, and we apply more stringent safety factors, these wind thresholds will...will creep their way down off the mountain, and then, you know, for us, it's going to be more areas and more developed areas that now are going to be triggering these higher wind thresholds. So, just to note kind of the importance of that windborne debris protection, what happens is, once you're...when you're in a storm and every...all your doors are closed, and all your windows are closed, the entire building envelope acts as a uniform system to resist the wind forces. Once your door blows open, or a stick flies through your window and breaks that seal, your building is much more prone to falling apart, based on the forces acting on it from the wind. And so, because of that, is where this windborne debris threshold comes from because it's known to add that additional layer of protection, by protecting those windows and door openings on your structure during high winds. So, that's just real briefly what I wanted to present on you today. There's a lot of technical items before you in the building code today, we are prepared to walk you through all of it if we need to, but I'll leave it at that, and we can get into the discussion. Thank you, Chair.

CHAIR COOK: Thank you, Acting Director Molina...Molina. Are there any additional comments from the Department representatives? Seeing none. Members, I propose two

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rounds of two-minute questions per Member, with one minute for follow up. Are there any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay. Thank you, Members. I would now open the floor for questions and discussion, starting with Member Sugimura.

VICE-CHAIR SUGIMURA: Thank you, Chair. So, Mr. Molina, so you're saying that the biggest...the reason why you have highlighted the...the wind factor is because that's the biggest change, and the rest are minimal changes?

MR. MOLINA: That's correct. As far as the code change from the 2015 to the 2018, those wind maps are constantly changing. Of course, the biggest impact is properties that were now...were once outside of those thresholds may now fall within these new thresholds. So that's...as far as a global impact, that is the biggest changes.

VICE-CHAIR SUGIMURA: Okay. So...and my other question is, did we check with the users of the building code to...to see if they had any comments? On the...not the whole . . .*(inaudible)*. . . --

MR. MOLINA: We did reach out to the AIA, which is the Association of Architects, and I don't believe we got comments back prior to this meeting. But, you know, the AIA does sit on the State Building Code Council, so they were active participants in 20...2021, when the State was having its discussion on 2018 IBC.

VICE-CHAIR SUGIMURA: Okay, very good. No more questions. I'll...I'll wait. Thank you.

CHAIR COOK: Member Gabe Johnson, questions?

COUNCILMEMBER JOHNSON: Thank you, Chair. Good afternoon, Director Molina. Good to see you. So, my question, it's kind of technical, but I...you're...you're the guy for the...you're the expert on this, so maybe you can help us with it. So in Bill 14, on the Section 101.2.2, it's talking about single-family dwellings and duplexes, townhouses. And can they comply with the building code or the residential code? How is it determined which code the applicant follows? You know, that's the section...like for example, Section 104 in Bill 14 has language for alternative materials, but the residential code does not. Is there a way that a residential project could use the alternative materials that's done in...in...in Bill 14? I think the overall idea is, you know, we want to build affordable housing, you know, prefabs is one of those that we look at, so that...there's my question for you, Director Molina. Mahalo.

CHAIR COOK: Answer?

MR. MOLINA: Thank you, Member Johnson. So, if I...just to re...restate the question, your concern was particular to the use of alternative materials, and when would that be allowed under the residential code versus the building code?

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COUNCILMEMBER JOHNSON: Well, in the building code, it says you can use these materials, but residential says you cannot. So in these...in these situations, how...how is it determined for the applicant to...which code to follow, right? So, do you see what I'm saying with that? Like, I...I'm trying to get clarity on which...which one they follows. There's some that say you can use alternate...alternate building materials, and some says you can't. So, which one do you follow?

MR. MOLINA: Yeah. So, we can follow up on the specifics on the alternate materials, but generally, the residential code, the IRC . . . *(timer sounds)*. . . is more or less prescriptive. So, generally, smaller structures, such as single-family homes and duplexes can kind of be built without design. So, as long as you follow what's in the IRC...so, when you start deviating from what the IRC prescribes, then you will fall into the building code. But we can look specifically onto how we handle the alternative materials between the two codes. Thank you.

COUNCILMEMBER JOHNSON: Okay. Thank you.

CHAIR COOK: Councilmember Sinenci, do you have a question now, or can I go down the list?

COUNCILMEMBER SINENCI: I can wait.

CHAIR COOK: Member Tasha Kama, questions?

COUNCILMEMBER KAMA: Thank you, Chair. So, good afternoon, Mr. Molina. So, my question is, is your presentation on Granicus? Thank you.

MR. MOLINA: Yeah, I just checked, and I saw it had been uploaded.

COUNCILMEMBER KAMA: Okay, thank you. And the building codes that's recommended, is recommended up to when? Like, you know, we had them in 2006, we had them in 2012, 2018, 2021. And I'm just wondering if maybe the...the winds designs maybe were okay for '21, '22, but will it be okay for 2030 or 2040, like that? Or do we go...will we review these every so many years?

MR. MOLINA: Yeah. So, the International Code comes out every three years. And so, now the...through the State Code...or, the State Building Code Council, they'll be initiating...they'll take the lead on the first crack at doing these code updates. So they're already having to get started on 2021, and they will look at what those wind maps should look like for...you know, based on the changes proposed, what is reasonable that they feel to balance both health and safety and cost associated with more...more robust systems. The way the wind map works, based on your risk...so, risk being is the building occupied by a lot of people versus something that's like a storage facility, for example. There's different levels of risks that we are comfortable accepting in those conditions. So, if a storage facility gets blown down more often than homes, you know, generally we'll live with that. So, the wind maps are based on kind of how...how much risk we want to tolerate for these different classes of structures. And so, if we only want

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to deal with the one in 500 years storm for residences, versus . . .*(timer sounds)*. . . the one in every 1,000 years storm, that'll guide how the wind maps get developed. And so, it's, you know --

COUNCILMEMBER KAMA: Thank you.

MR. MOLINA: -- it's a risk balance exercise.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR COOK: Council Chair Alice Lee, questions?

COUNCILMEMBER LEE: No questions, Chair. Thank you.

CHAIR COOK: Councilmember Tamara Paltin. Any questions?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Molina. I seen in your presentation that it said there was an update to the Hawaiian Hale structures. Is there changes in the bill that is changed from the code? The...the existing part of the code regarding Hawaiian Hale structures?

MR. MOLINA: No, we did not make any amendments. So, that is being carried forward in its entirety.

COUNCILMEMBER PALTIN: Thank you. And then the other question I had was in regards to, I guess, enforcement, if people are adding on to their existing homes and not getting any kind of permits or anything. Is it ZAED that enforces, or do you folks enforce?

MR. MOLINA: It is a combination. So, we'll oversee the...the...you know, the structural integrity of the home. How big your home can be is a zoning matter. So you got to fit within what your zoning class allows for the size of structure within your setbacks that are limited by your zoning class. So, it's a little bit of both that go into, you know --

COUNCILMEMBER PALTIN: And so --

MR. MOLINA: -- assessing the addition.

COUNCILMEMBER PALTIN: -- if there's an illegal structure, in terms of what the building itself is safety, and if it were to come apart and damage somebody else's house during a high-wind event, can you, after the fact, enforce against them for that type of violation, or...or not so much?

MR. MOLINA: So, if I understand the question, is if an illegal structure...I guess --

COUNCILMEMBER PALTIN: You got a house, and your neighbor extended the roof, extended the deck, no permits. And there was an event, and their roof blew off into your window and caused a whole bunch of damage to your house. . . .*(timer sounds)*. . . Is there a

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fine after the fact to the original house that damaged the neighbor's house?

MR. MOLINA: So, I think in the case of the damage specifically to other property, that may come...you know, that might be a civil matter between the two property owners. If we're aware of that illegal structure, then we can enforce that accordingly, but I don't think whether the structure flies away and causes damage, how that would change the enforcement of it being illegal in the first place.

COUNCILMEMBER PALTIN: Okay, thanks. For the next round, because the bell rang. Thank you.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Acting Director Molina. Mahalo for your presentation. Okay, if it's not too much...well, I don't know. You mentioned the 2021 update. It...is it significant changes, or...oh, it's...oh, okay, and you said that to us already?

MR. MOLINA: We...I...I pretty sure none of my Staff has dug into the 2021 yet. We're just getting through 2018, but it...it varies. It can be a lot, it can be a little, but it's the exercise of going through roughly 700 pages of technical code, and comparing between the two is the exercise.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, when they do updates, it's...you just get the entire document? They don't...they don't show...they don't give you the Ramseyer version?

MR. MOLINA: Unfortunately, no. I mean, there's like, you know, trainings and conferences, and whatnot that, you know, offer getting into the details, but, you know, honestly we're...we're trying to just keep up with what we got, that we are not that proactive at this point in time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then how long do we have to act on the 2021 update before those amendments are imposed upon us...right? We have to...we have to adopt them with our amendments, otherwise whatever's in at...at the State or the IBC is...we have a...there's a deadline, right?

MR. MOLINA: Yeah, so I'll need to verify when the State's timeline . . .*(timer sounds)*. . . kicks in. Because I know they have...from the publication of the International Code, they have a deadline to adopt their State code. And then once their code adopts, then we have a deadline to adopt the County code.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, but we don't have that actual date?

MR. MOLINA: Yeah, I...I'll get back to you on that one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Okay. Mahalo, Acting Director Molina.

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Mahalo, Chair.

VICE-CHAIR SUGIMURA: 2023...sorry.

CHAIR COOK: Thank you. Sorry, doing a little research here. Member Shane Sinenci, no questions?

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo, Mr. Molina. So the specifics about hurricane, does it address...you would think that we would address maybe the number or the size of hurricane ties when...when dealing with wind updraft on your building envelope. Is this...are these things not being considered for...for this section?

MR. MOLINA: The specifics are...those are in here, and so, that goes into the threshold, or how strong of a wind we design for. My understanding is that the IRC, the residential code, prescribes a design standard of 220 miles per hour.

COUNCILMEMBER SINENCI: Oh, okay. And then on the Section 429, Hawai'i Residential Safe Room Requirements, is this a trend now, that new homes and commercial spaces need to have a safe room in their building?

MR. MOLINA: Member Sinenci, I'll have to get back to you on the nature of the safe room.

COUNCILMEMBER SINENCI: Okay. Yeah, it's on 18, and I was just wondering if this was...if there are other areas--like Florida, who does have hurricanes--if...if this is...do they have the same requirements?

MR. MOLINA: Thank you.

