

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

February 11, 2019

Council Chamber, 8th Floor

CONVENE: 1:35 p.m.

PRESENT: Councilmember Alice L. Lee, Chair (out 3:27 p.m.)
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tasha Kama
Councilmember Michael J. Molina
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Shane M. Sinenci

NON-VOTING MEMBER:

Councilmember Yuki Lei K. Sugimura (in 2:11 p.m., out 3:15 p.m.)

EXCUSED: Councilmember Riki Hokama

STAFF: Traci Fujita, Legislative Attorney
Rayna Yap, 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)

ADMIN.: Jeffrey Pearson, Acting Director, Department of Water Supply
Wendy Taomoto, Engineering Program Manager, Department of Water Supply
Jace Miyabuchi, District Engineer, Department of Water Supply
Derek Takahashi, Civil Engineer, Department of Water Supply
David Goode, Acting Director, Department of Public Works
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: (1) additional attendee

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

CHAIR LEE: . . . (gavel). . . Okay. Will the meeting of the Water and Infrastructure Committee please come to order? All the people in the audience, please turn off your cell phones, okay, and behave civilly. Who are you? You, what is your name?

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MS. TAOMOTO: That's Derek.

CHAIR LEE: Derek?

MR. PEARSON: He's from the Water Department.

CHAIR LEE: Oh, okay. Just checking, just checking. Okay. My name is Alice Lee. I'm the Chair of this Committee. And we have, today, Member Sinenci, Member Molina, Member Rawlins-Fernandez, Member Paltin, and Member Kama.

COUNCILMEMBER SINENCI: Good afternoon.

CHAIR LEE: Okay. And the two non-voting Members are not here. Administration, we have Jeff Pearson, Acting Director of the Water Department; Wendy Taomoto, Engineering Program Manager; and David Goode is not here; Jennifer Oana, Deputy Corp. Counsel. Committee Staff, Traci Fujita, Legislative Attorney; Rayna Yap, Committee Secretary. And then, do we have our District Offices on board? We do? All three? Okay, great.

(Chair Lee's cell phone): Konnichiwa –

CHAIR LEE: Oh, sorry.

(Chair Lee's cell phone): --konnichiwa, konnichiwa!

CHAIR LEE: I forgot to turn off this, my phone. Konnichiwa. Okay. Alright. And that means good afternoon in Japanese. Alright. The District Offices...and the agenda items are WAI-24, -25, -9, and -3. So, the first item...

MS. FUJITA: . . .*(Inaudible)*. . .

CHAIR LEE: Oh, yeah. Please check for testimony.

MS. FUJITA: Chair, there's no one signed up to testify in Chambers. We can check with the District Offices. Hana Office, Mavis, do you have anyone wishing to testify?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair. This is Mavis from the Hana Office, and there is no one here waiting to testify.

MS. FUJITA: Thank you. Lanai Office, Denise, do you have anyone wishing to testify?

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

MS. FUJITA: Thank you. Molokai Office, Zhantell, do you have anyone wishing to testify?

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MS. LINDO: Good afternoon, Chair. This is Zhantell at the Molokai District Office. There is no one here to testify.

MS. FUJITA: Thank you. Chair, there is no one waiting to testify today.

CHAIR LEE: Thank you. Any objections to closing public testimony seeing that we have no one here to testify?

COUNCILMEMBERS: No objections.

CHAIR LEE: Okay. So ordered.

ITEM WAI-24: AMENDING SECTION 14.07.090, MAUI COUNTY CODE, RELATING TO DURATION OF WATER METER RESERVATION (CC 18-415)

CHAIR LEE: Alright. Let's begin with item number 24, Amending Section 14.07.090, Maui County Code, Relating to Duration of Water Meter Reservation. Okay. If there's a need for executive session, Corp. Counsel will--thank you--will advise if it's needed. Okay. The purpose of this bill is to extend the duration of water meter reservations from two years plus to two six-month extensions to a total of five years. A five-year period is a more reasonable timeframe to accept installation of water service. Department distributing further revised bill...oh. You'll be distributing the revised bill. I just want you Members to know that this is not something that I introduced. This is a carryover item from last year. So, I would like, at this time, for Mr. Pearson to provide your opening remarks to the Committee. Mr. Pearson?

MR. PEARSON: Thank you, Chair Lee. Jeff Pearson, Acting Director of the Department of Water Supply. Yeah, as Chair Lee said, this is a carryover from the last Administration. Speaking with the engineering staff, we thought that this was a high enough priority that we'd like to bring this forward as soon as possible. The purpose, and hopefully the results, if these ordinances pass, are to make life a little easier for the applicants that are in the Upcountry system looking for service. There's the two bills. One just allows, the simpler of the two, I guess, allows the applicant not just 30 days, but 60 days to respond, provide their, the down payment of the fees, and determine if they even want to follow through with the process. The first item, WAI-24, WAI-24, as Chair said is to allow a more...a longer period of time for the applicant to complete the process. Some items that the applicant brings forward could take a much shorter period of time, less construction, minimal effort or work provided by the applicant to get these items complete to the satisfaction of the Department of Water Supply, so we can approve them and install their meter. Other instances may require, you know, subdivision approval, which is a much longer process, more detailed design, even permitting. So, the idea was to instead of just allow what I consider a short period of two years and then the two six-month extensions, which are by Code are supposed to have just cause, we thought that in looking at this, a five-year term would help all and not put as steep of pressure on the

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applicant and still allow them the time to follow through with their process. So, that's about it at this time, Chair.

