

ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE

Council of the County of Maui

MINUTES

January 29, 2019

Council Chamber

CONVENE: 1:30 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Tasha Kama, Vice-Chair
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Yuki Lei K. Sugimura (In 1:33 p.m.)

STAFF:

Carla Nakata, Legislative Analyst
Tammy Frias, Supervising Committee Secretary
Nicole Siegel, Committee Secretary

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone
conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone
conference bridge)

Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone
conference bridge)

Gina Flammer, Executive Assistant to Councilmember Shane M. Sinenci

ADMIN.:

David C. Goode, Acting Director, Department of Public Works
Jarvis Chun, Supervising Land Use and Building Plans Examiner, Department
of Public Works
Glen A. Ueno, Development Services Administrator, Department of Public
Works
David A. Galazin, Deputy Corporation Counsel, Department of Corporation
Counsel

Seated in the gallery

Greg A. Nakao, Electrical Engineer V, Development Service Division,
Department of Public Works

OTHERS:

Howard Wiig, Energy Analyst, Hawaii State Energy Office, State Department of
Business, Economic Development, and Tourism

Tom Cook
Bruce Douglas

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Peter Niess
Michelle Del Rosario
Additional attendees (5+)

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

CHAIR SINENCI: . . . *(gavel)* . . . Aloha. The Environmental, Agriculture, and Cultural Preservation Committee meeting of January 29, 2019, will come to order. I am Shane Sinenci, the Chair of the Committee. May I ask all of you to silence all cell phone ringers and other noise-making devices, please? Thank you. I'd like to introduce our Voting Committee Members. Vice-Chair Tasha Kama.

VICE-CHAIR KAMA: Hi, Chair.

CHAIR SINENCI: Aloha. Council Chair Kelly King.

COUNCILMEMBER KING: Good afternoon, Chair.

CHAIR SINENCI: Member Alice Lee.

COUNCILMEMBER LEE: Hello, Chair.

CHAIR SINENCI: Member Michael Molina.

COUNCILMEMBER MOLINA: Good afternoon, Chairman.

CHAIR SINENCI: Member Tamara Paltin.

COUNCILMEMBER PALTIN: Good afternoon, Chair.

CHAIR SINENCI: . . . And we're waiting on Member Sugimura. Today, we have, we also have some guests today the, from the Department of Corporate Counsel, representative David Galazin, the Deputy Corporation Counsel. David. Our Administration representatives, David Goode, from Public Works.

MR. GOODE: Good afternoon.

CHAIR SINENCI: Glen Ueno, Development Senior Services Administrator. Jarvis Chun, Supervising Land Use and Building Plans Examiner. And, for our other resources, we have Howard Wiig, Energy Analyst, Hawaii State Energy Office. Mr. Wiig. We'd like to introduce our Committee Staff, Carla Nakata, our Legislative Attorney; Nicole Siegel; and Committee Secretary Tammy Frias.

Today, we are introducing item number EACP-12 of the Hawaii State Energy Conservation Code. For individuals testifying in the Chamber, please sign up at the

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desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with district office staff. Testimony will be limited to the items listed on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify up to three minutes per item. Also pursuant to the Rules of the Council, please advise the Committee when you testify that, if you are a paid lobbyist. When testifying, please state your name and any organization you may be representing.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR SINENCI: Okay, we'd like to check in with our district offices. Hana office, Ms. Mavis Oliveira-Medeiros, is there anyone who wishes to testify?

MS. OLIVEIRA-MEDEIROS: There is nobody here in Hana waiting to testify. Thank you.

CHAIR SINENCI: Thank you. Our Lanai office, Ms. Denise Fernandez, is there anyone there to testify?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez at the Lanai office, and there is no one waiting to testify.

CHAIR SINENCI: Mahalo. And, have we got confirmation from Molokai office? Ms. Zhantell Lindo, is there anyone there who wishes to testify?

MS. LINDO: Aloha. No one at the Molokai district office to testify.

CHAIR SINENCI: Thank you. The Chair would like to recognize Member Sugimura.

COUNCILMEMBER SUGIMURA: Good afternoon, Chair.

CHAIR SINENCI: Good afternoon. Okay.

MS. NAKATA: Mr. Chair, the first person who has signed up to testify in the Chamber is Tom Cook. He'll be followed by Mr. Bruce Douglas.

MR. COOK: Good afternoon, Chair and Councilmembers. My name is Thomas Cook. I'm a contractor, builder on Maui for the last, like almost 40 years. I'm here basically giving testimony in, in support of the County of Maui's addendum to the Energy Code. I think that they. . . I reviewed it. I'm not a designer. This stuff puts me to sleep, I confess I didn't read it word-for-word, all right. But broad strokes, I think that, that our representatives in the building department made a really good effort and I saw a lot of flexibility built in that we could use indigenous building materials, and it'd be more applicable for our island lifestyle. Having said that, I'd like to. . . 'cause the County Council has reviews and approves a lot of this stuff. When I look at this, what I see is basically one more building block of costs for building. We need building codes for health and safety--I'm an advocate of that--licensed plumbers, licensed electricians, you know, but I just want to remind you, that this book gets thicker and thicker and thicker

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as the years go on with building codes and regulations and, and whatnot, and a couple of things that it causes, it causes, like professionals to have to interpret it, professionals to have to represent it. I'm going to draw an analogy. We don't have any shade tree mechanics anymore. The guy can't work on his car. You gotta have a computer, you gotta have all this fancy stuff. You gotta have a big garage. So, I'm a builder, I take pride in my work, I can follow the drawings. I'm just advocating to keep it as simple as possible, but I completely respect what our local building department has done in their attempt to review this thoroughly, and adapt it to make the most sense for Maui County. So, that's my testimony.

CHAIR SINENCI: Thank you, Mr. Cook. Members, is there any, do you wanna address Mr. Cook's testimony? Seeing none--

MR. COOK: You're not tired of listening me talk already? . . .*(chuckle)* . . .

CHAIR SINENCI: Thank you, Mr. Cook.

MR. COOK: Aloha very much. Bye.

CHAIR SINENCI: Mahalo.

MS. NAKATA: Mr. Chair, the next person signed up to testify is Bruce Douglas. He'll be followed by Peter Niess.

MR. DOUGLAS: Aloha, Chair and Council. I'm here testifying, my name is Bruce Douglas, and I'm testifying on behalf of my day job, my business, Mandala Eco Homes. I build pre-fabricated houses in Bali, Indonesia. Completely build them there, disassemble 'em, and bring 'em mostly to the Hawaiian Islands, and other parts of the world and reassemble them as a kit home. So, it's a rather unique, niche market. And I'm here to make sure that our energy codes make sense for not only conventional American-built houses, but all forms of housing, so we don't exclude or have energy codes that, that don't work. I'm particularly unique, my undergraduate was in engineering. I used to have a insulation, retrofit installation company back in Missouri in my youth. I then went on to a total energy services company, and then became an energy auditor for the Missouri Department of Natural Resources, so I've studied this subject of insulation very carefully. One thing about our system here, when you have. . .what we used to do in Hawaii, we had single-wall construction. If you're not trying to air-condition a property, that works good, and in fact, single-wall in the tropics, particularly in the humid areas, like Haiku, is preferable. 'Cause when you create a wall cavity, that's a place for mold to build up, it's a place for the rodents to make a party in, it's a place for the, for the cockroaches to live. They love fiberglass to hang out in. If you take apart a house after 40 years, this is, it's got a cavity insulation in it, and smell that wall. In Haiku, it's pretty foul and nasty. In other words, it holds moisture. And we're basically following the codes in other places, you know, where you have cold weather, or you don't have the humidity we have here. And we have thermal barriers and use fiberglass in the walls in a double-wall construction. But actually, in the tropics, it's better if you

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don't have that wall cavity, if you do the single-wall construction. So how I build my houses, it's a not a stick-built house, where you line up a bunch of sticks and put plywood on the outside and sheetrock on the inside and stuff the cavity with fiberglass. I do a pole-barn system, where there are poles interlocking with mortice and tenon joints, and then between are panels that go between. That's how I'm able to do a kit house efficiently. The walls are single-layer, single-wall, but multiple layers. So, the outer layer is tongue-and-groove hardwood, the inner layer is plywood, laminated plywood. And sometimes I make a middle layer of foam insulation. . . .And if you're building a house where you don't intend to air-condition it, say in Haiku where nobody has air conditioning, or Hana, just, we don't do it, then really, putting insula..., having a high-insulation value in the walls is like, not necessary. And I want to be sure there's an out for it when you don't intend to insulate a house, that we don't require wall insulation. Now, roof ventilation--

MS. NAKATA: Three minutes.

MR. DOUGLAS: --is a very good idea. Can I have a little more time?

CHAIR SINENCI: Closing comments, Mr. Douglas.

MR. DOUGLAS: Well, I want to talk about fiberglass.

CHAIR SINENCI: Members, do you have any comments for Mr. Douglas' testimony?

COUNCILMEMBER MOLINA: Chairman, no objections to the additional comments Mr. Douglas would like to make, on my part.

CHAIR SINENCI: Proceed.

MR. DOUGLAS: I want to give you a quick education on fiberglass. Owens Corning Fiberglass created the R-value system we now have in order to make fiberglass look good. Okay, so it's just like the American Dairy Association creating the four food groups. Under that condition, under the R-value system, it's at 20 degrees centigrade below the dew point, cold, with no consideration of convective air movement through it or radiant heat or energy transfer through it. Under those conditions, fiberglass looks pretty good. But as soon as you add moisture to the walls--

MS. NAKATA: Four minutes.

MR. DOUGLAS: --it conducts electricity, I mean it conducts heat. As soon as you have air movement through the fiberglass and you take that into account, it's not a very good thermal barrier, and particularly when radiant energy through it, we all know that just a layer of foil alone has a really good insulation value. It reflects against heat--

CHAIR SINENCI: Thank you, Mr. Douglas. Members--

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MR. DOUGLAS: So, fiberglass isn't that good against heat.