COUNCILMEMBER SINENCI: And then under--oh, okay. Under Section 430, County-owned buildings are exempted...the exterior wall requirements are exempted. Do you know why this is?

MR. MOLINA: I'm sorry, can you repeat the section?

COUNCILMEMBER SINENCI: Section . . . *(timer sounds)*. . . 430 . . . *(inaudible)*. . . owned high occupancy building.

MR. MOLINA: I'll follow up with Staff to get you a response, Member Sinenci.

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

CHAIR COOK: If I may, clarification, Member Rawlins-Fernandez, your question to Acting Director Molina regarding the timeline? The State did pass theirs in April of 2021, and we have two years to...and Director Molina can clarify, but there is a timeline that we have, and that's why this particular bill is time sensitive. There's a lot of moving parts to this bill, and once we get through this, we can make...we can discuss how we'll address our community having time to make appropriate amendments and

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clarifications. But Director Molina, could you please clarify the time sensitivity of this bill that we're reviewing today?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR COOK: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, to clarify, my question wasn't about the 2018 update, it was about the 2021 update.

CHAIR COOK: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Acting Director told us about that there was another update, so that...that's why I was asking about the other update, that 2021 one, and not the 2018. I understand that there's...that it needs to be updated by April 2023.

CHAIR COOK: Okay, my apology for misinterpreting that. I would like Director...Acting Director Molina to clarify why this is a critical matter for our Committee to review, and why it's necessary for the full Council to pass it by a certain date. Thank you.

MR. MITCHELL: Chair. Chair? If I could pop in here? Chair? Acknowledge? Can I speak, Chair?

CHAIR COOK: Can't hear you.

MR. MITCHELL: Can I speak, Chair?

CHAIR COOK: Yes, please. Yes, please. Thank you.

MR. MITCHELL: Thank you, Chair. So, I just want to make sure that the record is clear about the State requirement for the April 20th, 2023 passage. Member Rawlins-Fernandez was not talking about the 2018 update, she was asking about the 2021 updates, but with respect to your question, which relates to the 2018 updates, the State law does take effect as an interim code if the County doesn't pass its version prior to April 20th, 2023. And perhaps we could have Corp. Counsel explain that deadline and the fact it will not be met because of another Charter deadline. Is...is Corp. Counsel available to address the question?

MR. HOPPER: I...I am available, if you like, Chair. I think Director Molina could also probably provide the...the same information, but I'm happy to explain it, if that's preferable.

CHAIR COOK: Thank you, Mr. Hopper. Yes, I would like you to clarify it. I also apologize to the Members. I know I interrupted the second...the two round questioning. We will have one more round of questions, but I felt it was important to have clarity on this aspect of it. So, Mr. Hopper, if you will please give your explanation, and then Acting Director Molina could weigh in as well. Thank you, sir.

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MR. HOPPER: Thank you, Chair. The State law is...it sounds like everyone is aware of, or we have discussed, states that the counties have two years from the date that the State passes its updated building code to essentially pass its amendments, or the State code, without county amendments, comes into effect, the law states, as an interim building code. Now, April 20th, as I understand it, is the two-year time frame, and the State building code would become the interim County building code if no action is taken by April 20th. I do understand, however, there is also a Charter requirement that requires the--three copies of the International Building Code to be filed with the County Clerk at least...at least 60 days prior to Council's passage of a...a uniform code. In this case, and Director Molina can clarify this, I understand that those code books were filed with the County Clerk on March 1st. So the earliest that the County, in order to comply with that Charter requirement, could pass the code, based on my count is a bit after May 1st. March would go to April, April to May, that would be 60 days, and we would need to wait for second reading until...until that time. As a result, the State building code will become the interim building code for a period of time. I...I do not know of a way, after having reviewed this, to comply with both the Charter requirement, which requires the code to be filed with the Clerk at least 60 days prior to the...the passage. And the State...the State law, which says pass it by...within two years, or the State code becomes the interim building code. The way I read the State law is that it's an interim building code, so when the County passes its amendments, they...they would become in effect. So, you would have a brief period where...where the County...where...where the State code is in effect as the "interim building code." That does not, as I see it, change your timeline for the Committee meetings, or even for first reading at Council. But you may, in order to comply with the Charter deadlines, as...as I understand it, the code books were filed with the Clerk on March 1st, need to delay second reading to make sure you have 60 days from the date those were filed with the Clerk before passage of the ordinance. So, that would result in a...in...in a delay of...for second reading, but I don't think that would change your timeline for...for passage out of the Committee, and I don't think that changes this as a time-sensitive matter because I would assume you would want to minimize the time frame that the State building code would be in effect, without County amendments. So, again, Director Molina can maybe clarify, but that's as I understand the facts, how...how the...what the situation is right now, and I can, you know, answer questions if needed. But again, I think Director Molina could perhaps clarify...or...or add to that if he would like to.

CHAIR COOK: Thank you. Mister...Acting Director Molina, could you give us some insights into how that would affect us for the State interim...State code being interim, and there being a delay of a couple of weeks until we have the second reading?

MR. MOLINA: Sure. Thank you, Chair. And, you know, first off, I just want to apologize to the Committee for this confusion on the processing requirements. So, correct, we...the Charter requires the code book...so, the actual 700-page, bound, International Code, to be filed with the Clerk's Office. That was done last week on the 1st, and that requires that 60-day period prior to passage of the bill, which puts us in conflict with the April 20th deadline. Now, from an operational standpoint, we are not so concerned with that few weeks of the interim code, as it's how we've been managing previous code updates.

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So, as I mentioned at the beginning of my presentation, the last building code...the County building code amendment was in 2012, when we adopted the 2006 IBC. Since then, we've been operating under that code, and have incorporated the 2012 IBC, which was adopted by the State several years ago. So, we...operationally, we can manage with the interim codes at play. I believe the other counties operate in a similar fashion because historically, no one's been timely in adopting these code updates, even the State. And so, back...so, real quick, back to Member Rawlins-Fernandez's question, the State Building Code Council has a two-year window to adopt the State code once the international codes get published. Their rules also talk about a staggered basis, and so, right now, the code...the international codes come out every three years. It's a...it's quite a burden to keep up every three years, and so, the State HRS provides a staggered, so every six years is when they'll do the full-blown code amendments to adopt the new IBCs. So, in summary, it...we'll...we'll be able to manage for those few weeks, where...where the State code becomes the interim code, and in large part, because we are proposing essentially the same code amendments for the County code as have been adopted by the State. Thank you, Chair.

CHAIR COOK: Thank you, Director...Acting Director Molina. Now, for our second round of questions.

VICE-CHAIR SUGIMURA: Thank you.

CHAIR COOK: Member Sugimura.

VICE-CHAIR SUGIMURA: Sorry. Thank you, Chair. I saw you looking at me, so I --

CHAIR COOK: Yeah.

VICE-CHAIR SUGIMURA: -- started speaking --

CHAIR COOK: You're number one.

VICE-CHAIR SUGIMURA: -- so, I don't mean to be disrespectful. So, Director, based upon what you just said, do we need to make an amendment, so that we can have an interim County code, so we can meet the deadlines? Do we need to amend this?

MR. MOLINA: No, I don't believe so.

VICE-CHAIR SUGIMURA: We just pass it based upon the...to meet the April 20th deadline, and we'll be operating on the State interim code until the...the May 60-day period based upon Charter? Maybe I got that wrong.

MR. MOLINA: Correct.

VICE-CHAIR SUGIMURA: Is that correct?

MR. MOLINA: Correct.

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VICE-CHAIR SUGIMURA: I see --

MR. MOLINA: That's correct.

VICE-CHAIR SUGIMURA: -- Mr. Mitchell's nodding his head, so...because...so, okay. So, we'll just adopt this as is, and then the interim State code will then be our...active, I guess, or recognized, until we...until we get to the May deadline.

MR. MITCHELL: That's correct, Member Sugimura. So from, I guess March 1st...March, you have 60 days.

VICE-CHAIR SUGIMURA: Right.

MR. MITCHELL: It was dropped off in the Clerk's Office on March 1st. So, from May 1st until the time that we actually get to final passage, the State code will be the interim code.

VICE-CHAIR SUGIMURA: Okay.

MR. MITCHELL: So it's from May 1st, approximately, to whenever we get that final passage, we'll have that interim State code applicability.

VICE-CHAIR SUGIMURA: Okay, and final passage means second reading --

MR. MITCHELL: At Council.

VICE-CHAIR SUGIMURA: -- at Council with Chair Lee.

MR. MITCHELL: Correct.

VICE-CHAIR SUGIMURA: Okay. And the Department already said they're fine with that. Mr. Molina?

MR. MOLINA: Yes, we'll be able to manage through that.

VICE-CHAIR SUGIMURA: Okay. No questions.

CHAIR COOK: Thank you. Member Johnson, second round of questions?

COUNCILMEMBER JOHNSON: Thank you, Chair. This question is for Director Molina. So, if I could follow up on the idea of prefab housing because this is what I'm concerned with. You know, on...Hawai'i County, they have the HPM, the Hawai'i Planing prefab factory, and they were telling us they couldn't ship over their prefabs to us because we have different building codes by county. So, I want to kind of get specific with the...it's called the SIPs, the Structural Insulated Panels. I see you smiling over there, Director Molina. Maybe you can add to that discussion, because I really want to make it so it's seamless for if we...you know, to help solve our housing crisis, that we can reach these

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prefab houses. Will we need to make an amendment to...to the building codes, or are you going to tell us that this is all taken care of? Thank you.

MR. MOLINA: Thank you, Member Johnson. So...so, the prefab houses...so, like FABMAC, for example, that everyone's familiar with, those have an exemption from our building code under Federal law. So, the manufacturer of FABMAC homes is overseen by HUD, and FABMAC obtains a certification from HUD on the construction of those homes. That certification preempts the County building code. Now, from what I understand, HPM has not pursued a similar certification under the HUD guidelines that would preempt the County code. So, now, moving into the matter of SIPs. SIPs would be considered an alternative materials, and so, it is on my to-do list to figure out what issues that they have with our County building permit process. I did have a meeting with one supplier representative, but they weren't able to articulate...well, they basically had no experience on Maui to explain what the issue was, and there was very --

COUNCILMEMBER JOHNSON: Okay --

MR. MOLINA: -- limited application on other islands to get that information.