CHAIR LEE: Any questions for the Director? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Good afternoon, Mr. Director. So, basically, if we accept this change it eliminates the probability of extensions then as I interpret the ordinance?

CHAIR LEE: Director?

MR. PEARSON: Member Molina, yes, that's the idea. Extensions cause issues and right now I'm really not speaking from experience yet, obviously. But and I gotta correct you, it's Acting Director by the way.

COUNCILMEMBER MOLINA: Oh, okay, sorry about it, Mr. Acting Director.

MR. PEARSON: But no, extensions cause some headaches. It's a paperwork nightmare and I do have my backup from Engineering Program Manager, Wendy Taomoto, and one of her...well actually both her supporters here today. But if need be they can elaborate more based on their experience. But it's a paperwork nightmare. It's difficulty and as I briefly stated it has to show cause and right now that's a little bit vague what is cause? Is there really a definition right now of cause? No. So, it's at my discretion and discretion becomes a scary word when you have lawyers sitting beside you and above you and below you. So, it's trying to simplify things in a manner, but at the same time make it easier for the applicant.

COUNCILMEMBER MOLINA: And if I may ask another question, Madam Chair?

CHAIR LEE: Sure.

COUNCILMEMBER MOLINA: So, typically extensions in the past were like on average maybe a year, two years, several months? Would you have that information? 'Cause I'm just wondering if someone under the old, well, the current ordinance how...well what's the amount of extensions a person could keep asking for? I'm sure you might have had some extreme situations in which --

CHAIR LEE: Mr. Pearson?

COUNCILMEMBER MOLINA: --might have been a probable reason for this proposal. Any chance you can elaborate on that?

CHAIR LEE: Go ahead.

MR. PEARSON: Of course speaking of experience, I have very little. I was Deputy for a while, but I couldn't even remember some of these letters that may have provided for additional extensions. But, you know, by ordinance as we know it's two six-month

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extensions. And since there's been some other issues recently within the County system, I'm adhering to that, to the black and white. And it hurts a bit because if someone...an applicant comes in and they're near the end of their project and for whatever reason a lot of times it's mostly their reasons for delays, but sometimes they don't have control over these delays. Let's say they need four more days or ten days of construction efforts to meet the requirements and, you know, the date comes boom, you know, the hammer comes down. And I'd love to have...I'd like to have discretion on some of those because, you know, the human way, the human purpose is to support. We are out here to support our...your constituents and our customers. So, right now, I don't really have that freedom.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Alright, okay, thank you. Madam Chair, I might have a question or two later on. I'll go ahead and yield the floor. Thank you, Mr. Acting Director.

CHAIR LEE: Any other questions? Ms. Rawlins-Fernandez? And then Ms. Paltin.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Aloha, Mr. Pearson. So, why would you say or what would you say the reason is most times for the extensions? Is it for financial reasons? Or is it for other reasons?

MR. PEARSON: I'll start by answering briefly, but, I think, I will defer to our Engineering Program Manager, Wendy Taomoto. There's the issues of...they have to provide their down payment, the water meter service fee. So, they have to provide that, which can be substantial as, you know, as much as \$100,000, depending on the amount of meters that they're asking for with their reservation. But usually, I shouldn't say usually, I'm aware of the fact that there's construction issues and how did you get to that construction issue? You have to look at design issues prior to construction. And are there going to be delays there? Permitting may be an issue. Are there going to be delays in permitting? One, yeah, there's a lot of different issues, but, Wendy, if you want to elaborate more, I'd appreciate it.

MS. TAOMOTO: Thank you, Chair. Wendy Taomoto, Engineering Program Manager. Director Pearson pretty much summed up. There's usually permit delays that is getting construction plan approval through the various applicable agencies. If the work involves a State highway they do need to go to the State Department of Transportation as well as for both County and State with work within right of way. They have to get State Historic Preservation Division approval too. So, there could be significant permit delays beyond the applicant's control. The other reasons for an extension request is the construction timeframe cannot be met. But as Director Pearson said, in the current rules that we're administrating if an applicant falls short five days, four days of that deadline to complete construction, there is nothing we can do because we are not allowed to provide...grant extensions beyond the two years, two six-months. Under the proposed language in front of you that would remove the extensions from the discussion and the applicant would have a total

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of five years to complete construction. So, that would be design, permitting and construction would need to be completed within the five years. If that situation that was discussed where they still in construction and they need ten more days this rule change doesn't change that situation for them from the current language. They will still need to act as quickly as possible to get their project into construction so that they can meet the five-year duration that is being proposed.

CHAIR LEE: Further questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Quick clarification on what you said. So, I'm not sure if you misspoke when you said two years? You meant two six-month extensions?

MS. TAOMOTO: No, the current rule says two years, two six-month extensions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. The two years plus the two six-month extensions. Okay, thank you. Okay. So, I completely understand, you know, the paper work being too much, too much of a burden. And I would understand and support absorbing, you know, the two six-month extensions to three years. But would you be able explain why we're moving it up from three years to five years?

MR. PEARSON: I don't think there's anything, any calculation or any, you know, it's three years is one number, four years is a little further, so we thought with efforts and some of the details and the difficulty of design and construction, we thought five years was a safe, fair number. So, I mean, that can be debated among this body. It's, of course, up to the Chair how she wants to address that. But that was just a number that seemed logical and realistic. But that might be at your purview.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, by logical do you mean like when people need extensions that's generally how much longer or is five years just really just arbitrary?