CHAIR SINENCI: Hold on. Members, any comments for, for Mr. Douglas? Thank you, Mr. Douglas, for your testimony.

COUNCILMEMBER KING: Chair, I did have, I have a question.

CHAIR SINENCI: Yes.

COUNCILMEMBER KING: I do have a question. So, Mr. Douglas, did you get a chance to look through the amendments?

MR. DOUGLAS: I didn't look at the amendments. I didn't know they were amended yet, so I haven't actually read it to see if it takes these into account.

COUNCILMEMBER KING: Okay, so because that, the, so you're gonna, are you gonna stay for this presentation?

MR. DOUGLAS: Yeah, I'm gonna stay and listen to it.

COUNCILMEMBER KING: Okay. Okay, great. So maybe we can get your comments after that, you can write them.

MR. DOUGLAS: Actually, I'm not aware of that. 'Cause I wanted to have foam insulation included as a, as a proper thermal, and right now, two inches of foam in the roof is a very good way of insulating, which is how I do. I sometimes put one inches of foam in the walls. . .*(inaudible)*. . .do, but I don't always stuck with the R-value system, which doesn't really apply to the tropics.

CHAIR SINENCI: Thank you, sir.

COUNCILMEMBER KING: So, Chair--

CHAIR SINENCI: Thank you.

COUNCILMEMBER KING: --if it's okay, can we ask Mr. Douglas, if he's here when we get into deliberations, to maybe be a resource for us?

CHAIR SINENCI: Yes, we can consider that--

COUNCILMEMBER KING: If there's no objections.

CHAIR SINENCI: --after the presentation. Thank you.

MR. DOUGLAS: Thank you very much.

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CHAIR SINENCI: Our next testifier.

MS. NAKATA: The next testifier is Peter Niess. He'll be followed by Michelle Del Rosario.

MR. NIESS: Good afternoon, Council and Chair. My name's Peter Niess, I'm a local architect, born and raised here on Maui. I have a degree in Environmental Design, a master's in architecture, Ka Ipu Kukui fellow. I sat on Elle Cochran's Contemporary Investigative Committee on Affordable Housing. And, I'm in support of the amendments to changing it from 16.16A to 16.16B, and that's after meeting with the AIA, American Institute of Architects, I'm on the board there as well. And we've, we talk about this all the time, and how Hawaii is different and mainland codes should not necessarily apply here. We've talked with Jarvis and Glen. We created a committee and met with them outside of our general membership meetings and discussed, went through the proposed amendments, and they've put a lot of time into this. And, and I stand behind the proposed changes. It's gonna make it better and easier for the design professionals to work with clients to get them what they need without forcing them to spend unnecessary costs on their home. In short, yeah.

CHAIR SINENCI: Mr. Niess, can you--excuse me. Members, do you have anything for Mr. Niess? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Chairman. Just a need to clarify. Mr. Niess, you mentioned that you're a member of the AIA. Did the board itself take a position on the proposed code changes, or is this just more an informal exchange amongst members?

MR. NIESS: I'm kind of annoyed that there's not more AIA members here, to be honest. And we tried to vote on it via e-mail because we let it slip, and unless it came in as written testimony, I don't, I don't believe that we did, but I promise you the overwhelming majority, I think every single person, was in favor of it. In our committee, as well as general membership, it makes sense.

COUNCILMEMBER MOLINA: Thank you. And, should this progress out of Committee and onto Council, there would be ample time for your board to make a recommendation as well, prior to final--

MR. NIESS: Yes, yes, yeah.

COUNCILMEMBER MOLINA: Thank you.

CHAIR SINENCI: Member Molina, we did receive a correspondence from AIA Maui. If, staff, if we can have this passed out to the Committee members please? Thank you.

MS. NAKATA: Mr. Chair, it's been uploaded to Granicus.

CHAIR SINENCI: Oh. Thank you.

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COUNCILMEMBER KING: Chair.

CHAIR SINENCI: Members, anything--

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: --else? Member King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Mr. Niess. My question is, because I'm sure you read through this and I haven't had a chance to read through it in detail, so I'm looking forward to the presentation today. But in your opinion, does this make it easier for us to incorporate local materials, such as bamboo, and if we end up getting a hemp industry and, you know, so we can move forward without those really stringent requirements that were holding up some of the early, the couple of the initial pioneering buildings that we've had on this island?

MR. NIESS: Yes, to such an extent that without the input from Jarvis and Glen, it would have eliminated the use of CMU block, which is the only locally-produced building material that I can think of, until we have hempcrete and things like that. It would have made it so we can't use that, and they pointed that out, the Mason's Union realized it, and they were like okay, let's do something about it. So we, yes. . .the answer--

COUNCILMEMBER KING: Okay.

MR. NIESS: --is yes, certainly.

COUNCILMEMBER KING: Okay, and then if I can follow up, Chair, with just one more question? Do you know if the ICC, you know, internationally or nationally, is moving towards that? Have they, 'cause I, I know people that have been working on it for years to try to get hemp into that code.

MR. NIESS: I believe so. So, basically what these proposed amendments do is let, in my understanding of it, is let the designer take on the responsibility somewhat and say if it's gonna work, here, I'm, I'm standing behind it. So if hempcrete, the insulation, and whatnot of that is gonna be adequate, then I stamp that and stand behind it, and therefore we can use it. Same with bamboo or. . .

CHAIR SINENCI: Member King?

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: We can have, we've got some resources here today, so maybe we can direct--

COUNCILMEMBER KING: Yep.

CHAIR SINENCI: --some of those questions later--

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COUNCILMEMBER KING: Yep. Thank you.

CHAIR SINENCI: --to our, our panel. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, thank you for being here and being so actively participating in meetings. I appreciate that. So, in your professional experience, I'm, I'm, always concerned that whenever we add policy and we make these kind of big changes, that it may cost a lot for the businesspeople out in the community. So in your opinion, will this help streamline things from your perspective as a, as a, you're an architect, right?

MR. NIESS: Architect, yep.

COUNCILMEMBER SUGIMURA: He's an architect.

MR. NIESS: I believe it will streamline, streamline it and limit the--if we don't do this and we just adopt the Code as it is in that book, we are gonna make a mistake and make everything cost a lot more. But with the amendments, it will streamline it and it simplifies things.

COUNCILMEMBER SUGIMURA: Thank you. Very valuable.

CHAIR SINENCI: Thank you, Mr. Niess. Our next testifier, please.

MS. NAKATA: Mr. Chair, the next testifier is Michelle Del Rosario. She's the last person who is signed up to testify in the Chamber.

MS. DEL ROSARIO: Good morning, Chair and Members, or good afternoon. My name is Michelle Del Rosario. I'm a local realtor here, member of the National Association of Realtors Hawaii Association and our local board, Realtors Association of Maui. Today I'm here on my own behalf. I'm a long-time advocate for affordable housing, and I want to encourage you to adopt these changes to the Energy Code, with the amendments. One of the things that we need to remember is cost of construction is not the only cost that impacts our local families in affordable housing, but it's the actual use of living in those buildings. And what is the cost and the quality of life to the individuals? My partner and I have a development company here, Evolution Development. We've been working for a long time to be able to build green, affordable housing. And our codes pose a lot of challenges to that. I think, when you look at the type of housing we build on the affordable housing level, we find a lot of homes that have window AC units, which are not energy-efficient. I think if you are looking at design construction, like Mr. Niess, where you're designing a well-designed home with great materials, including those that are able to be sourced locally, that will go a long way to building a quality home at a reasonable cost, but most importantly, taking care of our occupants, and those who are most vulnerable when you look at energy costs, which is low-income and seniors. So, I really encourage you to adopt the codes with amendments. I do hold a Home Energy

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Survey Professional Designation or HESP. I have done energy audits in homes, and I do believe that we should be looking at alternative materials, not just on the energy basis, but within our Building Code. Fiberglass is not the only insulation of choice. There's recycled denim materials. There's straw bale, which may not be the best use for Maui and our humidity, but we have a lot of alternative materials available to us that will make these homes green and energy-efficient. Thank you.

CHAIR SINENCI: Thank you, Ms. Del Rosario. Members, are there any comments for Ms. Del Rosario? Excuse me. Seeing none, thank you.

MS. DEL ROSARIO: Thank you.

CHAIR SINENCI: Members--

MS. NAKATA: Mr. Chair--

CHAIR SINENCI: Yes, go ahead.

MS. NAKATA: --no one else has signed up to testify in the Chamber at this time.

CHAIR SINENCI: Okay. Seeing that there are no more individuals wishing to testify, without objection, I will now close public testimony. Members?

COUNCILMEMBERS: No objections.

CHAIR SINENCI: All in favor?

COUNCILMEMBERS: Yes.

. . . END OF PUBLIC TESTIMONY . . .

ITEM EACP-12: HAWAII STATE ENERGY CONSERVATION CODE (GC 17-10)

CHAIR SINENCI: Okay. Members, for some background information, the County adopted the 2006 International Energy Conservation Code, with amendments. In 2009, and it is . . . in 2009, it is set forth in Chapter 16.16A, the Maui County Code. By correspondence dated July 19, 2018, the Director of Public Works said the Department had drafted changes to the Energy Code, and circulated the draft to various interest groups, including Blue Planet, the Maui Chapter of the American Institute of Architects, the Construction Industry of Maui, and Hawaii Energy. The proposed bill that has been posted for Committee consideration today, along with the bound volume of the 2015 International Energy Conservation Code. Maui County has until March 21st of this year to adopt its own version of the Energy Code, or the State version will become the County's interim code until such time as Maui County adopts its own version. For that reason, your Chair has prioritized scheduling this item. This has been uploaded to

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Granicus for the Members' and the public's ease of reference. As noted in the introductory portion of the volume, the Code regulates minimum energy conservation requirements for new buildings. It addresses energy conservation requirements for all aspects of energy uses in both commercial and residential construction, including heating, ventilating, lighting, water heating, power usage for appliances, and building systems. There are two separate set of provisions, one for commercial buildings, and one for residential buildings. A commercial building is defined as all buildings that are included in the definition of residential building. A residential building is defined as including detached one- and two-family dwellings, and multiple single-family dwellings or townhouses. Because of the technical nature of the Energy Code, and with Mr. Goode's assistance, your Chair has requested that Mr. Howard Wiig provide the Committee with a presentation on the Code, not to exceed 20 minutes. That presentation will be followed by a short presentation by the Department of Public Works, then a discussion by the body, along with any questions you may have for Mr. Wiig or Public Works. Mr., Mr. Wiig?