COUNCILMEMBER JOHNSON: So, specifically, what they were telling me . . .*(timer sounds)*. . . is that they have to get inspectors to come visit the plants, and then they can, you know, pass the inspection and the...the product moves to the...to the residential. They...the...when you put it on a barge, it might change, right, and going to a different county, it might change. So, who's the inspector? Is it a Hawai'i County inspector, or is it a Maui County inspector? They were telling us that the Hawai'i County inspectors cannot contract out, they have to...they have to be an inspector, whereas here in Maui County, we can. Is that something that would help the process along, is that we have our inspectors inspect it when it gets off the barge? Is that the...the hurdle that we're facing now, just to get prefabs here? Because we've got to get the prefabs. That's...that's my point of it all.

MR. MOLINA: Yeah, I guess, you know, this area of prefabs has been unregulated, if they are not choosing to go under the HUD protocols. So, if they want to create a new process for County-approved prefab homes, we can have that conversation, but that...that has not been facilitated previously.

COUNCILMEMBER JOHNSON: I...I would love to have a meeting with you on that . . .*(timer sounds)*. . . we're talking with a company right now who...who specializes in that, so...my time's up. Thank you, Director. Thank you, Chair.

CHAIR COOK: Member Tasha Kama, any questions?

COUNCILMEMBER KAMA: Thank you, Chair. So, Mr. Molina, in the application of these new building codes, is that going to add time, or would it make time more expeditious because of these building codes, in terms of the completion of a building or a project?

MR. MOLINA: In terms of getting a building permit, it will slow it down a bit because there's a

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transition period that needs to happen for both applicants and our Staff to be trained up on the new codes. But I don't foresee them affecting, like, you know, how quick things get built once they're approved very much. But, you know, there is potential for that to affect the cost because you potentially are going to have more robust systems being designed into your home...or into your building.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR COOK: Council Chair Lee, second round of questions?

COUNCILMEMBER LEE: No questions. Thanks.

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

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Molina. I just wanted to verify. This is not like it's going to be applied retroactively, if their wind area changed, and they're halfway through the permitting process, do they then have to follow the newer standard, or...I mean, I...I'm assuming the people that already built, and their wind area changed, they...they just continue on as normal. But what...what happens to folks that are halfway through the building process, or had their permits approved, and then, say, May 1st we adopt a County code, or April 30th, we're on the interim State code. How does it affect the people that are doing work right now?

MR. MOLINA: So, any applications that are already in will be grandfathered into the old codes. That's been the typical practice. Now, the caveat being, there is a limitation on how long your permit is valid for. It's a max of five years. If you happen to fall out of that, then you will have to come into compliance with the new codes. But anybody that's already permitted will continue to be permitted...or continue to build under what their permit approved for, which is the previous codes.

COUNCILMEMBER PALTIN: And then once we adopt this version of the International Building Code based on revisions to what the State adopted or whatever, is there other opportunity to amend it, like, say, not quite what Member Johnson was saying, but like any other type of structure...like say you want to do a yurt, or a pallet home shelter that was only allowed during the emergency proclamation, is there opportunity for the Council or anyone . . . *(timer sounds)* . . . to further amend it, so that alternative dwelling types that have worked, to be allowed for?

MR. MOLINA: Yeah. So, the code is not like the Charter, where it gets locked up, and you can only do every two years. As far as I'm aware, there's nothing prohibiting us coming back tomorrow and making amendments. It's just...the only thing I would note is to let one get completed first so we don't create a document mess trying to amend pending amendments.

COUNCILMEMBER PALTIN: And then you'd be open to looking into those alternative types of housing, like off grid, or...or other things like that?

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MR. MOLINA: Yeah, I have no objections.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

MR. MITCHELL: Chair? This might be a good opportunity if Acting Director Molina could discuss the effective dates at the end of each of the bills, to explain a revision to that language that I think the Department is proposing.

MR. MOLINA: Yeah. Chair, if I may?

CHAIR COOK: Please do.

MR. MOLINA: So, at the end of what I believe is Bill 4...15, yeah. So, at the very end of Bill 15, under section...section 6, the very last bill [sic], we did put in a provision for the ordinance to take effect 60 days after approval, the intent of which was to allow a transition period, both for our Staff, as well as the public, that upon adoption of the ordinance, that we'll have this kind of transition period to get ready for the new codes to take effect. In discussing that further with Staff and Corp. Counsel, we do have an amendment proposed...partly I'm concerned about whether the ordinance...to ensure that the ordinance is in effect, and that amendment was to say that the ordinance will take effect immediately, but that applicants will be allowed to utilize the existing codes for a period of time, 60 days being suggested at this point in time, after adoption of the ordinance. So, this way that the code is in effect...the new code is in effect, but applicants do have this transition opportunity to stay under the existing codes before the new code is fully in effect. And then we're also proposing to extend that same provision to Bill 14 as well, so that upon adoption, both codes will kind of be...applicants will have the option for that transition period on whether they want to venture into the new code, or retain the existing code. Thank you.

CHAIR COOK: Thank you, Acting Director Molina. Any other second questions? Did I miss anybody?

MS. GRECO: Chair? I see Councilmember Rawlins-Fernandez has her hands raised.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR COOK: Thank you. Member Rawlins-Fernandez? Thank you. Forgive me, I lost my place, and I'm welcoming your second round of questions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, mahalo, Acting Director Molina. I...I think it's not complicated enough. We need you to complicate it more. Just kidding. Okay, so, in terms of the number of days that this will...will take effect, we're...we're talking about 75 days. The interim State code will go in effect on April 20th, yep, and then second reading is going to be on May 5th, and then after second reading, it's going to stay...there...there's going to be the two...well no, it's going to be...it's not going to go into effect for 60 days after it's adopted. So that's 60 days, plus 15 days, so 75 days?

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MR. MOLINA: Not exactly. So, interim code, like you said, begins April 20th, and would persist through second reading being adopted right after May 1st. And so, the language I had just mentioned about proposing, that would cause the code to be in effect immediately upon second reading. But we're going to allow that option to applicants to utilize either version of the code for that transition period. And so, for...yeah. So, for people wanting to use the code before it goes away, the existing code before it goes away, then it would be, yeah, roughly that 75-day time period you mentioned.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. Sorry, May 5th is the posting deadline, and then May 12th, I guess, is our Council meeting. That's 22 days. Okay. All right. I think I got it. Sounds good. Thank you so much. Simple.

CHAIR COOK: Thank you, Member Rawlins-Fernandez, for making it simple. Is anybody...did I miss anybody else for a second round?

COUNCILMEMBER SINENCI: Chair.

CHAIR COOK: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Mr. Molina, is there anything in the State code that the County is not adopting?

CHAIR COOK: I apologize. Could you speak more into your mic?

COUNCILMEMBER SINENCI: Oh. Is there anything in the State code that the County is not adopting?

CHAIR COOK: Director Molina, did you hear that question? Is there anything --

MR. MOLINA: Yeah --

CHAIR COOK: -- in the State code that the County is not adopting?

MR. MOLINA: I don't believe so. I think we were accepting everything the State had adopted. So, you know, that's part of the reason why the interim code is not such a concern for us.

COUNCILMEMBER SINENCI: Okay. Thank you for that. And then on page 12, 310.3, Residential Group R-2, why was this added to the Residential category?

MR. MOLINA: I apologize. Can you refer me to that section again, Member Sinenci?

COUNCILMEMBER SINENCI: Page 12, 310.3, Residential Group R-2.

MR. MOLINA: Yeah, it...so, that was actually...so, we included that section by mistake. So, good catch. This, we'll actually be proposing to get pulled out of the amendment or the

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bill, because these will be addressed through the residential code.

COUNCILMEMBER SINENCI: Okay. Thank you. And then on page 13, 310.4, Residential Group R-3. Why were bed and breakfast homes added here?

MR. MOLINA: Member Sinenci, that was added to be consistent with our zoning code, which provides for bed and breakfast home.

COUNCILMEMBER SINENCI: Oh, okay. And then . . .*(timer sounds)*. . . where are short-term rental homes added then?

MR. MOLINA: In that same paragraph. Bed and breakfast and short-term rental homes, as defined by Title 19.

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

CHAIR COOK: If that final...is...that finalizes our questions. Does anybody else have any comments? I will proceed. Chair would like to entertain a motion to recommend --

MS. GRECO: Excuse me, Chair?

CHAIR COOK: -- passage of Bill 14 --

MS. GRECO: Sorry to interrupt you. I see Councilmember Johnson had his hand up.

CHAIR COOK: Sorry. Thank you...thank you, Staff. Representative Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Just...if you just allow a real simple question for...if you would just indulge me, just ask Director Molina, since he's here, real quick? Have...have you worked with Nani Medeiros from the State? You know, the housing...the Affordable Housing Coordinator with the State? Have you worked with that...with her on any building codes?

MR. MOLINA: I have not directly worked with her before.

COUNCILMEMBER JOHNSON: Okay. Thank you. And if I was going to build a home with some type of alternative material, like, you know, hempcrete or bamboo, I...is there...can you guys...are...are you...can you say that you're working with those folks in...and...is that...is there a way to work with them through this process?

MR. MOLINA: Yeah. So, generally speaking, those manufacturers will procure their own verification studies to comply with the standards that the IBC relies upon. So that typically your ANSI standards or whichever, you know, applicable international standards would apply for that particular product material. And so, yeah, you know, we have no objections to working with those people. If it comes to them not having those informations, and just asking us to approve something, that's going to get a little hairier because we don't have, you know, that capacity to make those kinds of

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judgments. But like for SIPs, for example, I've seen the...you know, the testing standards, compliance certifications that they've achieved for a specific product.

COUNCILMEMBER JOHNSON: So. to clarify that, the...the producer of these materials and these building...building materials, they'll come to the County and say here's our measurables, this is why this...we say this is safe, right? And you look at it, and you, as the Director, have all the authority to say yes or no. Is that the process?

MR. MOLINA: That's correct. So, we'll verify because...yeah, of course, the building codes state your typical concrete, wood-framed structures. But as long as they can show that those materials meet all the safety requirements appropriately, and there isn't any conflicts with the inspections. So, like with SIPs, for example, there's some . . .*(timer sounds)*. . . coordination on the inspections to work out. You know, there's nothing prohibiting use of those materials.

COUNCILMEMBER JOHNSON: Okay. Once again, that's my time. Thank you. Thank you so much, Director. Thank you, Chair.

CHAIR COOK: Thank you, all. Chair would like to take a ten-minute recess. The Water and recess...let me do this. Let's take a ten-minute recess. The Water and Infrastructure Committee is in recess until 2:53. . . .*(gavel)*. . .

RECESS: 2:43 p.m.

RECONVENE: 2:59 p.m.