MR. PEARSON: No, just...

CHAIR LEE: Go ahead, Director.

MR. PEARSON: Excuse me, Chair. No, it's just that we felt that, and, again, I shouldn't say we 'cause it kind of came up prior to this, but we agreed that it, you know, because the way life is these days there's more difficulties, there's more details, there's more issues that can be out there. And five years just seemed like a timeframe that was attainable for most of these construction projects. Of course, the issue still comes up now as Wendy alluded to that you get to four years and 362 days and they need five more days or something to complete it. So, now, in that case we're gonna be somewhat in the same predicament as we are with the end of these two six-month extensions. And I don't know how to really handle that, Chair. It's gonna happen because we're people and people make mistakes and delays. So, is it fair, again, if we

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get to the end of five years? I'm not gonna answer that question, but that's...it's always gonna be, I think, difficult. But we're trying to go black and white as I know lawyers like to do and we're trying to give enough time that when you do the black and white there's enough time to address the issues hopefully within that five years.

CHAIR LEE: Mr. Pearson, I believe, your staff, Wendy Taomoto, has something to add.

MR. PEARSON: Oh, okay, my back is to Wendy.

MS. TAOMOTO: Some of the reasoning as Director Pearson alluded this bill was sent down by the previous Director Baisa and Administration and some of the discussion that we had based on experience is that when we have people on the Upcountry list that are on the list for the purposes of doing subdivisions, those types of permits or construction plans take, tend to be a little bit longer in terms of permitting than, for instance, a water meter or water service, just a lateral. You just need to install a lateral from our water main to your property. Those, you know, we're confident it can be processed within the three years. But then there is this applicants that are on the list for the purposes of subdividing and that requires a submittal to the Department of Public Works Development Services Administration. It's a process. It requires multiagency approvals. A lot of the approval is or time of review for the agency approvals is beyond applicant's control. And so, when we looked at some of the situations of applicants there was some instances where it was really gonna be difficult for them to complete construction in three years, not start, complete, yeah. And so, we felt that five years...it is not arbitrary necessarily, but it seemed like four would add another year and were we confident that we would be able to address. In speaking to the issues we've dealt with the applicants and hearing all the issues they had been dealing with, we felt like, you know, give everybody five...give a full five years because people have waited 20 years to get called and some maybe been waiting longer to get called, and some of them are not prepared to go through this process. It is not an easy process if it's a family subdivision for the average person. So, I think, that's kind of like it's room for discussion on the five years, but we are confident, the staff and I, that five years is a feel good number for us. But that's just our personal or professional experience. Thank you.

CHAIR LEE: Thank you. Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Last question, Chair. What would be the impact to those on the list below? The amending from two years to five years?

CHAIR LEE: It's actually three years, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Three years. Potentially three years.

CHAIR LEE: Yeah. Wendy, please?

MS. TAOMOTO: Thank you, Chair. I believe, in front of you is Staff had passed out a revised ordinance and on the bottom right it should be received at WAI meeting on 2/11/19,

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Committee Chair Lee. If you turn to the back and Section 3 addresses, I believe, your question on the grandfathering of applicants who have...

CHAIR LEE: No, I don't think that was your question.

MS. TAOMOTO: Is that your question?

CHAIR LEE: No. You wanna repeat your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Thanks, Chair Lee. So, in amending from two years to five years, those that are waiting below the person that's next, would there be any potential longer delays? What kind of an impact would there be to those below the person on the list?

MS. TAOMOTO: Thank you, Chair. I think, what you're asking me is if we make this rule change, is there gonna be a further delay or cause a delay to those already waiting? And I would say the answer is no. We have a system we've worked out and we're fairly continuous and confident that we can process letters consistently in the way we're doing things. There is a...not a sister bill but another bill on the agenda that provides the 60 days for the applicant to respond to us. That too we don't see that also being an impact. So, we did consider that in our considerations when we made these, proposed these rule changes to feel confident that those on the list waiting will not then be further delayed from receiving a meter offer by these rule changes--the both rule changes. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Wendy.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. I apologize, I'm coming at this kind of from a super layperson perspective, but if there's no further delay to those waiting, why would we need a five-year time limit? What if we just show that they're working in good faith, and they're not like unnecessarily delaying. and they're trying, and trying, and trying, and then when they finish it's finished? Like what if they have four years and 362 days and they need 20 more days? If we have a five-year limit then that's the human factor, but if we just say, you know, you continuously try to work on it then what is the need for a time limit if there's no effect, no further delay to those waiting below?

CHAIR LEE: Who wants to answer this? Mr. Pearson?

MR. PEARSON: I'll start but in that case, we would have hundreds and potentially thousands of people that are still out there on the books and the staff right now is overwhelmed. They're, you know, we sat down today and they gave me a short story of their efforts working on the Upcountry meter list along with all the other efforts. The engineers that are working on the Upcountry meter list are also involved in, I think, it's Hana and Lahaina side. So, you know, this is not their only job and they're

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busting butt on that and others. So, if every project was still considered open, someone that was on the Upcountry meter list, let's say nine years ago and they hadn't finished their construction, and now they're calling to ask for additional help on this or that, these guys would have to stop and pull out paperwork and files and issues and to try to deal with something that's nine years old, and it would just, it would kill these people. But, I mean, Wendy, you can elaborate further but, I know, that it's a...they already have a difficult task and we need to have a time limit so we can move on and continue our work as it goes forward. But go ahead, Wendy, if you choose to elaborate.