MR. WIIG: Thank you--

VICE-CHAIR KAMA: Chair?

MR. WIIG: --so much, Mr. Chair. And the testimony warmed the cockles of my heart--

CHAIR SINENCI: Hold on, Mr. Wiig. Yes, Member--

VICE-CHAIR KAMA: Just for point of information, I've heard some acronyms that were kind of like being tossed around. So, it would be helpful to kinda like, say out the acronyms so that it's clear what we're talking about. For me, it would be very helpful. Thank you.

CHAIR SINENCI: Okay. Mr. Wiig?

MR. WIIG: Okay, thank you. As I was saying, it, the testimony warmed the cockles of my heart. I was born and raised in Honolulu in a single-wall construction with great big windows and so forth. I know exactly what the Hawaii climate is all about, and I participate in the codes' development at both the national level, I attend these great, big hearings, and at the local level, and you will be proud to know that in our new bible, the 2015 IECC, there is a new climate zone, the tropical climate zone. It is directed specifically at Hawaii. It was intended for the other, or for the territories in the Caribbean and the Pacific, but they are not blessed with our balmy weather. They have hurricanes, typhoons, and most of their construction is what I call, more of the, the pillbox type of construction. You do the masonry and it's designed to withstand 180 mile-an-hour winds. Fortunately, we do not have to deal with that. So the, I will be talking a good deal about the tropical climate zone, which will, I hope, exactly represent the, the concerns of the testifiers.

Note: Computer-generated presentation.

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MR. WIIG: So, to the formal part of the presentation, that's me. I've been with the Hawaii State Energy Office for, I was gonna say, for as long as some of you have been on the planet. Maybe not that quite long, but a long, long time. And my first Energy Code was 1994, and guess what the primary concern was? Single-family builders, cost, cost and cost. I know this very, very well. I've been hanging around with builders, developers, so long that I, I think like one. So whenever we're looking at an amendment to the Code, I'm first and foremost thinking "cost, cost, cost." So, why energy codes? Because we all know that the climate is changing. We all know we need to reduce CO2 emissions, and the quickest, fastest, most efficient way of doing that is via building energy codes. You build a new home. It's in place for 40, 50 years, all that energy efficiency is there for that 40, 50 years. A commercial building, even longer than that. So you may add a few dollars initially, but your savings, and we'll get into the details, comes down year after year, which is why the Executive Director of the International Agency – Energy Agency – extolls the virtues of codes. And, ditto, Stephen Chu, who I had the pleasure of meeting. Ener..., efficiency is cheap, about \$12 a barrel, and the performance of buildings, this is the old code, and it looks beat up and battered, that's because it is the paper equivalent, or the technological equivalent of about a 1978 Oldsmobile or something. If you compare this old code to the new code--up more, thank you, thank you--the savings is about 33%. And, as we'll get into it, it certainly could be more than that, if you follow the tropical code. And, our own beloved Governor Ige, he is really passionate about energy codes. The Energy Office has received several awards by him. Whenever we ask him to speak about energy efficiency, he says yes, I, I will do it. Now, starting from way back when, Councilwoman Kama asked for definitions, you see, way over on the left there, ASHRAE, the American Society of Heating, Ventilating, and Air Conditioning Engineers, they were the first people to develop energy codes, right after the fuel crisis in the 1970s. And, especially given the continuous improvement in technology, we've been able to go down. The downward slope indicates energy use index. See, how much in energy you're using per square foot in a home or a building. It continues to go down, down, down, down, and again, the great, big drops recently, I'm proud to say that I, at the national level, we achieved that. I would form alliances with, with the good guys. And then we look at the peek into the future. What the next code is going to do is go into, not just building efficiencies, but combining the building efficiencies, the roof, walls, windows, with photovoltaics, and other renewable equipment, because what we're striving for is zero net energy. Where as much energy, say as a home uses per year, is equal to the amount of energy that is produced on the roof by photovoltaics, or any other technology. And the way you achieve that is to just ratchet, ratchet, ratchet that energy use in that home down, down, down, down as far as you can go. Then you have zero net energy and now we're in a, we have taken a huge step towards ameliorating the production of CO2, carbon dioxide. I've covered this, I will get into the tropical codes, which our testifiers, I hope, will very much approve of. The Chairman went over some of the history of the Building Code Council, and we meet monthly, and you are, there's a phone tie in, you wanna join us by phone or fly over? You're very, very welcome to. It's, it's a public meeting. And, Glen Ueno, your own man, participates very actively in that. One of the big improvements to commercial buildings is a process called commissioning, where with a commercial building, you have a complex air conditioning system, complex water heating system, and lo and behold,

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there. . .sometimes the trades don't talk to one another, and you get a, an air condition system, lighting, whatever, that doesn't work as specified, and that can result in a lot of dollars out the, the window and a lot of energy wasted. So a commissioner comes in after the fact and tests all systems to make sure they're running as specified. One of the big amendments we made is for re-roofing. According to the mainland code, if you're putting on a new roof, you have to insulate it as if it were a new code. We just heard a whole lot about fiberglass. What we can do with a Hawaii code is two of three measures, either put in a reflective roof--and, Mr. Douglas, you'll recognize that, this is a closed-foam insulation--put in a reflective roof, or a radiant barrier, or you can ventilate the attic. Because the heat accumulates in an attic, what you need to do is just get that hot air out of there. And all of a sudden, the very hot attic becomes just a very warm attic, and this what you can do under the Hawaii's Energy Code for commercial and tropical, residential homes. Lighting, LED's are the, virtually the only lighting source left, and they are improving all the time. I could do a whole lecture on lighting efficiencies if you wanted. The amount of insulation is vastly decreased. . .and energy savings, the, in my humble opinion, this \$12,600 savings over 20 years is very, very conservative, and I won't go into that debate I had with U.S. Department of Energy. But you're saving a whole heck of a lot of money. And here's the Tropical Code, where you emphasize--Mr. Douglas, are you ready to have the warm, cockles of your heart warmed?--shading, lot of shading. The difference on a nice, sunny Hawaiian day, between, say, asphalt pavement out in the sun and asphalt pavement in the shade, is up to 35 degrees. Go over to a shaded area on grass, and you get another 15-degree temperature drop. This is what we're after with the, the Tropical Code. Shading and reflectivity. Again, this is a reflective roof surface. Oh, and sidebar, I'm, I chair a committee nationally on reflective walls. Hawaii is gonna be a pioneer. We already give credit for reflective walls, where you have the color in them to get the sun's radiant heat back out, and it's now going to go national. And the partners is Lawrence Berkeley Labs, very prestigious. And what the Tropical Code aims at is reducing the interior space of a home, and maximizing the covered space outside. We're all local, I don't have to explain that. Energy Star takes all different appliances and says, "here's the most 20 percent most efficient," and we, the Code encourages you to use Energy Star appliances only. A little side fact, if you had a standard refrigerator, say 25 years ago, it consumed about 1..., 1,400 kilowatt hours a year. Now, a new refrigerator with all the new bells and whistles, is as little as 350 kilowatt hours a year. That's technological improvement. That's what we follow in, in the Code. And cross ventilation, oh, attic fans. The Tropical Code says instead of air conditioning a home, let's provide ceiling fans. And we all have been under ceiling fans. We know they work in our very mild climate. Here's a proposed outline of an ideal tropical home. A little interior space and a lot of exterior space, so that you have a barbecue outside. You might even have a refrigerator outside, and many, many of your activities are outside. Superbowl coming up, what better place than to have it, than on, on your lanai. . .your, your party? Jalousie windows: we're the only state in the nation to permit jalousie windows. Even though they do leak a bit of air, we know that in centrally air-conditioned homes, when we're having cool weather like this, to save money, you can turn off that AC, open up the jalousies, and you're totally, totally comfortable. Only it's been so cold, we have to close the jalousies too. And here's a, an example of a tropical home. If it looks to be 1920's style, that's because

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this is a 1920's building. We're dashing headlong into a design of a hundred years ago, with, with. . . some very good technological improvements. And we have Kaupuni Village out on the Waianae Coast, which is, it's low-income housing, Hawaiian Home Lands, it is zero net energy. And here's an example of the design, the PV's on the roof. And this is the direction the Tropical Code is headed in. And affordable, cost, cost, cost. If you don't air condition a home, how much money have you saved? Ten thousand dollars? Fifteen thousand dollars? I don't know. Wall insulation – if you shade the walls or make them reflective, boom, your insulation requirement goes way, way down. Ms. Kama, here's a nice initial for you. Solar Heat Gain Coefficient. This measures the amount of radiant heat, the sun's heat, that hits the exterior of a window, and compares that to how much of that heat gets into the interior. Standard pane of glass has an SHGC of about .87, meaning 87% of the heat comes in. We now have high-tech glass that has a very, very clear visible transmittance index, which means you can see very clearly out of it, of .25. And, the cost was pretty high when we first implemented this, but the wonders of mass production, the production builders on the other planes, I assume here, bring the high SHG—or, low SHGC, glass in by the Matson container load. The cost is less than you would pay for a single-pane glass now, because the manufacturers don't manufacture it anymore. Here's one of the magic points of an Energy Code, is when we do this at the national level, the manufacturers are there. And in this case, when we said yes, it must be .25 SHGC, the glass people rushed back to their boss. Boss, it's gotta be .25. Boss says, oh, okay, switch production. We're gonna do .25 now. And mass production comes into effect, and boom the cost goes down, down, down, down, down. This is the same with many, many high efficiency technologies. Oh, that's, that's it for now. How, how's my time doing, Mr. Chairman?