CHAIR COOK: . . .*(gavel)*. . . The Water and Infrastructure Committee meeting will now reconvene at 2:59 p.m. Chair asks, is Mr. Hopper available for a question? Mr. Hopper?

MR. HOPPER: Yes, Chair?

CHAIR COOK: Mr. Hopper, please explain Granicus number 6 that we received today...the change that we received this morning.

MR. HOPPER: I'll check, Chair. I think I...our office transmitted something a bit earlier than that, but let me check out Granicus. Is this correspondence from Corporation Counsel, March 2nd, 2023?

CHAIR COOK: That is the correct document. Thank you.

MR. HOPPER: Okay.

CHAIR COOK: So if --

MR. HOPPER: Yes.

CHAIR COOK: -- if you could --

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MR. HOPPER: So --

CHAIR COOK: -- clarify the difference of what we're previously at?

MR. HOPPER: Yeah, the...the...the changes, if you look at them, were predominantly through our clerical Staff. We had them on a rush request to get this bill, basically, in the proper Ramseyering format when it was sent originally from Public Works. We still needed to bring it into that...that proper form. So, the majority of those changes are...are formatting changes to bring it into Ramseyering form. So, those two bills, we wanted to...they're not signed as office approved as to form and legality, but we wanted to get the Committee the...the most up-to-date version that we possibly could, and so, those contain all the clerical changes to them, which I think are important, so you're looking at the right format. I think there were maybe a few corrections of typos and other things to confirm that the Ramseyering was correct and other things like that. I have several questions out to the Department on a couple of...on a couple of provisions that I want to...that...that I'm going to work with them to come up with a final version that we can approve as to form and legality. But the main differences in those two bills were that they're...they're essentially reformatted to...to have proper Ramseyering in them, which is required for...for passage, and to put them into the code. So that...that's predominantly what...what...what was done. And, you know, a...a...a big hats off to our clerical staff for getting that done as quickly as they did.

CHAIR COOK: Thank you, Mr. Hopper. Would you like us...with that...with the bill that we were...that we are looking at today, when should we make that substitution?

MR. HOPPER: Yes, I would advise you to do that. Those bills are the most up-to-date version that we have. I think we...we're pretty close to having an approved version, signed off as to form and legality. But yes, I'd advise substituting those bills for the ones the Department had sent because these have the...the most up-to-date versions that...that we have. So yes, I...I'd recommend that for both 16.25 and 16.26(C).

CHAIR COOK: Chair will entertain a motion to substitute Bill 14 and 15 --

MS. GRECO: Excuse me, Chair? I'm sorry. You would need to begin with the main motion.

CHAIR COOK: Oh.

VICE-CHAIR SUGIMURA: We adopt.

CHAIR COOK: Okay. Chair would like to entertain a motion to recommend passage of Bill 14 and Bill 15 on first reading.

VICE-CHAIR SUGIMURA: So moved, Chair.

COUNCILMEMBER KAMA: Second.

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CHAIR COOK: Moved by Councilmember Sugimura, and seconded by Councilmember Kama.

VICE-CHAIR SUGIMURA: Yes. Any amendments.

CHAIR COOK: Entertain a motion to substitute Bill 14 and 15 with the versions in Granicus number 6.

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

VICE-CHAIR SUGIMURA: *(audio interference)* motion. Yeah. Oh, I saw her moving, so...okay. I wasn't sure who --

CHAIR COOK: Okay, motion by --

VICE-CHAIR SUGIMURA: -- made the motion.

CHAIR COOK: Accepted by Member Sugimura, and seconded by Member Kama.

VICE-CHAIR SUGIMURA: Yeah.

CHAIR COOK: Any discussion?

VICE-CHAIR SUGIMURA: I think Mr. Hopper explained it.

CHAIR COOK: Okay.

VICE-CHAIR SUGIMURA: So, yeah, substitute the bills.

CHAIR COOK: Okay. Thank you.

VICE-CHAIR SUGIMURA: The most current. Thanks.

CHAIR COOK: Regarding the proposed amendment by Acting Director Molina, the Chair will entertain a motion to amend Bill 14 and 15 by amending sections 4 and 5 respectively to read --

MR. MITCHELL: Excuse me, Chair. Chair?

CHAIR COOK: Yes?

MR. MITCHELL: To your right. May I recommend that we take action on the motions to substitute, and then after that, we can take action on the amendments to the effective dates of the respective bills?

CHAIR COOK: Thank you.

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VICE-CHAIR SUGIMURA: Okay, let's take the vote.

CHAIR COOK: So...so, can we take a vote?

VICE-CHAIR SUGIMURA: On the amendment.

CHAIR COOK: On the amendment.

VICE-CHAIR SUGIMURA: Yeah.

MS. GRECO: Chair, if I may? Proceed with roll call vote on the motion to substitute?

CHAIR COOK: Please.

MS. GRECO: Councilmember U'u-Hodgins.

CHAIR COOK: Excused.

MS. GRECO: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. GRECO: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. GRECO: Councilmember Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. GRECO: Council Chair Lee.

COUNCILMEMBER LEE: Aye.

MS. GRECO: Councilmember Kama.

COUNCILMEMBER KAMA: Yes.

MS. GRECO: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. GRECO: Councilmember Sugimura.

VICE-CHAIR SUGIMURA: Aye.

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MS. GRECO: Committee Chair Tom Cook.

CHAIR COOK: Aye.

MS. GRECO: Chair, you have eight “ayes,” one excused. Motion carries.

**VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and
 Councilmembers Johnson, Kama, Lee, Paltin,
 Rawlins-Fernandez, and Sinenci.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember U‘u-Hodgins.

MOTION CARRIED.

ACTION: APPROVE amendments

VICE-CHAIR SUGIMURA: Yay.

MS. GRECO: You are now back to the main motion as amended, with the substituted bills.

MR. MITCHELL: And Chair, if I could interrupt here if I could? And now would be the time to request or entertain a motion to amend the effective dates of those bills.

CHAIR COOK: I’d entertain a motion for the effective date.

VICE-CHAIR SUGIMURA: For both bills?

CHAIR COOK: . . .*(inaudible)*. . .

VICE-CHAIR SUGIMURA: Okay. So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: Okay.

MR. MITCHELL: Chair, if we could request that Acting Director Molina actually state the language again that he was proposing, and then we will know precisely what the language of the motion is.

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CHAIR COOK: Regarding the proposed amendment by Acting Director Molina, the Chair will entertain a motion to amend Bill 14 and Bill 15 by amending sections 4 and 5 [sic] respectively to read: This ordinance takes effect on the approval. However, for a period of 60 days after the effective date, an application for a permit or approval under the ordinance may elect to have an application proceeded under the County building code in place prior to the effective date of this ordinance.

VICE-CHAIR SUGIMURA: So moved.

CHAIR COOK: Okay.

VICE-CHAIR SUGIMURA: With Mr. Molina's language, yeah?

CHAIR COOK: Yeah. Any discussion?

COUNCILMEMBER KAMA: Second.

CHAIR COOK: I'd like...

VICE-CHAIR SUGIMURA: Oh, there he is.

CHAIR COOK: Member...

VICE-CHAIR SUGIMURA: Member [sic] Molina --

CHAIR COOK: Did somebody have their hand up?

VICE-CHAIR SUGIMURA: Yeah, so does Member [sic] Molina...can he confirm --

CHAIR COOK: Yeah.

VICE-CHAIR SUGIMURA: I mean, I'm sorry --

COUNCILMEMBER RAWLINS-FERNANDEZ: Director Molina.

CHAIR COOK: Director Molina, could you...could you confirm that time, and would you be willing to adapt from 60 days to 180 days, to give the additional time?

MR. MOLINA: Thank you, Chair. Yeah, I concur with the language stated, and I know my Staff would appreciate the additional time to get this transition underway. In part, the large staffing challenges, but we are also anticipating a substantial retirement at the end of this month that's going to greatly hinder our operation. So, the more time, the better for us. Thank you, Chair.

CHAIR COOK: Okay. Is that amendment acceptable?

MS. GRECO: At this time, you'd take discussion from any Members. I see that Councilmember

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Rawlins-Fernandez has her hand up.

CHAIR COOK: Member Rawlins-Fernandez? You have a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Quick question for Acting Director Molina. I know I said it jokingly earlier, when we were asking our rounds of questions. Why wouldn't the agency give the Department, the State...distribute a Ramseyer version to make everyone's lives easier? And can we demand that they...they...they provide that for us?

MR. MOLINA: We'll inquire on that question. I'll have to ask my guys to what extent they'd produce sort of a...what might be comparable to a Ramseyer or a redline markup, but I know they...the changes can be significant, the numbering can change. So, I don't think it's necessarily as straightforward as a redline, like-for-like document. But we'll...we'll inquire about that question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I would love for your Department Staff's lives to be easier. I support that 100 percent. Okay, I...I...I think we could probably do a voice vote, Chair. Mahalo.

CHAIR COOK: Thank you.

MS. GRECO: Chair, for...with the roll call vote, if I may, just before I do that, restate the motion. So we're on the main motion as amended, to further amend the bills...excuse me, recommending amending both Bills 14 and 15, sections 4 and 6 respectively, to read: This ordinance takes effect on approval. However, for a period of 180 days after the effective date, an applicant for a permit or approval under this ordinance may elect to have an application process under the County building code in place prior to the effective date of this ordinance. So, we're going ahead with the roll call vote on that amendment. Councilmember U'u-Hodgins.

CHAIR COOK: Excused.

MS. GRECO: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. GRECO: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. GRECO: Councilmember Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. GRECO: Council Chair Lee.

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COUNCILMEMBER LEE: Aye.

MS. GRECO: Councilmember Kama.

COUNCILMEMBER KAMA: Yes.

MS. GRECO: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. GRECO: Councilmember Sugimura.

VICE-CHAIR SUGIMURA: Aye.

MS. GRECO: Council...Committee Chair Tom Cook.

CHAIR COOK: Aye.

MS. GRECO: Chair, you have eight “ayes,” one excused. Motion carries.

**VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and
 Councilmembers Johnson, Kama, Lee, Paltin,
 Rawlins-Fernandez, and Sinenci.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember U‘u-Hodgins.

MOTION CARRIED.

ACTION: APPROVE amendments.

VICE-CHAIR SUGIMURA: Yay.

CHAIR COOK: Thank you.

MS. GRECO: You are now back to the main motion as amended. At this time, you may entertain any further amendments. If there are none, you would move on to the main motion as amended. I do see Councilmember Rawlins-Fernandez’s hand raised.