CHAIR LEE: Ms. Taomoto?

MS. TAOMOTO: Thank you, Chair. I think, the clarification needs to be made that it's a meter offer I think, that you're asking would be delayed. The applicant who receives a meter offer and makes the deposit to reserve their reservation under the current rules it's two years with two six-month extensions. Under the proposed language, it's a five-year meter reservation of the capacity. The other people on the list who are waiting for a meter offer, those people will not be affected because of that additional two years that we're providing to people who are offered a meter. So, it's allowing those who are offered a meter and have made a reservation an additional two years to complete permitting and construction, which has no impact on the people after them that we're going to offer meters to. So, it's a, two separate processes, we're reviewing and preparing letters, which we call meter offers, and that's one process. And then there's the other process that once we do receive their deposit and they have a valid reservation their next step is now to go get an engineering consultant or whatever needs to be done, and get plans to us or paperwork to us, so that they can proceed to construction. Once that process is rolling that's where the five-year impacts those people who already have made a deposit.

CHAIR LEE: Mr. Pearson?

MS. TAOMOTO: So, I think, it's two different...

MR. PEARSON: If I may?

CHAIR LEE: Go ahead.

MR. PEARSON: Not to put words in your mouth, but to help clarify and, of course, if I'm wrong, you can correct me. But, I think, the question was more why allow only five years? Why not allow them nine years or ten years or maybe not even put an end, a deadline? Was that what the question you was asking?

VICE-CHAIR PALTIN: Main thing that they're still making progress 'cause under this scenario like how you said they're ten days away from finishing and there's no extension, what would be the outcome in that case? They have to tear everything out?

CHAIR LEE: Ms. Taomoto or Mr. Pearson, which one?

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MR. PEARSON: Ms. Taomoto, please.

CHAIR LEE: Oh, okay.

MS. TAOMOTO: Thank you, Chair and Director. We...our hands are tied in the current language and in the proposed language. If they don't meet the terms where they're defined ready for water service, which means they pass final inspection, it's not that they have to tear it out, it's that the Department...if there is no issues with stagnation of them completing construction or other issues and integrating that improvements into our system, it is likely we will allow that new water system improvements to be connected to our system. But there are unique situations where it's a standalone subdivision that if we accept dedication that would create some stagnation or water quality issues for other users. In those scenarios where they can't complete construction in the three years or the five years the scenario would be, and this is how we are currently administrating the two years with two six-month extensions, we verify that if we do accept dedication there will be no issues with water quality for the existing customers. If there is no issue accepting the water system improvements then we will send them a letter acknowledging their water meter reservation is expired, but we would agree to accept dedication of the improvements as they deal with their situation with the expired water meter reservation. So, they would complete construction and not be able to get the water meters. That is how we have to currently administrate under the current rules if they fail to complete in the two years, two six-months approved extensions.

CHAIR LEE: Ms. Tamara, Ms. Paltin, can I ask a follow-up question?

VICE-CHAIR PALTIN: Sure thing, Chair, be my guest.

CHAIR LEE: So, how many situations do you have like that where the water meter reservation is expired, but the improvements are completed? Ms. Taomoto, if your friend is going to respond, can you introduce him, please?

MS. TAOMOTO: No...we. Thank you, Chair. We only have one situation right now that's going in front of the Board of Water Supply as an appeal of the fact that we can't...they completed construction and we can't issue the water meter under the current County Code language. It doesn't allow us to issue the water meter.

CHAIR LEE: Ms. Paltin?

MS. TAOMOTO: Thank you.

VICE-CHAIR PALTIN: So, then the Board of Water Supply would make a decision on that?

CHAIR LEE: Go ahead.

MS. TAOMOTO: Chair, if I may defer to Corp. Counsel Oana?

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MS. OANA: So, I'm not...I'm sorry.

CHAIR LEE: Go ahead.

MS. OANA: So, I'm not familiar with the case specifically, but if they requested an extension, and the Director denied it, anyone who requests something and the Director denies it can appeal it with the Board of Water Supply in a Board of Water Supply appeal, and then the Board will hear their situation.

VICE-CHAIR PALTIN: Thank you. So, my other question is like if we were to approve this language, what would happen to the folks who are like under the old ruling they're at say two years and 11 months and 29 days?

CHAIR LEE: Okay, Ms. Taomoto, you might mention at this point that we took care going back five years, yeah, to be fair to the people who are on the list and subject to the old rule.

MS. TAOMOTO: Yeah. Thank you, Chair. So, this is where now I mentioned the paper that I previously mentioned on Section 3. I'll read it for the benefit of the public. This ordinance shall take effect upon its approval; provided however, that any water meter reservation application approved by the director on or after January 1, 2015 shall have a total duration of five years from the date of the director's approval of the reservation. To clarify, anything prior to January 2015 would not have the benefit of the five-year duration. Thank you.

COUNCILMEMBER SINENCI: Chair? Oh, go ahead.

VICE-CHAIR PALTIN: One last question?

CHAIR LEE: Yes.

VICE-CHAIR PALTIN: And if we gotta go into executive session, I'll withdraw my question 'cause I don't need to do that. But I just was wondering in the past has there been a lot of extensions past the two years, two six-months?

CHAIR LEE: Mr. Director?

MR. PEARSON: Excuse me, may I defer to our Corp. Counsel, please?

CHAIR LEE: Corp. Counsel?

MS. OANA: So, we do have some pending litigation with regards to that so I would want to go into executive session to discuss any of these extensions.