CHAIR SINENCI: Thank you, Mr. Wiig. Do you have any closing remarks?

MR. WIIG: Yeah.

CHAIR SINENCI: You will probably have some Q&A later.

MR. WIIG: I would hope we have some questions. What I was leading to in all that presentation was especially for residences, where I find the real concern, build to the tropical standard, and boom, the cost of your construction goes down, down considerably compared to a centrally air-conditioned home.

CHAIR SINENCI: Thank you, sir. Members, Mr. Wiig is obviously an authority on the Energy Conservation Code, and for the record, we wanted to, and with no objections from you, we wanted to designate him as a resource person pursuant to Rule 18A of the Rules of the Council. Is there any objections?

COUNCILMEMBERS: No objections.

CHAIR SINENCI: Thank you. At this time, we would like to call upon the--

COUNCILMEMBER KING: Chair?

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CHAIR SINENCI: Yes?

COUNCILMEMBER KING: Is it possible to ask a couple questions from Mr. Wiig before we move on, or would you prefer us to hold questions?

CHAIR SINENCI: You wanna answer now, Mr. Wiig?

MR. WIIG: Yeah, okay.

CHAIR SINENCI: Okay, Mr. Goode. . . .Go ahead

COUNCILMEMBER KING: Okay, thank you. Thanks for being here, Howard Wiig. I haven't seen you for such a long time. But I, I just had a couple questions. One, on that zero net, that design of that net zero home that you showed--

MR. WIIG: Yeah. Net zero energy, yep.

COUNCILMEMBER KING: --net zero energy home. You showed a design that is actually built, I think? That home has actually been built?

MR. WIIG: Yeah.

COUNCILMEMBER KING: Is there, are we able to provide to prospective homebuilders kind of set designs like that? Is there a catalogue of designs so that they, you know, people don't have to go in and reinvent the wheel every time?

MR. WIIG: Good question. That particular development is called Kaupuni, and it is a publicly-designed and publicly-built, so I assume that those plans are, are open--

COUNCILMEMBER KING: Oh, okay.

MR. WIIG: --and I will certainly see into that.

COUNCILMEMBER KING: Okay, I think that'd be good. And then the other thing I was gonna ask you to do, if you could do it very quickly, is just to explain is, I know Hawaii Energy has offsets. A lot of times these appliances--

MR. WIIG: Uh-huh.

COUNCILMEMBER KING: --that drop the energy usage are very expensive at the front end--

MR. WIIG: Uh-huh.

COUNCILMEMBER KING: --but Hawaii Energy has a program to offset it. So can you just like, you know, briefly run over that program?

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MR. WIIG: Yeah. Refrigerator is probably the best example, and incidentally we work very, very, very closely with Hawaii Energy. Let's say that a standard refrigerator costs pretty high these days, costs \$1,000, and an Energy Star refrigerator costs \$1,150. In this case, Hawaii Energy will give you a rebate, when you buy that Energy Star appliance, of \$150. Or, if you go into a hardware store or big box store and want to buy an LED lamp, or multiple LED lamps, you say wow, these are cheap. If you remember, five, six years ago, they used to cost 10, 12, \$14. Now you can get a pack of five for 10, 12, \$14. And you say, what's going on? One, it's the magic of mass production. There's nothing in the lighting world but LED's now. Number two, Hawaii Energy has subsidized, they've worked with the retailer, to bring that price down. And there's supposed to be a sign there, saying "subsidized" or "brought to you by Hawaii Energy," but they say most of the retailers are so busy that they forget to put the sign up. So those are examples of Hawaii Energy's offerings.

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

CHAIR SINENCI: Thank you, Member King. Any other questions for Mr. Wiig? Okay, seeing none, we will continue on to Mr. Goode's presentation, Public Works.

MR. GOODE: Thank you, Chair. Good afternoon, Members. David Goode here, I'm Director of the Department of Public Works, and also with me today are some individuals from the Development Services Administration, who administer this Code, and, and wrote most of the amendments. So, almost all your questions I'm going to be deferring to them. I do want to give you some background, especially some of the new Members. We administer four building-related codes within Development Services Administration. The Building Code, which most people are generally familiar with, regulates structures, the health and safety of structures. The Electrical Code, which of course is electrical systems for those buildings. The Plumbing Code, which regulates, you know, water pipes, sewer pipes and, and some ventilation. Those are all the traditional codes for which we have inspectors and review plans. And the fourth code is this code, the Energy Conservation Code. And so you've heard from Mr. Wiig what a lot of these amendments are about. So, the codes are our National codes, so I think you've seen and you also have in your, you have in your binders, this is the International Energy Conservation Code 2015. And so they also publish building codes and plumbing, electrical, about every three years. So this is the base code. In Hawaii, the State Building Code Council then looks at each code and offers amendments on a statewide level. So, Mr. Glen Ueno, the head of DSA, is our state, is our rep on the State Building Code Council. And so, you know, like Howard mentioned, they meet monthly. Eventually they get to a point where they're gonna make the State amendments to this Code. After they make the State amendments, we, the County, then have two years from the date that those were adopted at the State level, to make the County amendments to the State amendments to the National code. Okay, so just like in government, Feds, then State, then us. Okay. So what's before you today are the County amendments, incorporated with the State amendments, or changes to the State amendments, and, and this Code as background. And all, all our codes work that way. The Energy Code's a little unique, in that we don't,

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we don't pore over the plans to see if it complies. We rely on the architects, like Mr. Niess, who stamp the plans that will certify that the plans, as designed, and will be built in accordance with our approved amendments. So we don't have Energy Code inspectors, and we don't review the plans. We rely solely on, on the professionals. And I think all the counties do it that way, if I'm not mistaken. But it's proven to work, and we've been administering the Energy Code, one form or another, for what, ten years at least. . .ten, maybe longer. Maybe 20 years. So, we look forward to this new Code, especially that it now seems to recognize Hawaii as its own unique environment in which to live. And so I think the, the latest amendments, especially the amendments that these gentlemen have helped put together--and, Chair, that's one reason I, I really appreciate you taking up this item, 'cause we do have a deadline of sorts. And one of the reasons it's taken so long to get to you is that these gentlemen have worked really hard with the community to understand what the issues are. Because in general, the AIA was not favorable to this a number of months ago. And so they worked really hard to see if we can get to a place where it works for all of us, and I think that's why you are seeing the testimonies you saw today. So that took time, that took time, Chair, to get to this point, and again, we appreciate you scheduling the item. So, to finish rounding out my, the team, Jarvis Chun is our head Building Plans Examiner. And also in the audience is Greg Nakao, he's the head of our electrical section. There is a small portion of this Code that does relate to electrical, so thanks for coming, Greg. And, Chair, that's, concludes my portion. Who's next, Glen? Nope, Mr. Chun.

CHAIR SINENCI: Mr. Chun--

MR. GOODE: Jarvis Chun will be next.

CHAIR SINENCI: Thank you, Mr. Goode.

MR. CHUN: Could we take five minutes to setup, a five-minute recess?

CHAIR SINENCI: Oh, you need to set up? Okay, we're just gonna take a quick break for him to, to set up his presentation. . . .*(gavel)*. . .

RECESS: 2:18 p.m.

RECONVENE: 2:23 p.m.

CHAIR SINENCI: . . .*(gavel)*. . . Okay, we'd like to call to order the Environment, Agriculture, and Cultural Preservation Committee back to order. We have Mr. Jarvis Chun doing his presentation at this time. Mr. Chun.

Note: Computer-generated presentation.

MR. CHUN: Thank you, Chair Sinenci and Councilmembers. Apologies, I'm, I just came down with a cold, so bear with me. The Council Chair and Mr. Wiig kinda went over some of the Building Code, or Building Code Council items, but I'm going to repeat some of 'em

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just, just to help everyone understand. I know this is a lot of new material for you folks. So, in 19..., in 2007, this State Legislature passed Act 82, Sessions Law, which created the Building Code Council. So the purpose of the Council is to establish a State Building Code. And it's building code, electrical, plumbing, fire codes, energy codes. One big reason was many of the counties were not in sync between codes. So we could be on one addition, and another county could be another addition, so it's very difficult for the design professionals anywhere to design to specific codes, 'cause we're jumping all around. So that was one of the biggest things that they wanted to accomplish. So...thank you...so that's, that's, that's beside the other thing, many other things, but that helps the design community and the contractors. So as mentioned previously by the Chair, and by Howard, if, if the, if...after the State Building Code Council and the Governor signs the Hawaii Administrative Rules, the counties have two years to adopt any, any of these codes. And if it doesn't, if we don't do that, the State version will become the interim code of the counties. So, on March 20, 2017, Governor Ige signed the Hawaii Administrative Rules, and it made it effective March 31, 2017. So, the proposal before you is to delete the 2006 IECC, which was, which had an effective date of December 20, 2009, and to adopt the 2015 IECC. Acronym, yeah...International Energy Conservation Code. Okay, the International Energy Conservation Code is one of a collection of codes. There will be the, exists, the International Building Code, International Residential Code, probably will be before you shortly within the next year or two for adoption. The IECC contains two separate sets of provisions, the commercial provisions has a "C" in front of the, the codes section. The residential section has a "R" in front the code sections. The difference, the difference is the residential sections are covered by one- and two-family dwellings, townhouses; building code classifications or occupancies of R-2, R-3, R-4, three stories or less. They are primary, primarily residential permanent, prime...residential permanently occupied buildings. So they're not cov..., hotels are not covered by this. Okay, hopefully these two sections, R102.1 [sic] and R102.1, provide some clarity. What we propose is to allow for lower standards in energy conservation because of certain non-standard building types of materials, methods of construction, or geographical areas. An example, as mentioned earlier, with the single-wall construction. Another...non-standard would be well, the open beam, how do you insulate open beam. So you might not be able to have the full R value as a regular roof truss system, or you could have a building or dwelling in the valley. So why do you wanna, why would you need to insulate because of lack of sunlight? So we took those into account. We also, as mentioned earlier, made, proposed an amendment to exempt concrete or CMU walls 6 inches or greater. And we also proposed to make the blower testing optional versus required. Howard mentioned about commissioning, how important commissioning is for commercial buildings, to have the designer, contractor, and owner happy with the final product. So, a lot of these Code sections require them to submit it to the County or to a code official, which we thought were unnecessary, and we want the design professional, contractor, and owner to work together to meet these goals. You know, what is the worst-case scenario? That one is not happy. They can also take their concerns to the code official, and we, maybe we will just issue the CO until you're all happy, yeah, or satisfied. The existing build..., existing buildings, instead of two options, we pulled one. We thought it was a little too great to add, ask for two