CHAIR COOK: Councilmember Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Since both amendments passed unanimously, I...I would love to request a voice vote because I don't think there will be any opposition, and then we can just be finished with the vote. Mahalo, Chair.

CHAIR COOK: Thank you. Voice vote, all in favor? Aye.

COUNCILMEMBERS: Aye.

CHAIR COOK: Okay, motion passes.

**VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and
 Councilmembers Johnson, Kama, Lee, Paltin,
 Rawlins-Fernandez, and Sinenci.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember U'u-Hodgins.

MOTION CARRIED.

**ACTION: Recommending FIRST READING of Bill 14, CD1
 (2023) and Bill 15, CD1 (2023).**

VICE-CHAIR SUGIMURA: Terrific, terrific.

CHAIR COOK: That's your job.

MS. GRECO: So, excuse me, Chair, that was the main motion as amended, and that passed unanimously, with one Member excused, Councilmember U'u-Hodgins. Okay. So, now both bills pass as amended.

VICE-CHAIR SUGIMURA: Good job, Chair.

**ITEM 1(2): CURRENT SIX-YEAR CAPITAL IMPROVEMENT PROJECTS
 UNDER THE DEPARTMENT OF PUBLIC WORKS (Rule 7(B))**

CHAIR COOK: So, now we move on. Okay, the next item that we have is, information on the Current Six-Year Capital Improvement Projects Under the Department of Public Works, WAI-1(2). This is relating to the Department of Works capital improvement projects for

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Fiscal Year 2023 through 2028. This item falls under Rule 7(B) of the Rules of the Council, which allows the Chair to raise...arrange for presentations or discussions on matters within the Committee's subject matter jurisdiction. This is the...for the public, we'll be accepting testimony after the presentation. Members, in your Granicus files, you will find a copy of the Department's presentation. Acting Director Molina, please share any opening comments, followed by your presentation.

MR. MOLINA: All right. Thank you, Chair. Let me switch gears real quick. So, again, for the record, Director...or Acting Director Jordan Molina with the Department of Public Works. So, for the Committee, I had transmitted the current six-year program, as well as our project sheets from the FY'23 budget. And so, that's...yeah, you have that available in Granicus. I will not share my screen to walk you through that, but generally, on the first page, you'll see the...what's...represents the six-year program, showing what's the currently funded in FY'23, followed by the estimated project budgets for the following five years in total, encompassing our six-year program. I will note that our six-year program is in development, so a lot of these numbers are best guesses at this point. Some are informed by those projects that are a little more further developed, but we are working to try and make this document more...more accurate, and have better information tied to it. As you go through the project sheets, you will see each project sheet has its future year fundings allocated to it. Again, these are...some of these are more easily...or had better details behind them, and some are just estimates. For the Department of Public Works, the bulk of our projects are maintenance...road maintenance, bridge maintenance, drain line maintenance. It's not sexy stuff, but it's necessary, and again, yeah, you know this is our bread and butter. Within here, we have a few of our expansion projects, as well as our kind of one-off projects (*audio interference*).

COUNCILMEMBER U'U-HODGINS: That's me, sorry.

CHAIR COOK: Please continue Mister...Director --

MR. MOLINA: Yes --

CHAIR COOK: -- Acting Director Molina.

MR. MOLINA: So, within the project sheets, again, I said we have some of our maintenance program projects that are more or less routine maintenance, and then in here, we have a few sheets that are kind of our standalone projects that represent those projects that don't quite fit into one of our maintenance programs. So, that's...you know, generally, that's our six-year CIP. It is a lot of maintenance, and our few expansion projects that we can muster up. I would say right now, given our challenges with staffing, this six-year program, and even the annual CIP, is a tall task for us to deliver on. Tried our best to deliver upon what we request funding for out of the six-year program. That's all I had for right now, Chair, but I'm happy to stick around and answer any questions the Committee may have on Public Works CIP. Thank you.

CHAIR COOK: Thank you, Acting [*sic*] Molina. I would like to give the...do we have Department

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representative, Mr. Rabara, available also for any comments?

MR. MOLINA: Chair, he won't...he won't be here today. Thank you.

CHAIR COOK: Okay. Thank you.

MS. GRECO: Excuse me, Chair? I noticed that Councilmember U'u-Hodgins joined the meeting, if you'd like to acknowledge her?

CHAIR COOK: Thank you. I would like to acknowledge Member Nohelani U'u-Hodgins, and welcome her to this afternoon's meeting.

COUNCILMEMBER U"U-HODGINS: Aloha, Chair. Thank you.

CHAIR COOK: Members, do you have any questions...a round of questions for Director Molina regarding the six-year budget. I...I...I want to preface this. The purpose of this meeting pre...is an opportunity for us to speak with the Director of Public Works, and next week with the Director of Water Supply, and also the Director of Environmental Management, pertaining to their...their projected six-year CIP budget goals. These are a continuation from previous budgets, but also, this will be greatly influenced by the new Mayor Bissen's Administration, but there's a big difference between maintenance and capital improvements, and I'm hoping that we can get some insights from these directors as far as the funding that's going to be required to do the substantial capital improvements, or simply saying that they don't have the resources, personnel, or money. So, that's an opportunity for us to ask them questions, and for them to give us frank guidance of what they're going to need. So Yuki Lei Sugimura, any questions?

VICE-CHAIR SUGIMURA: Yeah. Thank you very much for bringing this forward, and --

MS. LILLIS: Chair? Excuse me. May we call on Staff?

MS. GRECO: Excuse me, Chair. If you don't mind, if we could take public testimony on this item before getting into any questions or discussion?

CHAIR COOK: Pardon?

MS. GRECO: Can we take some...can we take testimony on this first?

CHAIR COOK: Okay. I apologize. Is there any public testimony pertaining to this?

MS. GRECO: Chair, it seems as though we have one individual in the Chamber that wishes to testify on this item.

. . . BEGIN PUBLIC TESTIMONY ON ITEM 1(2) . . .

MR. LAU: Apologize, Chair, I think I'm still ahead. I'm so...I said I wasn't going talk no more

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and waste your time. So, at the next meeting, I won't talk, okay? I'm still waiting on the Environmental Management part. Sorry about that.

CHAIR COOK: Thank you for your patience and your participation. Is there any other public testimony?

MS. GRECO: Chair, there is no one else that has indicated they wish to testify on this item. If there's anyone joining the meeting, either in person or virtually, that would like to testify on this item, please identify yourself now. Doing a last call, three, two, one. There are no other individuals that have indicated they wish to testify.

CHAIR COOK: Okay. Members, if there is no public testimony, I (*audio interference*).

COUNCILMEMBERS: No objections.

CHAIR COOK: Any objections to closing public testimony? Thank you.

. . . END PUBLIC TESTIMONY ON ITEM 1(2) . . .

CHAIR COOK: Okay. Thank you, Members. I would now open the floor for questions and discussion. Two-minute questions per Member, with one minute for follow up. Any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay. Councilmember Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Yeah. Thank you, Chair. So, Director Molina, for Fiscal Year '23 projects, do you anticipate encumbering all the funds before December 31st, 2023? And do we have enough funds budgeted for the projects?

MR. MOLINA: Thank you, Chair --

VICE-CHAIR SUGIMURA: Are we receiving higher bids because of...I'm sorry, what?

MR. MOLINA: Oh, yeah, you know, for the most part, we're...we're able to manage through the differences between what comes out in the bids and the budget because each project has its kind of trade-offs here and there. It's more so can we get these all out in time? At this point in time, I'm not aware of any projects that will have to be lapsed, at least not intentionally. There are certain projects from time to time, for various reasons, where we...we can't get them out, and then we'll, you know, make a decision to lapse those fundings. But at this point, I'm not aware if we're having to lapse any project.

VICE-CHAIR SUGIMURA: So you're anticipating doing all of these projects in this CIP report that you presented to us?

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MR. MOLINA: That's correct.

VICE-CHAIR SUGIMURA: That's my question. We will...we will hold him accountable. Very good.

CHAIR COOK: Councilmember Johnson, questions for Acting Director Molina?

COUNCILMEMBER JOHNSON: Thank you, Chair. I only have two minutes, Director, so apologize, but I just want to say that I know you said your job's not sexy, but it's so important to our community. You know, you...when I used to go door to door, there was two things we talked about; payrolls and potholes. So, fixing roads, I know you don't think it's sexy, but it's so important to our community. So, thank you for doing what you do. The...the Imi Kala extension, we talked about it in a previous meeting, and let's talk about it today. There is 21 million, you're saying, for this project. The first million is used just for design and permitting in that section. But I...I'm curious of the gap between. You have 20...2023, you're asking for a million, but not until 2027 are you asking for the 20 million for the construction. So why the gap? And then the second question is, are you using the 20 million from the Highway Fund, because there are other funds, Affordable Housing Fund, that maybe you could look into getting some of that maybe. So those are my questions. Thank you.

MR. MOLINA: Thank you, Chair. The gap is just how long it takes to get a project designed and permitted. New roads are more difficult than maintenance, there's a lot less exemptions that apply, these are sensitive lands, so, three years is kind of a safe estimate for that purpose. The Highway Fund proposal is a placeholder at this time, that probably should have been a bond appropriation, but we do also intend to try and pursue some of the Federal programs for this road.

COUNCILMEMBER JOHNSON: Okay. Well, three years, you said that's kind of how it is. Is that...is that for all roads? Because I know, for example, the Fifth Street expansion on Lānaʻi, is that kind of...is this a cup [sic] and paste...or copy and paste kind of thing, that if you're going to do any kind of road extension, you're going to put in some money, or well, a million, for...for just the design, and then X amount for the actual construction?

MR. MOLINA: Yeah. So, even that million is...is really a placeholder. It'll probably be closer to 4 to 5 million in design and permitting . . . *(timer sounds)*. . . fees.

COUNCILMEMBER JOHNSON: Does the --

MR. MOLINA: I'm sorry, go ahead.

COUNCILMEMBER JOHNSON: Does the community know that the Imi Kala won't begin construction until 2027? I know the...the topic was brought up for the Affordable Housing project before, but are...is...have you guys done any kind of outreach and know that the...is it known that it's not going to even begin construction until 2027?

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MR. MOLINA: I would say that's a new update. Before that, it was in...undetermined when this thing would be built.

COUNCILMEMBER JOHNSON: Yeah, yeah, okay. All right. Well, my time's up. Thank you for that new info.

CHAIR COOK: Councilmember Tasha Kama, questions for Acting Director Molina?