VICE-CHAIR PALTIN: It's up to you guys if you want to go into executive session.

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CHAIR LEE: Hello --

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: --you guys want to go into...Mr. Molina?

COUNCILMEMBER MOLINA: For the record, you have a seven-Member Committee. How many Members would have to approve executive session, is that five or four? Corporation Counsel, I guess?

CHAIR LEE: Corporation Counsel?

MS. OANA: Okay. So, that would be two-thirds...that would be six, I believe.

COUNCILMEMBER MOLINA: Five?

CHAIR LEE: All of us chickens, six.

MS. YAP: Four.

COUNCILMEMBER MOLINA: Just four.

CHAIR LEE: Four?

MS. YAP: Four.

CHAIR LEE: Okay. We have a conflict here. Short recess. . . .*(gavel)*. . .

RECESS: 2:05 p.m.

RECONVENE: 2:07 p.m.

CHAIR LEE: . . .*(gavel)*. . . The Chair was advised, it's four. Rayna, right, four? Okay.

VICE-CHAIR PALTIN: Chair, sorry. I just...it might help with my decision because I just want to make sure that we're being fair to the folks in litigation that we're...they're in litigation and then we're changing the rules while they're in litigation. Is that fair to them or not fair, I don't know, but I'd like to try to be fair to all parties.

CHAIR LEE: Alright, thank you. Any other comments?

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah, would we be avoiding litigation by extending this?

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CHAIR LEE: Corp. Counsel?

MS. OANA: I don't believe it will avoid some of the litigation. It may avoid some, but it will not avoid some.

CHAIR LEE: I'm sorry, I missed what you said.

MS. OANA: I said it may avoid some, but it will not help others.

CHAIR LEE: Mr. Sinenci, any follow-up questions?

COUNCILMEMBER SINENCI: Yeah, Chair, I'm just concerned that if there's one applicant that is...if we're changing this extension to accommodate just one applicant. I mean, and as the staff said, are we avoiding that was my, is my question, is it to avoid a litigious situation?

CHAIR LEE: Well Mr. Sinenci, we're not changing the ordinance to accommodate anybody, yeah, deliberately. The reason why, I believe, the Department said they are proposing this change is because from their experience, three years is not enough, two years plus two six-month extensions. So, they're saying, in all, you know, fairness and practicality, we should give the people a little bit more time. And we're going back to January 1, 2015, yeah, because it'll give the people five years. The people, the past people, five years. So, that's the reason why that provision was added in Section 3.

COUNCILMEMBER SINENCI: Oh, okay. I just thought I heard that there was just one person that was looking for the extension. Was I wrong in hearing that?

CHAIR LEE: I think, you heard that there may have been...can you repeat what you said, Mr. Pearson?

MR. PEARSON: I think, the discussion by staff there was one person where there was the water system improvements in place and the system improvements would be continue to be in place, but the person because of the time limit would not be able to accept a water meter. That was what staff was discussing.

CHAIR LEE: Any further questions?

COUNCILMEMBER SINENCI: Yeah, thank you.

CHAIR LEE: Okay. Ms. Paltin, do you want to go into executive session? We need a motion.

VICE-CHAIR PALTIN: I'll make a motion to go into executive session.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll second.

CHAIR LEE: Okay, we are...pursuant to Section 92-5(a)(4), *Hawaii Revised Statutes*, and that is what we are citing to go into executive session. Any discussion, Ms. Paltin?

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VICE-CHAIR PALTIN: You know, just...of watching what decisions have been made regarding the Upcountry water meter list, I would like to be as informed as possible about all everything to make a fair choice in this vote today. And, I think, that hearing of the ongoing litigation would help me with making that decision.

CHAIR LEE: Okay. Anybody else?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR LEE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll add to that what Councilmember Paltin said, basically it's a matter fairness and I'd like to ensure that we're being fair to everyone.

CHAIR LEE: Any other comments?

UNIDENTIFIED SPEAKER: Call for the question.

CHAIR LEE: Okay. All those in favor of the motion...

MS. OANA: Excuse me, Chair.

CHAIR LEE: Corp. Counsel?

MS. OANA: I just wanted to say that we need five votes to go into executive session.

CHAIR LEE: All those in favor of the motion, say, "aye."

COUNCILMEMBERS: Aye.

CHAIR LEE: Aye. Opposed, "nay." Motion carries.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Hokama.**

MOTION CARRIED.

ACTION: **APPROVE; RECESS open meeting and CONVENE executive meeting.**

CHAIR LEE: Recess. . . .*(gavel)*. . .

RECESS: **2:11 p.m.**

RECONVENE: **2:46 p.m.**

CHAIR LEE: . . .*(gavel)*. . . Will the Water and Infrastructure Committee reconvene? Okay, my little chickadees. Let's see. You have the bill in front of you. Any questions on the bill?

UNIDENTIFIED SPEAKER: *Akaku* might not be filming.

CHAIR LEE: Oh. They're not filming?

COUNCILMEMBER SUGIMURA: Oh. Nobody's there. Don't forget to say the word "chickadee" when we get back in session.

UNIDENTIFIED SPEAKER: . . .*(Inaudible)*. . .

CHAIR LEE: We're not...we're waiting for them. Are they on, Rayna? I already reconvened so, Jen, Corp. Counsel.

COUNCILMEMBER MOLINA: Gavel.

CHAIR LEE: I did already . . .*(gavel)*. . . again. Double whack.