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exemptions. So if you did a roof, roof replacement, a roof replacement we would be removing, let's for say the asphalt shingles from your roof and re..., the felt under there, and repairing any of the plywood. If it was uninsulated, then you would have to put at least one of these three items. The first one would be an Energy Star roof covering or asphalt shingle, provide a radiant barrier or tech shield, the sheeting, or provide ventilation. As Howard mentioned, or Mr. Wiig mentioned, there's a new provision, the tropical zone, for the residential portion. The Code realizes that the climate zone is different and the construction techniques and energy costs is also different from other areas. So previously, Hawaii was grouped with the Southern U.S. So it's slowly making an attempt to recognize Hawaii and the other tropical areas as different and unique. Some of the specific conditions would be. . . or options would be exterior walls are not required to be insulated; not more than one-half of the dwelling is conditioned, meaning provided with air conditioning; required ventilation area of 14 percent of the floor area; ceiling fan rough-ins in bedrooms and larger rooms. And they use. . . Howard mentioned this, about the Solar Heat Gain Coefficient, they call it a projection factor. So if you look at the illus..., the figure on the right side, the yellow is the sunlight, so with a larger eave, you have less radiant or ultraviolet rays or sunlight going into the building. So you can lower the Solar Heat Gain Coefficient of the window or not at all or not, not at all have or provided. As mentioned earlier, we had a lot of stakeholders and they were very important in crafting this amendment, which helped us. So, you know, as mentioned before, the Maui AIA; Construction Industry of Maui; DBEDT, Howard's group, Hawaii Energy; Blue Planet; our Energy Commissioner, Frederick Redell; some unions or some reps, Hawaii Laborers & Employers Cooperation and Education Trust Fund, Masonry Institute of Hawaii. I'd like to summarize that the intent of many of the proposed County amendments is to provide the design professional added flexibility and lower the constructions costs. That was our main intent. We understand prices are very high, and we just didn't want, if it's a unique situation, unique material, unique location, we wanted to take advantage of that, not follow a prescriptive hard code that you needed to do this no matter what. So, again, flexibility was the key, and that's it.

CHAIR SINENCI: Thank you, Mr. Chun. Any questions for Mr. Chun?

VICE-CHAIR KAMA: Yes.

CHAIR SINENCI: Members?

VICE-CHAIR KAMA: Chair?

CHAIR SINENCI: Member Kama.

VICE-CHAIR KAMA: Mr. Chun. So if this would bring down the construction costs for a home, by what percentage do you think it would decrease the cost?

MR. CHUN: I don't have that number, but I know Howard mentioned a figure. Yeah. In my estimate, it will probably be equal or less. Hopefully equal or less than what we're doing today, depending on which method they use. If they were to take advantage of the

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tropical zone and not provide wall insulation, of course, of course that'll be a benefit, yeah. A cost reduction. So, there are different methods of--

VICE-CHAIR KAMA: Would you--

MR. CHUN: --insulating your house, yeah.

VICE-CHAIR KAMA: But you wouldn't know what percentage that cost reduction would be?

MR. CHUN: No, I don't.

VICE-CHAIR KAMA: Thank you.

COUNCILMEMBER LEE: Mr. Chair?

CHAIR SINENCI: Member Lee.

COUNCILMEMBER LEE: Thank you. Mr. Chun, let's see, I have a couple questions. First of all, when is the deadline for passing this ordinance?

MR. CHUN: It would be March 31st.

COUNCILMEMBER LEE: Of 2019?

MR. CHUN: Correct.

COUNCILMEMBER LEE: So this is based on the 2015 latest edition of the Code?

MR. CHUN: That is correct.

COUNCILMEMBER LEE: Okay. So, the, the Code before that was what year?

MR. CHUN: 2006.

COUNCILMEMBER LEE: 2006, which took effect in 2009. So this latest Code, 2015, will take effect in 2019, right, for Maui, for, for. . .?

MR. CHUN: Correct. If, if the County doesn't act on it prior to then. . .

COUNCILMEMBER LEE: Yeah.

MR. CHUN: . . .then the State Code, the 2015 with the State amendments becomes the interim, interim Code of the County.

COUNCILMEMBER LEE: All right. But, you are recommending that we, we insert or adopt exemptions into the Code that was given to us for consideration?

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MR. CHUN: That is correct.

COUNCILMEMBER LEE: Right? Okay. So, did you get permission ahead of time, you know, approval ahead of time on the proposed exemptions?

MR. CHUN: Approval from?

COUNCILMEMBER LEE: I don't know. I mean, we are receiving and basing our Code on a Federal and State Code, right? So that's, which is completed. So now we're making changes to that Code by adopting exemptions, correct?

MR. CHUN: That is correct.

COUNCILMEMBER LEE: Okay. So, who is approving our exemptions?

MR. CHUN: That'll be this body. . . .(chuckle). . .

COUNCILMEMBER LEE: No, no, no, no, no. Not that part. Okay. You are, you took it upon yourself to make changes to what the Feds and State submitted to us, right?

MR. CHUN: That's correct.

COUNCILMEMBER LEE: Okay. So how can we make these kind, what gives us the authority or the Administration the authority to make these changes? . . .You're, you're making changes from something that's already established by the Federal government and the State government, and we're supposed to use, you know, follow their version of the 2015 Code.

MR. CHUN: But. . .I can answer maybe a portion of it.

COUNCILMEMBER LEE: Okay.

MR. CHUN: ICC, or the International Energy Conservation Code is not adopted by the Feds, the Federal government. Okay, ICC is a non-profit organization. It, it, it's. . .how they develop codes is through a consensus-based hearing. So, I could, you could submit a code provision and if you, you gathered enough votes, you could change code. So, not saying that. . .right or wrong, but it's, it's, it's based on a independent body, a legi..., not a legislative body, but a membership body.

COUNCILMEMBER LEE: Okay, I, I guess I'm just trying to figure out the chain of command here--

MR. CHUN: Oh.

COUNCILMEMBER LEE: --and, and--

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MR. CHUN: Maybe they can you on the State level, too--

COUNCILMEMBER LEE: But on our local level--

MR. CHUN: Right. On the--

COUNCILMEMBER LEE: --our level, we're trying to adopt exemptions which relate to our unique and special circumstances, right? Okay, so, so. . .we are not, you know, energy experts, so we rely on you to give us your recommendations, and then we make a decision. So, who gave you that authority to make those changes to begin with?

CHAIR SINENCI: Member Lee, can we, can we indulge Corporate Counsel at this time--

COUNCILMEMBER LEE: Oh, sure.

CHAIR SINENCI: --to, to chime in?

COUNCILMEMBER LEE: Okay.

CHAIR SINENCI: Mr. Galazin.

MR. GALAZIN: Thank you, Chair. Thank you, Member Lee. So the legislation that originally created the, the Building Code Council, if you look at HRS 107-28, the governing body of each county shall amend, adopt, and update the Hawaii State Building Codes as they apply within the respective jurisdiction. So it is put forth by the Building Code Council, which. . .there's input from Glen Ueno, there's input from the County on the Council to begin with. So they take the model code, make what they believe to be general statewide amendments to that, and then within each jurisdiction then the counties go back and building off of that. So we already have the Code, as amended by the Building Code Council, and then it can either just by default become the, the Energy Code for the County of Maui, or we can add certain amendments or changes to it that, that our building officials think would be warranted for Maui County. So it is specified within State law that not only shall the counties adopt this, but we shall amend it too in order to tailor it.

COUNCILMEMBER LEE: Okay. So, State law gives us that authority?

MR. GALAZIN: Yes.

COUNCILMEMBER LEE: Okay. And one final question, is there a separate code for commercial structures? If you mentioned it, I didn't hear it.

MR. CHUN: The International Energy Conservation Code is broken up into two sections, or two provisions. One is the "C" with the commercial. The next, other provision is "R" residential.

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COUNCILMEMBER LEE: So, this, what we, what we have today, you went over the residential, and then--

MR. CHUN: . . .*(inaudible)*. . .

COUNCILMEMBER LEE: --you're gonna go over the commercial?

MR. CHUN: No, that was part of the presentation.

COUNCILMEMBER LEE: That was part of the presentation?

MR. CHUN: Some of the sections have--

COUNCILMEMBER LEE: Okay, I missed that one.

MR. CHUN: Yeah.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR SINENCI: Thank you, Member Lee. Mr. Chun, I had a question. Have other counties adopted the, this, the State version of the Code? Or have they made amendments? I'm just kinda getting a feel of other counties.

MR. CHUN: Chair, the only other county was the County of Kauai, and what I've read is yes, they amended it.

CHAIR SINENCI: Thank you. Any other questions?