COUNCILMEMBER KAMA: Thank you, Chair. So, Director Molina, the three-year design and planning time, is that based upon the current capacity that the Department has, and has always had, knowing that you do have some shortages in your Department?

MR. MOLINA: Unfortunately, no. That's just how long it takes to...you know, the big thing here is the EA. The EA takes technical studies that have to occur first. Those can, you know, average about six months of time to get those studies done. Prepare the EA document. In the case of Federal programs, you have HDOT and Federal Highways review on top of the regular review, before you can even submit for permits. You have Army Corps permits in this case, DOH permits because of the bridge component, you have archaeological studies. All these things add up, and they all take time, and they all move at various paces. And so, that's generally what we've seen how long it takes to get a new road designed, and permitted, and ready for construction.

COUNCILMEMBER KAMA: But that's assuming that you have the staff do this...all of this paperwork forward, right?

MR. MOLINA: Actually, most of this work gets farmed out to the consultant, but it still requires our Staff to stay on top of the consultant and do the County side of the lifting when it comes to preparing these documents and submitting for permits.

COUNCILMEMBER KAMA: Okay. So, you feel pretty comfortable that three years is what it'll take for the design and planning, and then after that, then it's just the implementation; is that right?

MR. MOLINA: Yeah, I feel pretty confident...confident, provided nobody else quits in that three-year period.

COUNCILMEMBER KAMA: No more retires. Thank you, Chair. Thank you, Mr. Molina.

CHAIR COOK: Council Chair Alice Lee, questions for Acting Director Molina?

COUNCILMEMBER LEE: No questions. Thank you.

CHAIR COOK: Councilmember Tamara Paltin, questions for Acting Director Molina?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Molina. I was wondering about the Front Street improvements. Have all the permits and other things been gotten already, and any status update on that project?

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MR. MOLINA: I think...sorry, I have to reconfirm, but I believe we went in for our SMA major permit...I got to check the status. We had been bumped from several meetings, so I can't recall if we finally got through on that last meeting or not. But as far as, yeah, that would be the last permit right now, is the SMA major permit, that work can get started.

COUNCILMEMBER PALTIN: Okay. And then on the Īao Flood Control Program, it looks like Fiscal Year 2023 is 7.7 million. Any status update on that one?

MR. MOLINA: Yeah. So, within this program, we have a few different things going on. So, we have some embankment stabilization. I don't believe that went out to bid yet. The...the designs are being finalized. The second one involves partnership with Army Corps to do repairs in another area. Both of these are damages that came from the 2016 storms that we haven't yet (*audio interference*). And the last item is...it's really a maintenance item, but as this flood control accumulates material, we do need to haul it out, dispose of it. Certain...certain segments of the flood control are less accessible than others, so a little bit more planning has to go into how we actually organize the work to get those removals. So all of these are moving . . .(*timer sounds*). . . forward.

COUNCILMEMBER PALTIN: I was concerned, like, you know the way that storms are coming through a little bit unexpected. If you're in the process of doing the stabilization or the boulder revetment, and big rain comes through, how do you prepare for that?

MR. MOLINA: Yeah. Generally, they got to account for trying to protect the work area with cofferdams or other...other mechanisms that can basically temporarily divert the stream so at least there's safe room to work.

COUNCILMEMBER PALTIN: But if the rain is super heavy, like, do they...they don't leave the equipment, they take it out every...every night and...

MR. MOLINA: Yeah. I think...like for these...it'll depend what the access situation looks like, and...but yeah, they...I mean, they won't park...they'll try not to park all the equipment right there in the stream.

COUNCILMEMBER PALTIN: And...and that 7.7 is the County's portion?

MR. MOLINA: That's correct.

COUNCILMEMBER PALTIN: Thank you. I'll wait until my next round.

CHAIR COOK: Thank you. Councilmember Keani Rawlins-Fernandez, questions for Acting Director Molina?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Chair. Okay, mahalo, Acting Director Molina. I'm really excited about our...Moloka'i's Airport Loop Road finally getting updated, improved, after I don't know how many years. Okay. So, my

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question regarding the Imi Kala extension. In response to Member Johnson's question that there was an undetermined date until recently, and I don't know if the recently was if it was prompted by the...MEO's project. And if so, what project got bumped because this project jumped the line? Were there any projects that got bumped?

MR. MOLINA: Thank you, Member Rawlins-Fernandez. So, this project was indefinite because the requirement for this road was tied to the Pi'ihana project district, in which they were conditioned, through their zoning approval, for 100 percent of the cost. And so, we've just all been waiting to see if whichever developer of that property was going to find a way to fund all this infrastructure. In light of our...you know, last term's active discussions on affordable housing proposals from both the MEO project, but also there was a proposal across the street with the Hale Mua project, the previous Administration recognized the...the critical nature of this road, not only for Pi'ihana, but to potentially facilitate those other developments and traffic mitigations. So, because of that, the proposal was put forth, and the Council approved the County stepping in to help jumpstart this project, to see if we can, you know, get it to help benefit some housing projects. So, that's how it came about. As far as bumping other projects, I can't say definitively that...which ones were quote, unquote, "bumped." Yeah, I wouldn't be able to put a...put a name on that one at this time. . . .(timer sounds). . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, perfect timing. I'll hold my questions for the next round. Mahalo, Director. Mahalo, Chair.

CHAIR COOK: Thank you. Questions from Councilmember U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Hi. Thank you. I do have a quick question for right now. I see the...that the parking lot on Baldwin Ave., looks like there's going to be some proposed construction over there. I'm wondering, maybe not now, but if ever, is there an ability to make a turnaround? Because right now, there's parking all the way to the end, and you have to basically Austin Powers to get out if there is no parking, which is pretty common. So, are we ever going to entertain maybe opening that up to ensure we can get in and out safely and quickly?

MR. MOLINA: Thank you, Member U'u-Hodgins. I believe you're referring to the parking lot on Hāna Highway that has, you know, one driveway in and out. The project sheet before you refers to the parking lot on Baldwin Ave. above Mana Foods.

COUNCILMEMBER U'U-HODGINS: Oh, okay, okay.

MR. MOLINA: This has two entrances to loop around to.

COUNCILMEMBER U'U-HODGINS: Okay, you're right. Thank you.

MR. MOLINA: But at this time, I don't have anything planned for that Hāna Highway parking lot.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you.

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CHAIR COOK: Councilmember Sinenci, question?

COUNCILMEMBER SINENCI: Thank you, Chair Cook. Mahalo, Mr. Molina. Just a general question. Are we able to pay for any of the CIP projects with General Funds that are currently being bond funded?

MR. MOLINA: So, there is accounting standards as far as what can be bonded. Generally, they don't like us to pay for maintenance or work that doesn't extend useful life with bond. So, it's...you know, that's kind of a active discussion with the Budget Director and Finance Director, as far as what is appropriate to bond. Now, with General Fund, we do rely on General Fund for a lot our...for our drainage work and drainage improvements at this time because there is no dedicated funding. But I know in recent discussions that the Budget Office is pushing us to bond as much as we can. But again, it's limited, based on the type of project being proposed.

COUNCILMEMBER SINENCI: Okay. Thank you for that. And then you mentioned something. Are you going to be applying for any Federal grants for any of the CIP projects?

MR. MOLINA: Yes, we will be. We...the last one we just submitted just last week was for the RAISE grant for the North-South Collector Road.

COUNCILMEMBER SINENCI: Okay. And then you also mentioned vacancies in the Department. Do you have enough engineers for your CIP projects?

MR. MOLINA: No, but we find ways to make do.

COUNCILMEMBER SINENCI: Oh, okay. And then, do you anticipate or contract out any of those CIP projects?

MR. MOLINA: Yes, we currently utilize multiple consultants at every different phase of project delivery.

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

CHAIR COOK: Second round of questions?

VICE-CHAIR SUGIMURA: Yeah.

CHAIR COOK: Member Sugimura, please.

VICE-CHAIR SUGIMURA: Thank you, Chair. So, we heard you mention that most of this is maintenance. Obviously, maintaining our infrastructure is important, improvements are also important, constituents are always asking us for improved drainage, improved highways...I'm sorry, improved roadways, et cetera...bikeways. Are you saying that this is...it is unrealistic to expect major improvements in these areas without much more money and staffing? That's always a question we get from our constituents. Director?

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MR. MOLINA: So, currently, we're at about 60 million a year in CIP proposed funding. I would say we're hard-pressed to go much further than that right now.

VICE-CHAIR SUGIMURA: So are you saying --

MR. MOLINA: But that --

VICE-CHAIR SUGIMURA: -- everything on this list *(audio interference)?*

MR. MOLINA: Correct. But that's not to say we couldn't, or a Council couldn't direct the priorities in a different manner to...yeah, prioritize certain projects for certain areas over others. That's within your guys' purview.

VICE-CHAIR SUGIMURA: Thank you. I'm glad to hear that a RAISE grant was submitted for North-South Collector Road. I'm sure you're making a lot of people very pleased in the South Maui area, and...and to be able to say, finally. And hopefully, we can work with MPO and get everybody to kind of walk together in that direction. So, thank you for submitting that. When are you expecting to hear back on the RAISE grant?

MR. MOLINA: I don't know if I saw it, but I think generally it's bid out in November, so...when they'll release the awards.

VICE-CHAIR SUGIMURA: Okay, we'll hope on that. So, basically, you're saying that whatever's on this list, is base...what the Department could handle? . . .*(timer sounds)*. . .

MR. MOLINA: Yes. As far as total budget-wise, this is definitely pushing our limits.

VICE-CHAIR SUGIMURA: And staffing. Thank you.

CHAIR COOK: Thank you, Councilmember. Councilmember Gabe Johnson, second round of questions for Acting Director Molina?

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank you, Director Molina, for your answers to the question. You answered one of mine about the North-South Collector Road, and I'm really happy to hear that coming from you. So, in the...in that answer, you gave a really important point that I want to expand on, is that you do contract out, and you do use a lot of non-County engineers to help put your thumb on the scale for certain projects to get them done faster. So, Lānaʻi Fifth Street expansion, I know it's not a priority on your list, but I'm going to advocate for it. Wouldn't that be something we could do, to contract out the...the work that you need to have that project come to fruition? Because it's...it's the only County land on...or it's one of the few parcels, I should say, on the Island of Lānaʻi, and it's just sitting there fallow. So, I'm...I'm looking for a sense of urgency, and if there's some way I can do to help it, I would love to hear, if you kind of contract out any of that?