MS. OANA: I just wanted to make sure the Committee fully was aware of what's in front of them today. What the Committee posted, the version of the bill is a little different than what was handed out to you on your table today. The only thing that was changed between what was posted and what was handed out today is Section 3. So, if

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you wanted to look at the differences. What was posted said basically that if you had a current valid water meter reservation now that you also five years. And what we did for the version that was posted and passed out to you today was changed that to make it that any water meter reservation application approved by the director on or after January 1, 2015 shall also have a total duration of five years from the date of the director's approval of the reservation. So, I just wanted to make sure that everybody was aware of what's in front of them and what was posted.

CHAIR LEE: Any questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Is it gonna be posted with the Ramseyer indication of the insertion of the new language?

MS. OANA: Since this is all new it's not gonna be further Ramseyer than this. The only Ramseyer was what was changing from the actual bill that's in effect now to what the change would be.

CHAIR LEE: Any questions? Any questions? Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, basically by choosing the date 2015...

CHAIR LEE: Gives the people five years.

COUNCILMEMBER SUGIMURA: From...

CHAIR LEE: Five years from three years ago.

COUNCILMEMBER SUGIMURA: Yeah, so people who are already in the process where they would have had the...they would have...what would've applied the two years and then two six-months, right? But you're giving them actually an extra two years to finish, right?

CHAIR LEE: Because everybody else is gonna get that from going forward.

COUNCILMEMBER SUGIMURA: And assuming they took us seriously and their project is in process, so it's fair. I think, it's fair. Right?

CHAIR LEE: We're trying to make it fair. I'm sure some people want us to go back ten years, but it's five-year increments, yeah. Any other questions? Comments? Yes?

MS. TAOMOTO: Can I provide clarification?

CHAIR LEE: Okay. Ms. Taomoto?

MS. TAOMOTO: Sorry, it wasn't discussed. I just wanted to make sure...we've been talking about the Upcountry priority list, but this rule reservation...this water meter reservation also applies to other districts. I just wanted to make...I wasn't sure if you

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folks realized that it applies to all water meter reservations that the Department approves. So, it includes Central Maui, West Maui, Hana, Molokai.

CHAIR LEE: Yeah, and you did that out of fairness, right?

MS. TAOMOTO: Yes. So, it applies to other districts. Thank you.

COUNCILMEMBER SUGIMURA: But only Upcountry we hear about...I'm sorry, just to keep on talking. But only Upcountry we hear about the problems, so are there similar problems in other districts?

CHAIR LEE: Ms. Taomoto?

MS. TAOMOTO: Thank you, Chair. At this time, there is no problems with reservations in Central Maui, but I will put it on the record that we did receive a number of reservations for subdivisions, water service, building permits for Central Maui. In particular, we also received a number for West Maui. So, moving forward when I made the statement that the challenge is for the people with subdivisions, I would expect that same challenge to apply to people with Central Maui subdivisions and West Maui subdivisions in meeting the three year completion timeframe. Thank you.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you. I really appreciate you informing us. I did think this was just for the Upcountry, so I really appreciate that.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Question, Chair?

CHAIR LEE: Yes, Ms. Kama.

COUNCILMEMBER KAMA: Does this include the Department of Hawaiian Home Lands?

MS. TAOMOTO: If the Department of Hawaiian Home Lands chose to make a water meter reservation as the way of securing source capacity, yes, it would apply. But they have source capacity for Upcountry in a different manner, so they don't typically take...the process doesn't involve a reservation.

CHAIR LEE: Alright. Chair recommends approval.

COUNCILMEMBER MOLINA: Recommendation.

CHAIR LEE: I just did, Mr. Molina.

COUNCILMEMBER MOLINA: Just double checking.

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CHAIR LEE: Oh, my God.

COUNCILMEMBER MOLINA: I wanted to reaffirm that recommendation.

CHAIR LEE: Okay, the real meeting will convene in one minute. Okay, do I have a motion to approve this ordinance?

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR LEE: Second?

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Okay, moved by Ms. Rawlins-Fernandez, seconded by Ms. Kama, to pass this...approve this ordinance. Okay, all those...oh, any discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: I think, this will help to benefit our community, those that need a little more time in completing the permits, construction, in order to install water service. And after learning a bit more from executive session, I think, we're being fair to everyone. Mahalo, Chair.

CHAIR LEE: Thank you. Any more discussion? If not, all those in favor, say, "aye."

COUNCILMEMBERS: Aye.

CHAIR LEE: Opposed, "nay." Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

**ACTION: Recommending FIRST READING of revised bill and
 FILING of communication.**

CHAIR LEE: Very good, my children.

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ITEM WAI-25: AMENDING SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER (CC 18-416)

CHAIR LEE: Next we have...the next item is...where is it? Water Department, Water Director, do you want to take the next item, please?

MR. PEARSON: Thank you, Madam Chair. This one, I hope, is a bit simpler. And, again, this was brought forth in the previous Administration. And the intent, again, here is to help the applicant. At times these...the request for Upcountry meters, I guess, this isn't just Upcountry again is it?

COUNCILMEMBER SUGIMURA: This is Upcountry.

MR. PEARSON: Is this priority list? No, this is priority list. So, at times it can be quite overwhelming if a person has 30 days where there's a large project or there's a lot of decisions to be made and the dollar amounts make the decisions that much greater. They may need more than 30 days to follow through with their due diligence to come forth with the large-scale decision in some cases. So, therefore, again, to assist the applicant we asked to revise 14.13.050 to be revised from given 30 days to be given 60 days to, of the date of the certified mail to respond to the Department of Water Supply with whatever action they choose. Thank you.