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Yes, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Mr. Chairman. Certainly an interesting topic, now it's generated interest when asking questions from all, all of us here. And Member Lee had a good question with regards to the authority and basically understanding the process of, you know, what we can do as a County versus the State Code. And, of course, Member Kama brought up the issue of cost, which is. . .I'd like to first focus on very quickly. Now, as we pass something like this, an amendment, you know, you hear it from the constituents out there. Before you pass laws, make sure it doesn't affect the consumer, the regular every day person, in terms of their pocketbook. So, now if someone wants to do a re-roofing job, a major re-roofing job, how do these amendments benef..., one, benefit them, and could there be an impact on cost, I mean, with regards to the Energy Code, that currently exists at the State level versus these proposed amendments? So, not only those who build homes, but also home

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improvements itself, like re-roofing, which is still a major job. Can you expound on that, Mr. Chun?

CHAIR SINENCI: Mr. Chun.

MR. CHUN: In looking at the amendment, we took that into consideration. So when. . .I did some research on asphalt shingles, so a lot of contractors will, will require, will put in ventilation anyway. So that'll, that all resolved itself, you know. We try to take into account, again, the costs or the impact; otherwise, people will do it without a permit. . .yeah, or do it, right. So, we try to be a little sensitive on that, that, what would be permissible to the community, yeah.

COUNCILMEMBER MOLINA: That is good, I appreciate that approach, yeah. And lastly, just on the, you mentioned that, you mentioned a key word that I like, flexibility. How does this flexibility between the applicant who's trying to do a major improvement to their home, as it relates to the Energy Code and builders as well. . .? So now, are you saying that there's more discretionary approval between the inspector and the Department with the applicant? I'm. . .correct me if I'm wrong, but as the Code stands right now, if there's a disagreement between the builder and the Department, do they, would they take that before the Board of Variances and Appeals for consideration? With these amendments now would that, I guess, not prevent, but maybe, lessen that possibility of going before the BVA, if you make these, if these amendments to the Code are, are, are changed by us?

MR. CHUN: Member Molina, good question. Yes, it would alleviate the requirement for BVA. It gives more flexibility to the designer.

COUNCILMEMBER MOLINA: And currently, if you gotta go before the BVA, is there a fee the applicant has to pay as well. . .

MR. CHUN: That's correct.

COUNCILMEMBER MOLINA: . . .whether they're, they're, they're in the right or the wrong?

MR. CHUN: Right. Either they can appeal, receive a variance or apply for a variance or appeal the Code official's decision.

COUNCILMEMBER MOLINA: And just out of curiosity, the cost of appealing?

MR. CHUN: My last look was around \$500 or 550 for the application, plus notification.

COUNCILMEMBER MOLINA: All right, thank you.

CHAIR SINENCI: Thank you. Member King.

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COUNCILMEMBER KING: Thank you, Chair. So, first question is, you know, when we're looking at. . .there's a lot of changes in here, so we haven't really gone, you know, change by change through them, and it's the first time some of us have seen this document. So, I think there's some detail that we have to do due diligence on. But, I also am wondering if this has had public hearings, or had a period for public comment in Maui, as we do with our SMA's, we do with our EIS's, these changes. There's not a whole lot of people. There's some very significant people in the audience, but you know, just, just so we can get a comfort level that everybody who this would be affecting would be, is aware of it and has been, had a chance to look at it. And I actually just got. . .'cause I'm very good friends with the Blue Planet folks, I just got a text from Jeff Mikulina, who said, "we support the amendments, but believe they could go further to capture more savings. We've done some work with the City and County of Honolulu, and they have a solid proposal," and he was hoping to share the, a few of those key amendments. So, just, you know, Chair, just, we might need a little more time just to get this out in the public venue for comment and also to see, it would be to see what. . .if, if there's something we're missing that other count..., as you just said other counties may have done that, that go a little bit further. And I, and I emailed him, I texted him back, because I wasn't sure if he was talking. . .I'm, well I think he's talking about energy savings. But I don't know if he's talking as well about cost savings. I know probably Howard talks to the folks at Blue Planet a lot, so maybe you can speak to that comment as well. But, those are my two issues, is, you know, just making sure that we've, we've vetted this out, and we haven't missed anything, and making sure that we've put this out in the public arena for at least, you know, one or two public hearings and to explain to them what these changes are and why we have the authority to do this, and why we're doing this now, what the deadlines are. And that would have to happen relatively quickly to meet that March deadline.

CHAIR SINENCI: Right, with the March deadline, we would have to look at meeting schedules, if we can get those, those in prior to, to that--

COUNCILMEMBER KING: And I guess my other question to that would be, is there a potential deadline extension, or does it have to be legislated?

CHAIR SINENCI: Mr. Galazin.

MR. GALAZIN: Thank you, Chair. Thank you, Member King, for the question. The thing to keep in mind is that at the March deadline, the Building Code Council's amended version of the Energy Code is imposed on the County. And there is no extension for that. It, it provides. . .*(inaudible)*. . .that it provides that it becomes the interim code. What, and there is, I could let Mr. Wiig speak to it, but when the Building Code Council convenes and they consider what statewide amendments should, should happen in the first place, there is a lot of outreach that goes along with that. And nothing precludes this body from going through and making further changes down the road. This is a, the overhaul that needs to take place to jump from the 2006 Energy Code to the 2015 one, to be updated and be where we need to be. But, you can certainly get feedback from constituents and go ahead and make amendments to the Code, you know, if something

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comes up that is going to be a specific problem that the industry has identified, that isn't addressed in these amendments here, then that can happen at any point in time. But something is going to, change is going to happen whether we take action legislatively or whether we don't. Things are going to change for everyone in the County. So the question becomes, you know, do we want to have the interim imposed, then go through and then sort of redo it by, with our own amendments? Or we can do our own amend, amendments now and look at possible changes down the road. So those are some of the options.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR SINENCI: Member Sugimura.

COUNCILMEMBER KING: Chair, can I just--

CHAIR SINENCI: Oh.

COUNCILMEMBER KING: --can I just get my other question answered about--

CHAIR SINENCI: Okay, continue.

COUNCILMEMBER KING: --the, yeah, just these, the potential additional, you know, cost savings that Blue Planet is talking about there in the City and County. Maybe Mr. Wiig could respond to that.

MR. WIIG: Yeah, thank you, Member King. One of the big contentious issues that Honolulu will be addressing is PV ready. . .EV, Electric Vehicle Ready Provisions. Where during new construction for both residential and commercial, there would be a conduit, an electrical conduits, running from the stations, electric stations, into the buildings and "x" percent of the parking spaces in a commercial building would be EV ready, meaning the conduit is there sitting under the ground. And when the building is ready to put in an EV charging station, it just needs to unscrew that connection and plug in the, the EV charging station. And the estimates for cost, either new construction versus going in and digging up the concrete again, is, is great as ten to one. The new construction costs about one-tenth as much. And those of us in the energy efficiency sector, in a large scale, know that EVs, electric vehicles, are coming down the pike very, very rapidly. We don't see it yet, just like you don't see a tsunami coming, but it will come. Because when we get serious about addressing climate change, we're gonna have to shift to electric vehicles. That's the main provision. And then another one that was, has been mentioned is commissioning, where a third party for a commercial building goes in and checks the lighting system, checks the AC system, makes sure that everything is working correctly, because very, very often, it ha..., it's not working correctly. Those are the two provisions that I think Mr. Mikulina is addressing, and--

COUNCILMEMBER KING: Okay.

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MR. WIIG: --Honolulu is taking those issues head on.

COUNCILMEMBER KING: Okay. And those are requirements, not options?

MR. WIIG: They're, they're options.

COUNCILMEMBER KING: Oh, they're options.

MR. WIIG: Well, they're, they're proposed amendments. You can either take them or reject them. Honolulu is choosing to take them.

COUNCILMEMBER KING: Okay.

MR. WIIG: Maui is choosing not to take them.

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

CHAIR SINENCI: Mr. Wiig, I had a question. You know, is the, the terminology in the amendments from "shall" to "may," meaning, so, can you expound on that, please?

MR. WIIG: Yeah. By, the original language was "you shall do x-y-z" and Kauai and Maui are crossing out the "shall" and putting in "may," and actually, that's not real code language. It becomes a suggestion rather than a requirement.

CHAIR SINENCI: I see. Thank you. Any other? Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, just in general, I wanted to. . .because you are the experts in this field, and you're relying on us to change code, I just want to mention that, based upon my experience, if you didn't do what you did before you brought this to us, we would have a, a gallery full of people against this. So I want to just congratulate you in terms of putting those communications in place before this came to us, because it would definitely show, and I think that by having Mr. Niess come very supportive and saying he had hoped more people from the Maui AIA would be here, I think that says a lot. . .you know, as well as you did give the organizations credit. So, thank you very much for doing that. I also wanted to, I thought it was very interesting how your proposed document to us has explanations. I wish all of our documents would come to us for consideration with State of Hawaii and the justification or it says, "County of Maui" and the justifications. Oh, it was Mr. Wiig? Oh, both of you that put that together. So, kudos to you on those two things. In terms of our process, so let's say we, we accept that you're the experts, because we definitely are not engineers, or I'm not an engineer, and that we accept this. Chair, what is our timeline, in order to meet the March deadline, the meeting schedule--I think I saw only meetings scheduled up to ending of February. I haven't seen for the rest of the year let, yet from the Council. But, what, this is a bill, so will take two readings, two full readings, in, in Council. So what are our deadlines that we're working up against so that we can work backwards? Maybe Carla has that or. . .?

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CHAIR SINENCI: Mr., Ms. Nakata?

MS. NAKATA: Mr. Chair, apart from the meeting today, there will be three additional, regular Committee meetings prior to the budget being received from the Mayor. There will also be two, I believe there are two Council meetings anticipated prior to the March deadline. Honestly, I'm not too clear whether the deadline is March 21st or March 31st, I think I've heard two different dates, but there's a meeting on March 1st and a meeting on March 15th.

COUNCILMEMBER SUGIMURA: Council. . .excuse me, Carla, so its Council meetings on the 1st and the 15th, that we would then meet the deadline for. . .or are you saying this meeting?