MR. MOLINA: You know, for that project, because it's tied to the County's housing project,

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you know, my recommendation would be to infuse life into that project so that they can move forward on their infrastructure needs. It would be hard for me to build a road and the infrastructure if the people building the housing have no sense of what they need yet. So --

COUNCILMEMBER JOHNSON: Right.

MR. MOLINA: -- I think it's critical to get that housing project organized so we know what the infrastructure requirements need to be.

COUNCILMEMBER JOHNSON: Well, I certainly would love to do that, and work with you and the Administration to make that happen. You know, I know you mentioned that there are times the Council...Councilmembers can help prioritize, you know, change...you know, help influence it. So I'm willing to work with you as much as I can. Is it...is it...you know, we put a feasibility study in the budget for this project, it's just a matter if the Administration is going to spend the money on it. So, the money's there for a feasibility and master plan for that parcel. So, I'm looking forward to, you know, doing what we can. I'm here for it, and I'll have a meeting with you. The...the other thing, I'll pivot real quick, is the flooding in South Maui. You know . . . *(timer sounds)*. . . the...the...we know that it's going to happen again this year and next year, and it's going to continue to happen. So, doesn't the...the...you know, the current effects of the weather system, doesn't it switch your priorities around a bit when...we can't have South Maui flooding again, all over again, right? You know, those are the kind of things that...are we being nimble with these...these...this list?

MR. MOLINA: Yeah. So, we are looking at South Maui. South Maui is complicated...managed retreat, for example. Am I investing hundreds of millions of dollars in the SMA zone for flooding if I'm supposed to be retreating? It...that...in Kihei in general, it's a...kind of a...a...something that makes me stop and go, what...what are we doing in South Maui? Am I trying to extend life of the infrastructure? Am I trying to protect flooding, or are we trying to bail out of the sea level rise exposure layer area . . . *(timer sounds)*. . . out of the wetlands? We got to continue those conversations.

COUNCILMEMBER JOHNSON: Okay. Thank you, Director. Thank you so much. Thank you, Chair.

CHAIR COOK: Thank you, Member Johnson. Councilmember Tasha Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Mr. Molina, let's get...I want to go back to Īao Valley. So, you know, during the last flood, the bridge was damaged to some degree. So, who owns that bridge? Is it us, or is it the State DLNR?

MR. MOLINA: So over Waikapū River, there's several bridges. We have the bridge in Īao Valley, or...in...at the park, Kepaniwai Park, that's a County bridge. We have the bridge at Market Street, that's a County bridge. And then we have the bridge at Waiehu Beach Road, and that's a State bridge.

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COUNCILMEMBER KAMA: So, the one in Paukūkalo by the old Sack N Save, that's the State bridge?

MR. MOLINA: Correct.

COUNCILMEMBER KAMA: And the one in Īao Valley in the State park is a County bridge?

MR. MOLINA: Correct.

COUNCILMEMBER KAMA: Okay. So...so, in our discussion, the bridges that you're talking about in terms of being maintained, is the bridge in Īao Valley one of those bridges?

MR. MOLINA: Yeah. So, we do have a...think it'll be coming up in our next...oh, no...yeah. So, in the...before you on the CBS sheet, 6069, Countywide Bridge and Drainage Program, we do have funding for Īao, number 59 bridge repair. So that's the one up in Īao Valley, right before you get into Kepaniwai Park, that bridge right there. There are some...it's...it's mostly repair work. I think the bridge itself is structurally sound, but there is some repair work needed. That's where we do have upcoming maintenance projects on that bridge.

COUNCILMEMBER KAMA: And the bridge in the park, the one that goes to the Needle, are there any repairs to that bridge? . . .*(timer sounds)* . . .

MR. MOLINA: As far as I'm aware, there's only one bridge on the road, and that's right at the bottom, when you first get into Kepaniwai.

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

CHAIR COOK: Thank you, Member...Chair Lee, questions?

COUNCILMEMBER LEE: Yes, Chair. Mr. Molina, how are you doing with the Wai'ale extension project, and what are your main objectives there?

MR. MOLINA: So, fortunately, Wai'ale is full steam ahead at this time. We just had our initial meetings with Federal Highways to get coordinated. As you guys know, we did...were fortunate enough to receive the RAISE grant for Wai'ale extension, so that's \$25 million that will help cover the construction costs. At this point, we are working on preparing the EA document to engage in environmental review. The other big lead items we have there is Public Utility Commission review, those large power poles along Waiko Road need to be relocated. That requires a PUC process involved, which can take up to a year. Then we have to get through our bridge permitting as well, but at this point in time, we don't have any real major conflicts we're aware of. So, still on schedule for hopefully starting construction in 2025.

COUNCILMEMBER LEE: Are you planning to add one or two lanes...additional lanes?

MR. MOLINA: No. At this time, it'll just be a two-lane road.

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COUNCILMEMBER LEE: I see. So, do you expect to alleviate much traffic with the same configuration?

MR. MOLINA: The...the main intent of the Wai‘ale extension is to accommodate the Waikapū Development. It’s not going to help alleviate traffic on existing Wai‘ale Road.

COUNCILMEMBER LEE: I see. Wasn’t the original intent to add one or two lanes? No? On the existing --

MR. MOLINA: Yeah, so --

COUNCILMEMBER LEE: -- on the existing Wai‘ale Road? . . .*(timer sounds)*. . .

MR. MOLINA: Yeah. So, back in the early ‘90s, when those project districts were first developed, at the time, the traffic recommendation was four lanes. That’s not something that’s being contemplated at this time. We don’t think four lanes is...is what is needed. Also, to fit the pedestrian and bike facilities in, we can’t squeeze in four lanes coming off the road.

COUNCILMEMBER LEE: Thank you.

CHAIR COOK: Thank you, Chair. Thank you, Jordan...Acting Director Molina. Councilmember Tamara Paltin, second round...Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Molina. I was wondering if we can have a status update on the 77,334 for multimodal and pedestrian improvements in West Maui, including Lower Road, Ainakea, and Honokōwai?

MR. MOLINA: Member Paltin, I’ll have to get back to you with details on what we have planned for that funding.

COUNCILMEMBER PALTIN: And then I was wondering if you have been told, or prohibited, from using General Funds from...for you...for use for pedestrian safety improvements? Because it looks like this is coming out of the Highway Fund.

MR. MOLINA: I don’t believe there’s a limitation, but I do know the push is to try and use Highway funds first because they have that limited purpose, and General funds have that, you know, multiuse. So that would be the only kind of limitations I’m aware of.

COUNCILMEMBER PALTIN: Okay. Because everybody walks, but not everybody drives, and the Highway Fund comes from mostly, like, drivers or bike registration. So, I just was wondering, if we run out of Highway funds, but we still need pedestrian improvements in our district, if...if we can utilize General funds in the future?

MR. MOLINA: I’ll just put my quick budgetary plug in here, then. If...if you wanted to go down that route, I would stay stop giving money to the bus from the Highway Fund, and you

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can give them the General Fund *(audio interference)*.

COUNCILMEMBER PALTIN: Cool with me. And then the other one I had, was...shucks, let me find it, just a sec. When you do the drainage maintenance and replacement, what...what is the anticipated lifespan, once you replace a drainage? . . .*(timer sounds)*. . .

MR. MOLINA: So for drain lines, now that we're replacing them with not corrugated metal, you know, we're potentially hundreds of years. I mean, plastic, the plastic drain pipes can last forever, concrete can last long time, but yeah, I would say 50 years. Rough...rough...rough safe life estimate.

COUNCILMEMBER PALTIN: And then when you do coordinate...I mean, I seen a whole bunch of Waihi neighborhoods that was going to have drainage replacement. You coordinate the resurfacing to...to...like, you would have done that first, before you made the streets all nice, or next time?

MR. MOLINA: We are trying to get better at that, so it's a work in progress. Some might have fallen through the cracks, but yeah, we are trying to not have our fresh pavement get cut up. . . .*(timer sounds)*. . .

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR COOK: Thank you, Member Paltin. Councilmember Keani Rawlins-Fernandez, question...second round of questions for Acting Director Molina?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. All right. I wanted to finish asking a few more questions about the Imi Kala extension and bridge. So, the Imi Kala would...the extension would connect Imi Kala to Pi'ihi, correct?

MR. MOLINA: Yeah, and through to Kahekili Highway.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And so, from Imi Kala to Pi'ihi, that land is not ours. That is under Wailuku Plantation, LLC?

MR. MOLINA: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: So do we have an easement, or how would that extension go? Would we need to...

MR. MOLINA: No, better. We have a zoning condition that says they owe it to us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And that area looks like it's mostly sand.

MR. MOLINA: Yeah. So, that's going to be one of the challenges with this project. I know it's a sensitive area, and so, we'll have to progress very slowly to make sure we minimize our *(audio interference)*.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And the...that road coming down Imi Kala to, I think...what is that? Lower Main Street? Or is that Mills? It...it...it's...it's like a...it's a --

MR. MOLINA: Yeah, there's a segment --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- like a tightly...it's a tight, like, neighborhood, like residential. It doesn't look like it's meant for that...level of traffic that it'll be...

MR. MOLINA: That's the old Cane Haul Road through there, between St. Anthony's School and . . .*(timer sounds)*. . . a bunch of residences. So, yeah. Right now, it'll be tight. So, we're still...we're still...you know, we're still in the early design stages to see the scale of road that can actually fit through there.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. Mahalo, Chair.

CHAIR COOK: Thank you, Councilmember. The next question from Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: I'm good on questions. Thank you, Chair.

CHAIR COOK: Thank you. Councilmember Sinenci, second round question?

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, just a...a few more for Mr. Molina. We spoke about the addition for resurfacing in Kaupō, and I was just wondering if is there an updated timeline to also include the Maka'ālae stretch where the Board of Water Supply put in the pipeline, as well as the Uakea Road?

MR. MOLINA: Thank you, Member Sinenci. I'll have to get back with you on the details, but I know we're coordinating right now with the contractor to start that Maka'ālae section. But I'm not sure...but yeah, I'll get back to you on Uakea Road. Thank you.

COUNCILMEMBER SINENCI: Okay, great. Thank you. And then following up on Member Paltin's line of questioning, who's the contributor to the Highway Fund?

MR. MOLINA: So, Highway Fund comes from the vehicle weight tax and the vehicle registration.

COUNCILMEMBER SINENCI: Okay, thank you.

MR. MOLINA: Sorry, and then --

COUNCILMEMBER SINENCI: Thank you, Chair.

MR. MOLINA: -- sorry, well, and the fuel tax as well.