CHAIR LEE: Questions, Members? Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. I just was wondering same thing if anybody missed their 30 days and were complaining, would they...is this like backdated as well, 60 days?

CHAIR LEE: Mr. Pearson?

MR. PEARSON: I keep speaking about how I have such little experience, but I've already had experience in that manner. And everyone is different, of course 'cause every person is different, but this one talked about mail being picked up by someone else. The person's off island. I don't even want to go into details in case I identify who the person is. But, in any event, yes, it happened just recently. So, it's out there. It's happened more I'm sure. I'm sure the EPM, Engineering Program Manager, can discuss many more. But I don't know if that's worth your time. But, yes, it has happened in the past.

UNIDENTIFIED SPEAKER: Chair?

CHAIR LEE: Yes, Corp. Counsel?

MS. OANA: Chair, I just wanted to also point out that this Chapter 14.13 also has a waiver or modification provision in 14.13.080. And that reads the director may waive or modify the provisions of this chapter when not contrary to the public's health, safety

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or welfare, and when the director finds: 1. Strict application of the provisions of this chapter would cause an absurd, unfair, or unreasonably harsh result; 2. The director finds the circumstance or condition is unique or exceptional, and the director would grant the same request if made by every similarly situated applicant; and 3. The resulting action of the director will be without detriment to existing users.

CHAIR LEE: Corp. Counsel, what are you reading from?

MS. OANA: Section 14.13.080, it's the waiver or modification provision.

CHAIR LEE: Which would affect this ordinance, right?

MS. OANA: So, basically when the Director said that there are situations when the applicant who's receiving the water meter offer letter is not even at home for the entire 30 days, he could use this waiver or modification provision, if it, you know, follows the wording.

CHAIR LEE: Any comments?

VICE-CHAIR PALTIN: Is certified mail the one that you have to sign for though? So, if they're not home for full the 30 days, how do they sign for it?

UNIDENTIFIED SPEAKER: They cannot.

CHAIR LEE: Ms. Taomoto?

MS. TAOMOTO: This is not the type of certified mail that requires the applicant the letter is addressed to sign the certification. Any person who, you know, like if you have somebody, your aunty or house watching, they could sign for it. This is the case that happened that Mr. Pearson was referring to.

VICE-CHAIR PALTIN: Would there be a problem with making it need a certified mail where the addressee has to sign it?

MS. TAOMOTO: We, in fact, talked about that to prepare for this meeting. And the additional cost, I believe, was 7 or \$9 additional cost to have that level of certified mail. It's registered. The post office has a different classification and they also collect an additional 7 to \$9 to have the postman actually get the applicant the letter is addressed to signature, rather than just have someone at the house sign for it. We didn't feel, based on our experience of the issues where we had to use that waiver or modification discretion, the Director had to use it, was not frequent enough to justify that expenditure for the County, where every letter mailed to applicants would incur that additional \$7. And keep in mind, I mean, I realize this is a new Council so I'm gonna let you know that we don't mail one letter to the first person. We mail a letter to every owner, so some properties have...has had up to 20 people we have to mail out a letter to, the meter offer to for one property. Some have maybe two. So, I'm saying that cost, that additional seven would apply to every single letter. And so we didn't

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feel, based on the amount of issues we've had in this receipt of mail, that it justified that cost for the Department and the ratepayers. Thank you.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: So, in the Director's discretionary authority, would he be able to check that it wasn't the applicant that signed off on it, that it was somebody else in the household that did sign off on it?

CHAIR LEE: Ms. Taomoto?

MS. TAOMOTO: Thank you, Chair. We receive the...who signed the card, that gets returned to us and we can see if it was the applicant or someone who's not the applicant who signed for the applicant's letter. It's that green card if you ever did certified mail.

VICE-CHAIR PALTIN: Thank you, Chair.

CHAIR LEE: . . .*(inaudible)*. . .

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

CHAIR LEE: Okay. Any other questions?

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: Mr. Sinenci?

COUNCILMEMBER SINENCI: Where exactly is the Kualono Subdivision?

COUNCILMEMBER SUGIMURA: Next one.

CHAIR LEE: That's the next item.

COUNCILMEMBER SINENCI: Oh, sorry. We're still on that. Sorry. My bad.

CHAIR LEE: Any other questions? Ms. Paltin?

VICE-CHAIR PALTIN: Sorry, so, for the guys whose cutoff is like say tomorrow or whenever, is it going to be postdated 60 days for them as well as like how the five-year one was?

CHAIR LEE: Mr. Pearson?

MR. PEARSON: Thank you, Madam Chair. We didn't look at...well, I should say the previous Administration didn't look at the wording that it would allow for any grandfathering.

VICE-CHAIR PALTIN: You don't anticipate any trouble with not grandfathering for just 30 days or so?

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CHAIR LEE: Ms. Taomoto?

MS. TAOMOTO: Thank you, Chair. The last batch we mailed out was in December. Those applicants already had the 30 day...past that 30-day deadline. The next batch...hopefully this gets passed out, but the next batch we're hoping to issue in March. If you pass this out after we mail the letters they would have 30 days. If you pass this out of full Council and it takes effect upon its approval as it states and we mail the letters after that it would have 60 days. We don't know if the date and we didn't feel it is a significant issue. For this next batch is about 20 letters...20 letters. And being that all the other applicants before this had 30 days, we didn't see it necessary to put in a grandfather clause. Thank you.