MS. NAKATA: That would mean the Committee, I believe, would still have one further meeting opportunity and still have the time to report out into, in time for March 1st, if that additional meeting opportunity is needed.

CHAIR SINENCI: Does that answer your question?

COUNCILMEMBER SUGIMURA: So we can have one more meeting, one more of your meeting, Committee meeting, in order to meet the deadlines before the State takes action?

CHAIR SINENCI: Potential to, yes?

MS. NAKATA: Yes, if the Chair's intent is to issue a committee report, I believe that would be the case.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR SINENCI: Members, we have Mr. Ueno. . .did you have a presentation as well?

COUNCILMEMBER PALTIN: Chair, may I ask one question?

CHAIR SINENCI: Yes, Member Paltin.

COUNCILMEMBER PALTIN: Thanks for pulling out the significant amendments for us. It's easier to see your presentation than this book's, but I was wondering how you made the determination on what is significant and what is not significant in the amen..., amendments.

CHAIR SINENCI: Who would want this one?

MR. CHUN: Thank you for the question. When we adopted the 2006, we probably didn't do the best job of addressing the outside concerns. There were no outside concerns. But after we adopted it, a lot of designers and individuals came to us with concerns, and we

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tried to mitigate that throughout the years. And this is like, the summary of what happened in the last 10 years.

COUNCILMEMBER PALTIN: So like, the squeaky wheel, kinda?

MR. CHUN: Correct. Yeah. So I tried, well, we tried to remember all the concerns, like the open beam, how do you connect an, an existing one to a new one, and provide insulation, you know, requirements. . .you know, all of the questions. We tried to put or craft an amendment that would try to capture a lot of the issues. So, I think that's why, I think AIA supported it.

COUNCILMEMBER PALTIN: I was wondering, I don't know if it's a significant one, but I was wondering if you could go over the stop work order, Section R108? And just explain it in layman's terms.

MR. CHUN: That is reference to the Building Code. So a lot of the admin portion of the Code goes to the Building Code for enforcement. So the stop work order is usually generated through an RFS, or Request for Service. It's like a complaint. So, or it could be an inspection that failed, and let's say somebody doesn't, they didn't want to comply. So, the inspector would issue a warning, usually between two or three, so usually within six months, and then after that we can proceed with a notice of violation.

COUNCILMEMBER PALTIN: And that's different from the unamended version in that. . .?

MR. CHUN: The way the Code is written, each code has its own admin, so we didn't wanna duplicate, I guess, enforcement. So we threw it back to the Building Code, or we amended back to the Building Code as the essential code.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SINENCI: Members, any more questions for our panel? Member Molina?

COUNCILMEMBER MOLINA: Chairman, yeah, not, not so much a question for the panel, but just with regards to Mr. Chun's presentation. . .will that, I don't know if it's still, been placed on our Granicus, but I thought it was a very interesting presentation. So, under your direction, Mr. Chair, if that could be put on our Granicus? Thank you.

CHAIR SINENCI: Thank you. Members, we've reached our halfway point in the meeting. I'd like to impose a ten-minute break, and reconvene at 3:10, if there is no objections. . . .(gavel). . .

RECESS: 2:59 p.m.

RECONVENE: 3:12 p.m.

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CHAIR SINENCI: ...*(gavel)*... Members, we'd like to reconvene the Environmental, Agriculture, and Culture Preservation Committee at this time. So, Members, we'd like to pose a question to you. We have, because this is a bill that needs to go to two readings on, of the Council and there's a deadline, we need to look at if we proceed with that, it would be potentially March 1st and March 15th, I believe?

COUNCILMEMBER SUGIMURA: For Council meetings, yeah? Yeah.

CHAIR SINENCI: And so, but if we were to approve this in Committee, we would have to present any amend, amendments now, before we make a motion on it.

COUNCILMEMBER KING: Chair.

CHAIR SINENCI: Staff? Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Mr. Chair. Just with a question regarding what you had talked about procedure-wise, time deadline. This particular bill, if passed out of Committee, how many readings would this take or require for Council? One reading, or two readings? Corporation Counsel?

CHAIR SINENCI: Two readings.

COUNCILMEMBER MOLINA: It would take two readings right. Okay. Thank you.

MS. NAKATA: So, Mr. Chair, just for the Committee's information, the timeline is. . .I believe the latest the Committee, if, if the intent is to meet the deadline before the State version goes into effect, the Committee could still accommodate one additional meeting at your next regular meeting slot in February and still make it for posting for first reading on March 1st or, and second reading on March 15th; however, that doesn't really give much latitude, should the bill not pass first reading or second reading on those dates. Alternatively, I guess if the Committee were to make a recommendation today, then first reading would be accelerated by one Council meeting. So it would require two Council readings.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR SINENCI: Thank you, Ms. Nakata. Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: So, thank you for that, the time schedule. So, based upon the information that we received today, I would like to recommend, after discussion, but I'd like to recommend that we possibly pass this out of your Committee today, and that if anybody, including the community, has questions, 'cause it sounds like the, the Department has vetted this with the appropriate organizations, I wanna say, that would truly know and care about this. That possibly if we pass it out of Committee today, then we could send to the Department, Mr. Goode, questions that we have, or that the community may have before first reading, so that at first reading, we can, you know,

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address that. So, that would be something just so that we're not stuck and scrambling at the last minute. 'Cause I don't really want us to have to--no offense, Mr. Wiig--but I don't want us to have to accept what the State has decided for us, when we've already vetted through our Maui community organizations, what they would suggest. So that it could, we could encompass what Maui is saying, and not have to just accept what, sorry, what DBEDT is saying or the, you know, the State is saying and, and circumventing the words of our community. So, that's, that's my thought, if, if we would pass it out of Committee today, and then at first reading we could send questions, you know, between that, to send questions to the Director, so that he can answer it, and get us some answers at first reading, 'cause this would take two readings, 'cause we have a bill before us, not a resolution. So, this will require two readings from the Council.

CHAIR SINENCI: Thank you, Member Sugimura. Any comments? Member King.

COUNCILMEMBER KING: Chair, I would really like to encourage you to have a public meeting on this, you know, to work with the Department of Public Works to put together an informative meeting for the public. This affects more than, I've seen two local organizations, the AIA and the Masonry Institute, but this really, this kind of thing really affects individual homeowners, individual builders, home suppliers. We, we've had a few of them here today. And, I don't think that the public really fully understands this. And I was, I didn't know anything about this until it was put on the agenda. So, I'm not prepared to vote on it today. I would like to, you know, put it on the next agenda and be able to move it out if we. . .because as much as I would, I support this, and I really appreciate all the work that everybody has done on it, the way we get ourselves in trouble as lawmakers is by pushing things out and people finding things, finding out about it after it's already passed out and saying why didn't we know about it. And so, just to give. . .you know, we, we've all pledged full transparency. And just to make sure that the public understands that this is, what this document is, that it's a positive thing. . .I mean, I see it as a positive thing, and why we are moving forward on it. That, that would be my preference, is to put it on the next agenda. I don't think we're gonna need to spend quite this much time on it, because we've already, you know, looked through it ourselves. I do think that each individual Councilmember still needs to go through this, probably in, in at least as much detail as we've done, as the, you know, some of these folks have done in, in comparison with whatever the State has proposed. But I, I'm just a little, I'm a little gun shy about moving something like this out so quickly. Thank you.

CHAIR SINENCI: Thank you. Member Lee.

COUNCILMEMBER LEE: Mr. Chair, I'm not opposed to having a public meeting on this matter, but I would strongly urge my fellow colleagues to pass it out before the deadline so that we will have an improved version and that we can continue to work on this beyond the deadline with the changes in place, but continue to work on improvements. So, again, I am not opposed to having some kind of an informational meeting for the public, but I would hope that we can pass this version out, if not an even more improved version, by March 31st.

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CHAIR SINENCI: Thank you, Member Lee.

VICE-CHAIR KAMA: Mr. Chair.

CHAIR SINENCI: Member Kama.

VICE-CHAIR KAMA: Can somebody tell me, what does it mean, if we don't meet the deadline, what does it mean to be in interim, be at an interim status?

CHAIR SINENCI: We would adopt the State's version of the Code.

VICE-CHAIR KAMA: If we don't meet the--

CHAIR SINENCI: If we don't present these amendments prior to that, to that due date.

COUNCILMEMBER KING: Chair? I think I heard Mr. Galazin say that we would be, we would adopt the State's and we could make changes later on, but we could even make changes, we could make, we could adopt it today and we could still make changes after that deadline. Is that correct?

CHAIR SINENCI: Mr. Galazin.

MR. GALAZIN: Yeah, thank you, that is correct. And just to clarify, this body wouldn't be adopting anything, it would be imposed by statute upon you. And then the reason it would be interim is because at any point thereafter, you can go ahead and make changes to it, you could adopt this wholesale revision to it, or you could do it piecemeal. But it is designed, it's, it is in statute called "interim" because it's designed to be a placeholder, hoping that the counties will go ahead and make their own tailored versions.

CHAIR SINENCI: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: So then in the interim, anybody that comes in for like a permit would be held to, like, these standards and. . .?

CHAIR SINENCI: Mr. Galazin.

MR. GALAZIN: Yes, thank you. That would be, the standards in here as modified by the Building Code Council, to be specific, for Hawaii. I think one of the things, like having the tropical zone, as, as Howard mentioned. So, the, it's already been revised for statewide use. But yeah, anybody who, who came in would be, it would be the State revised version of that, that they would have to comply with, and that they would have to administer.

COUNCILMEMBER PALTIN: For how, however long it takes us to add the amendments that we want to see?

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MR. GALAZIN: That's correct.

COUNCILMEMBER PALTIN: So then whatever date that is, then it's different set of rules already?