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COUNCILMEMBER SINENCI: And the fuel tax. Okay. Thank you. Thank you, Chair.

CHAIR COOK: Thank you. Chair would like to ask Acting Director Molina two questions. The...the first one, you mentioned...I...I'm curious about capacity, the capacity...basically, the Department's ability to manage the size of the projects, and then also the funding. So, that's two different aspects. Which...what do you foresee in the next six years as far as us being able to ramp...can we ramp up beyond basic maintenance and small incremental upgrades? Is there anything we can do? And what would it take for us to be able to do more capital improvements, and not as...we want to keep the maintenance, but to up...to ramp up the capital improvements.

MR. MOLINA: So, we are trying to take a different approach as far as how we use consultants. Previously, we kept them in a very limited role of being just designers. We're now trying to push them to be more of a project management role, to take that burden off our Staff. But that's a growth area. A lot of Staff don't see it as the best use of money because they can do that same task, but to address the capacity and the ability just to do more, we've got to spend more. And the engineer's...the Staff engineer's going to be a huge factor for us. Because even though we can push more on the consultants, it still takes Staff to manage those contracts, oversee that the performance is being met.

CHAIR COOK: Thank you. For my...my second question. With Maui's infrastructure, there's somewhat of an overlap between what would be considered maintenance and what would be considered capital...CIP, capital improvement because, as you mentioned previously, well, a lot of the storm drains were corrugated pipe that have a life expectancy that are at their end. Now, we have the ability, basically through plastic or precast concrete, to install...have infrastructure that's going to last for a much longer period of time, which is hopefully more bondable because it's going to hopefully live twice the...twice the time of the bond. How do you juggle that, and what could you share with us, as far as a perspective of how do we (*audio interference*)? What's...what's your feelings on that?

MR. MOLINA: Yeah. So, couple questions in there. So, if one of the items is regarding drain line replacements...so, you can find that on--what page is this--the fifth page of that handout I provided, CBS 6633, Countywide drain line replacement. So, again, yeah, these are being bonded because of that extended useful life. And so, having this program develop helps to ensure we stay up on maintenance. And, you know, the main...the main thing is trying to avoid cars in sinkholes on our roads. Regarding pavements, you know, with the support that Council has given to our pavement preservation program, as we grow that program, we'll be able to be...we'll be able to do pavement maintenance a lot cheaper by doing slurry. It's like a tenth of the cost of doing resurfacing, and if we have enough capacity to keep on top of that, in theory we can get to a point where we never need to resurface, and we'll just be doing slurry everywhere. So, we're slowly building that capacity as well. I guess what gets hard with maintenance, particularly streets, is when we go and pave an old section, and we see we're deficient on pedestrian paths, or we're deficient on bikeways, or those other safety measures, it's hard to just go and pave and disregard those safety issues. So, that...the impact is, it's getting slower to do paving now. If we want to address these other issues

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while we're in there, we can't just go, and go with the paving. So, that is kind of starting to come to a head now, and impacting the maintenance, because it's more of...you know, it's a combination of maintenance and improvements. Thank you, Chair.

CHAIR COOK: Thank you. With the Members' permission, I'd like to ask a third question; is that okay? Acting Director Molina, the South Maui flood control and water quality issue is humungous, it's extreme (*audio interference*)...it's extremely broad. Is that something (*audio interference*) where your Department (*audio interference*) typically is split in some manner, so that that was a whole separate...that you could focus on that...I don't have the solution or even the correct question, but is that something we should be looking at because of the magnitude of flood control on the island?

MR. MOLINA: Yeah. I mean South Maui is...is going to be a team effort for sure. We have, in the past, developed flood control projects, but not in recent times, so...Iao is from the late '70s. The stuff...the facilities on the West Side are from the late '70s, early '80s. Those expertise are gone. The regulatory framework is completely different. Then you have kind of this flood control versus watershed management perspective that's...we're growing into. So, it's definitely a growth area for us that we're going to be trying to figure out how we leverage every...all the stakeholders in getting a solution put together for South Maui.

CHAIR COOK: Thank you very much for your participation this afternoon. The Chair would like to call for a five-minute recess. It is now 4:03. . . .(*gavel*). . .

RECESS: 4:03 p.m.

RECONVENE: 4:16 p.m.

CHAIR COOK: . . .(*gavel*). . . The Water and Infrastructure Committee meeting will now reconvene at 4:16 p.m. Members, if there are no objections, the Chair would like to defer this item, WAI-1(2).

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: ALL)

ACTION: DEFER, PENDING FURTHER DISCUSSION

**ITEM 1(1): CURRENT SIX-YEAR CAPITAL IMPROVEMENT PROJECTS
UNDER THE DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT** (Rule 7(B))

. . . BEGIN PUBLIC TESTIMONY ITEM 1(1) . . .

CHAIR COOK: Opening public testimony...at this time, I would like to open public testimony on WAI-1(1). Staff, please call the first testifier.

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MS. GRECO: Chair, we have one testifier for this item, JC Lau, in Chamber.

MR. LAU: Hey, you guys. Hey, thanks for letting me use your building while it's all raining outside and stuff. The...on November 5th, 2019, Mr. Sinenci had the Committee--what was that Committee--EICA, Environmental Cultural, and it's...and he invited this guy over there, talking about this gasification and pyrolysis device that they're working on. And I just wanted to ask the new Environmental Manager and the Mayor to think about...I think they were...it's not right to push trash in the...to...to put the ōpala in the ground...ōpala and it's like this Hawaiian thing, the plastic is not...the bad stuff's not supposed to go in the ground, especially in Hāna. Anywhere on Maui, really, but...and Moloka'i and Lāna'i also. So, this thing's going to cost a lot of money, I guess. You could ask...yeah, the new guy. I'm sure they're working on it, but...and it's maybe not a priority, but we need one...we need something. I'm doing as much as I can in my district up in Upcountry, but we've got to put...we've got to quit putting the bad stuff in the ground over here, because we're just going to have to dig it back out again in the future. So, yeah, some kind of burner device. And I know it's going to cost double in Hāna because it costs a lot of money to get out there, but I think they're working on that in Pu'unēnē, so...what's the guy's name, Tim Gunter? Yeah, I haven't seen him for a while. Thank you for your time, Mr. Chair.

CHAIR COOK: Thank you. Wait, wait a moment. Testifiers, any questions...Members, any questions for the testifier?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Lau. Just to clarify, so, you're talking about the to...to do a gasification, like a waste to energy program, like small...small scale?

MR. LAU: Yeah, I'm not...the...I think it's still in the development. They have factories, I think there's one in Alaska that was...if you look at that November 5th, 2019 Committee, they...they made a presentation, and there's like factories that you can burn the trash...the trash, ōpala, whatever you want to call it. But it's pretty much...yeah, we got to start separating it. I think maybe Mr. Cook, you could take a trip to Japan with Mr. Sinenci and check out what they got.

COUNCILMEMBER PALTIN: You said 11...November 5th --

MR. LAU: November 5th --

COUNCILMEMBER PALTIN: -- 2019.

MR. LAU: November 5th.

COUNCILMEMBER PALTIN: Okay, perfect.

MR. LAU: 2019.

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COUNCILMEMBER PALTIN: Thanks, I forgot that guy's name too. Tim Gunter.

MR. LAU: We went on pause because of COVID after that, and...yeah.

COUNCILMEMBER PALTIN: And that November 5th one was the one had Tim Gunter?

MR. LAU: I don't know if he was here, I'm pretty sure he...he watched it, but it was a guy from the University of Iowa, and then another guy came...professors and stuff. So they...I'm just using what I learned, and I was just so excited about that, and I've been waiting for that long to find out what's going on with this project, and a contract for a facility.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you.

CHAIR COOK: Thank you. Members, any other clarifying questions? Wait.

MR. LAU: No one ever asked me questions before.

CHAIR COOK: Any other questions? If not, the Chair has one. I want...I want to thank you for your comment, and hope...I agree with you, that...and your...your encouragement for us to turn waste into a resource, and the landfill is a very old school way to do it. It's very expensive. Fortunately, with the new technologies, there are ways to mitigate it. It would be great if everything we imported to the island got used for something, and didn't just get in landfill...compost, or whatever. But thank you for your testimony, and please continue to share any of the ideas for new technologies that you encounter. Mahalo.

MS. GRECO: Chair? If I may, the next testifier? The next testifier is Robin Knox.

MS. KNOX: Aloha, Chair Cook. Aloha, Committee. Thank you for letting me testify. Thank you, Mr. Cook, for bringing up the issue of South Maui drainage. It's...obviously, to anyone that's been there in recent years, it's a huge and urgent issue. I wanted to follow up on Director Molina's comments about watersheds and drainage, just to say it's not an either/or. I think our...our community, as well as current environmental laws, really look down on concrete-lined channels as the solution. And the solution is to, in my opinion, and...and this is the state of the art in...in environmental and storm water management communities, a practice is to use our natural infrastructure. To take best advantage of healthy watersheds and healthy wetlands that function as our natural infrastructure. They are already part of our drainage system, as you would see if you look at the mapping of our Kihei drainage master plan, and some of the mapping that Save the Wetlands Hui has done of wetlands in South Maui. So, we...yeah, I just want to make sure the Members knew it's not an either/or. It's how can we combine the best of both worlds, both in new construction using low-impact and green infrastructure, as well as what we can do to restore our watersheds and wetlands, to take maximum advantage of the ecosystem services that they provide. Thank you.

CHAIR COOK: Thank you for your testimony, Ms. Knox.

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MS. KNOX: You're welcome.

CHAIR COOK: Members, any clarifying questions? Seeing none, mahalo. Staff, any further testimony?

MS. GRECO: Chair, there are no other individuals that have indicated they wish to testify at this time. Proceeding with a last call, three, two, one. Chair, there are no other individuals for testimony.

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

MS. GRECO: Excuse me, Chair? Sorry. You need to close testimony, and then move on to further action.

CHAIR COOK: Thank you. Members, seeing that there are no more individuals wishing to testify, without objection, I will now close oral testimony for WAI-1(1).

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY ON ITEM 1(1) . . .

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

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: ALL)

ACTION: DEFER, NO DISCUSSION

CHAIR COOK: This concludes today's Water and Infrastructure Committee meeting. The time is now 4:24. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 4:24 p.m.

APPROVED:



TOM COOK, Chair
Water and Infrastructure Committee

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

March 6, 2023

CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 52 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 30th day of March 2023, in Wailuku, Hawai'i



Kaliko Reed