MR. GALAZIN: Yeah, and that's a, and that's a good point. If, if you're thinking about wanting to make amendments to it anyway, it does pose some problems for developers, builders, you know, people who just want to build a single-family dwelling. . .to not know when it might be changed again. Knowing that it's being changed on March, regardless of what you do, but then if they think, "well, who knows, in June, it could be a new set of requirements. Maybe I'd want to try and get this permit through quicker," and, and, you know, having some certainty, I think, is really helpful, even if for people who don't necessarily agree with the changes that are made, at least there's certainty and defin..., you know, a definite. Let's do it.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SINENCI: Thank you. Member King.

COUNCILMEMBER KING: Chair, yeah, I think, I just, going back to something that Councilmember Lee said, that if we went ahead and adopted this, and then, and still held public hearings, we could adopt this today in Committee. If there were major changes, we could still pull it back before the Council meeting. But, if we, if we didn't have any changes to it, and we went ahead, we would still have some Maui County--I think that's what Ms. Lee was referring to. We would still have the Maui County amendments that are before us today, and that we could always change them in the future, if we saw something that was egregious, but. And yeah, so I'm thinking, yeah, maybe. . .but, you know, I would like to, if we do this, if we do pass this out of Committee today, I would like to know that there is going to be a, you know, schedule the, some kind of a public informational meeting so that we can make sure that we're, we're doing this in lockstep with informing the public, and not just sitting here saying, well, we've seen it, so it's good enough. That, that's kind of was my main concern, but I would be amenable to passing this out of Committee if we had something, if we could get a commitment that, you know, yourself or, or the, the Department were going to be putting together an informational meeting, and reaching out to stakeholders in all areas.

CHAIR SINENCI: Mr. Goode.

MR. GOODE: Thank you, Chair. A few comments. One would be thinking about if we, we as the body, doesn't pass something by the 31st, I think we'd be in a real mess. Because we wouldn't have the administrative sections of the Code. We'd have no Board of Variance and Appeals to appeal to. We'd have no one to have the stop work provision. We wouldn't even have, how it dovetails with the other building codes. That'd all be gone. That's, that is the Mau..., the main Maui amendments. So, I think it would present a lot of work for everybody here at this table. I think Corp. Counsel will

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potentially get slammed with a lot of issues, should someone bring it up. So, I, I'm glad to hear that, I, I think all of us want to get something passed out before then. So--

COUNCILMEMBER KING: The 31st or 21st? You said 31st.

MR. GOODE: Well, I thought it was the 21st, but the, the Governor signed on the 21st of March in 2017, but then effective date was ten days later, the 31st, is my understanding. So. . .

COUNCILMEMBER KING: . . .*(inaudible)*. . .

MR. GOODE: Anyway, the schedule that's been discussed, of having the first and second readings on the 1st and 15th of March works, in either scenario. But we will work with the Chair, Sinenci, to put together this informational meeting. I'm not sure exactly how the scope would be. I don't know if we can get to every island, and every district. It may have to be one big meeting, with some kind of teleconferencing in, or phoning in. How we notice that meeting, how we, you know, blast it out on social media and everything, that's all gotta be kind of orchestrated. And I think, Chair, we can work with you on that. But, I, I am encouraged that the testimony that we heard today is very supportive. So I, I, you know, I really want to commend my staff and, and Corp. Counsel and Mr. Wiig, on getting to this point so that we can get something that we can move forward on, which I think was gonna, is gonna help builders, help affordable housing, and help conserve energy. Thank you.

CHAIR SINENCI: Thank you, Mr. Goode.

COUNCILMEMBER KING: So--

CHAIR SINENCI: Member King.

COUNCILMEMBER KING: Yeah. So, thank. . .so, if we're hearing the 31st, there's actually an extra Council meeting before the 31st, so now we have, 'cause we'll have one, one on the 1st, the 15th, and the 29th, presumably. Every, every two weeks, right? So, does that have to be signed off by the Mayor by the 31st, or just passed out of Council by the 31st? What is. . .Corp. Counsel, can you comment on that?

CHAIR SINENCI: Mr. Galazin.

MR. GALAZIN: Yeah, it would be the effective date of the ordinance. So, you know, when, when the Mayor signs off, it, unless this, you know, if that does not occur, then theoretically there could be a couple of days where another code could be arguably ap..., applicable. So, I would just--

COUNCILMEMBER KING: If you, if we passed it on the 29th, and we said effective March 30th, and it gets signed a couple days later, it's still effective March 30th, correct?

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MR. GALAZIN: Correct, but, you know, there would always be an opportunity for somebody to argue something. But I just. . .well, there always is. . . .(chuckle). . .

COUNCILMEMBER KING: Yeah, always is. . . .(chuckle). . .

MR. GALAZIN: But that would probably be more of one.

COUNCILMEMBER KING: Okay.

MS. NAKATA: Excuse me, Mr. Chair. Staff is just--

CHAIR SINENCI: Yes, Ms. Nakata.

MS. NAKATA: Staff would just note that the two regular Council meetings, I believe, would be the 1st and 15th of March. The first regular Council meeting in April will be on the 5th. That doesn't preclude the Council from scheduling a special meeting, of course, but, Staff's understanding is that the meetings in March are the 1st and the 15th.

CHAIR SINENCI: Thank you. So, Members, so we're, we're faced with a question for, for our Committee. Do we want to push this through the Committee? Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Mr. Chairman. I'm, I'm okay with moving things out of, out of Committee. That gives us time in between first and second reading of Council to provide the public, whether it be initiated by the Department or yourself for, for a hearing on the proposal. So, it gives us, from where I, I see it, ample time.

CHAIR SINENCI: Would it give the, the Members extra time to look over some of the amendments? Member Sugimura.

COUNCILMEMBER SUGIMURA: Yes, Chair, I support what Member Molina is saying, and I hear the conversations. It sounds like we want to move this forward, and then address any concerns or amendments that may come out, or questions that may come out, up until first reading, which is what, March 1st? By the time the committee report comes out, posting would be March 1st? And second would be March 15th?

CHAIR SINENCI: Member Lee.

COUNCILMEMBER LEE: Mr. Chair, of course we didn't have enough time to go over every amendment, but we will, you know, by first reading. And, after we, we could include any additional proposals we have at first reading, and what we derive from the public at the informational meeting. So, I think we have enough time to, to deal with this matter and get it out by the second meeting in March.

CHAIR SINENCI: Thank you, Member Lee.

MS. NAKATA: Mr. Chair?

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CHAIR SINENCI: Yes, Ms. Nakata.

MS. NAKATA: Staff would note that if the Committee makes a recommendation today, the committee report likely could be posted for the February 15th Council meeting, unless the Chair decides he'd like to hold it for March 1st, so just so--

CHAIR SINENCI: So it could be sooner, sooner than the 1st?

MS. NAKATA: If the, if the, if Chair, you decide you'd like to hold it 'til the 1st to allow Members additional time, that, that's also fine. But I'm just saying that February 15th would be an option as well.

CHAIR SINENCI: Thank you. Member King.

COUNCILMEMBER KING: Yeah, I was just gonna comment that I would like to see that, a public hearing, before we have it on the Council. So that would, that would probably put it over to the 1st of March.

CHAIR SINENCI: Any other comments? Members? Member Sugimura?

COUNCILMEMBER SUGIMURA: So, Chair, are you gonna make a motion or recommendation?

CHAIR SINENCI: Yes. Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Chair. Prior to your recommendation, just dovetailing from what Chairman King has mentioned about public hearing, for the Department to include maybe a public hearing on, informational meeting, evenings, to include Molokai and Lanai as well. Thank you.

MS. NAKATA: Mr. Chair, could Staff request clarification when we talk about a public hearing? Are we talking about a Council public hearing, or an informational meeting by the Department?

CHAIR SINENCI: Informational.

MS. NAKATA: Okay, thank you.

CHAIR SINENCI: Okay, if there's any other comments? No comments? The Chair would like to entertain a motion to recommend passage on the, first reading of the proposed bill entitled, "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16A, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.16B, MAUI COUNTY CODE, PERTAINING TO THE ENERGY CODE"--

VICE-CHAIR KAMA: So moved.

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MS. NAKATA: And could we also please, would the Chair entertain a motion to recommend the filing of the communication as well?

CHAIR SINENCI: Yes.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SUGIMURA: So moved. Oh, second.

CHAIR SINENCI: Hey, you guys.

COUNCILMEMBERS: . . . *(chuckle)* . . .

COUNCILMEMBER SUGIMURA: We're on it.

CHAIR SINENCI: For the record, the Chair will next entertain a motion to recommend the filing of General Communication 17-10.

COUNCILMEMBER LEE: So moved.

CHAIR SINENCI: Moved by Member Lee.

COUNCILMEMBER SUGIMURA: Second.

CHAIR SINENCI: Second by Sugimura. All in favor?

COUNCILMEMBERS: Aye.

VOTE: **AYES:** **Chair Sinenci, Vice-Chair Kama,
Councilmembers King, Lee, Molina, Paltin, and
Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **Recommending FILING of communication.**

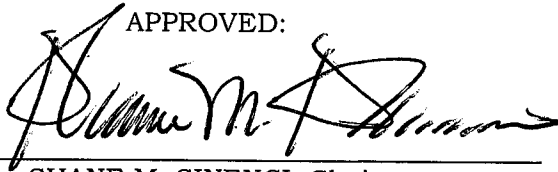
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CHAIR SINENCI: Prior to adjourning the meeting, I would like to give our, our thanks to Mr. Wiig, representatives of the Department of Public Works, and the Deputy Corporate Counsel, for being here. There being no further business before the Committee, this meeting of the Environmental, Agriculture, and Cultural Preservation Committee is adjourned. Thank you. . . . *(gavel)* . . .

ADJOURN: 3:32 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read 'Shane M. Sinenci', written over a horizontal line.

SHANE M. SINENCI, Chair
Environmental, Agricultural, and Cultural
Preservation Committee

eacp:min:190129

Transcribed by: Nicole Siegel