CHAIR LEE: Any other questions? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just for additional clarification from Ms. Taomoto. With regards to the expense on the certified mail, about roughly what would the cost be if we went with that additional expense where you have to get the actual property owner rather than just someone in the household signing off?

CHAIR LEE: Ms. Taomoto?

COUNCILMEMBER MOLINA: And the reason I ask is just that because sometimes you get one...you may have a situation where the main property owner say, hey, I never know about it or somebody in the family forgot to, you know, notify the person. And then we're on the hook so to speak, you know. So, we may be asked well why didn't you do these additional, you know, insurances that the actual property owner get it. So, I just wanna make sure that we, we're okay. We can cover ourselves in the event the unlikelihood of something like that happening.

CHAIR LEE: I think, Ms. Taomoto sort of answered that question before and said that sometimes there are like 20 owners --

COUNCILMEMBER MOLINA: Yeah.

CHAIR LEE: --or more than one or two owners.

COUNCILMEMBER MOLINA: Yeah. So, how many property...how many situations do we have like that? How many property owners --

CHAIR LEE: Ms. Taomoto?

COUNCILMEMBER MOLINA: --that you have multiple properties with multiple owners, yeah?

MS. TAOMOTO: Most of the properties on the list, when we do a meter offer, has multiple owners. If I use like...it's never the same for any particular batch. And we typically do

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a batch of about 20 letters in a mailing. Twenty meter offers. If I use like an average of five that's like 20 times 5 is a 100 letters to various owners. And a hundred times, if I use 7-\$9, you know, we talking like 700 to \$900 per mailing. I realize, it's not a significant cost in terms of the size of our government expenses, but because in most instances the applicants just needed a few more days, we felt this 60 day would take care of that issue rather than incur the additional cost where this hasn't been a significant problem for us. They normally call right before the 30 days and in one instance, a couple they called right after, but it's usually not like 90 days after. Typically, they realize they missed it, which is why the panic and call, you know. So, it is, you know, even if they have mail picked up by somebody else they just have to go through all the mail while they were on travel, yeah. So, normal people I don't think travel for 60 days, so we felt this was a fair number. Thank you.

COUNCILMEMBER MOLINA: Okay, well, just as long as you folks are comfortable with that 60 days or an additional 30 days and maybe not more, so.

CHAIR LEE: Like she said normal people.

COUNCILMEMBER MOLINA: Yeah, well, you and I, Chair, we're not normal people --

CHAIR LEE: We're not.

COUNCILMEMBER MOLINA: --when it comes to traveling.

CHAIR LEE: We're mentally ill. Okay, next --

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR LEE: --Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, I just wanna say that anyone who...have you ever spoken to anybody who got their letter? I mean, it is like winning the lottery. You know, they're very happy. They either stop me in the supermarket about what happened to my, you know, or they stop me and they say hey guess what? Even my cashier at Pukalani Superette, she was like so happy. So, I will tell you that people who wait for this even if they had to wait, I don't know how many years, when it arrives, it arrives. So, this adjustment, I think, is generous and that I will tell you that the people who were waiting for it, it is important to them, and they'll make it a priority. I mean, situations like people who travel for 30 days, I mean, you know, that's a luxury. But, I think, it's sufficient. I think it's, you know, I don't think you need to send a certified letter.

CHAIR LEE: Any other comments? Ms. Paltin, did you have your hand up? No? Okay. Anybody else?

UNIDENTIFIED SPEAKER: Call for the question.

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CHAIR LEE: Alright, the Chair recommends passage of WAI-25, Amending Section 14.13.050, Maui County Code, Relating to Deadline for Response to Upcountry Water Meter Offer. And filing this Communication and the previous one.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Okay, any discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Like Councilmember Sugimura said, I think, this is fair and generous to those receiving their letter. And, I think, with the ordinance that Corp. Counsel read, 14.13.080, giving the Director the discretion to extend if needed kind of catches all the bases, I guess. So, yeah, I support this.

CHAIR LEE: Thank you. Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, Madam Chair, just to clarify what we're acting on today. It's not so much the letter being sent to the applicant. It's the amount of time we're giving the applicant.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Yeah. So, yeah, I just wanted to make we're...cause, I know, there's been mixing in about the Department sending the letter to the applicant. But this is about the applicant responding back to the Department if they want any changes to their water meter confirmation, yeah.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR LEE: Any other comments or questions? If not, all those in favor, say, "aye."

COUNCILMEMBERS: Aye.

CHAIR LEE: Opposed, "nay." Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

**ACTION: Recommending FIRST READING of revised bill and
 FILING of communication.**

CHAIR LEE: Thank you very much. Are you going to stay for the next one?

ITEM WAI-9: KUALONO SUBDIVISION WATERLINE EASEMENTS (CC 17-383)

CHAIR LEE: Okay, the next item is WAI-9, Kualono Subdivision Waterline Easements. Okay, is it more for the Public Works Department? Okay, who's in charge? This is Dave Goode from Public Works. I don't know maybe, Mr. Pearson, you should stay for this item too. What is that?

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

CHAIR LEE: Okay. And we have another person from the Water Department, Mr. Derek Takahashi. Is he going to take the lead on this? No? Okay, who is? Mr. Goode, go for it.

MR. GOODE: Okay. Good afternoon, Chair, Members. David Goode here, Acting Director of Department of Public Works. And the item you have today is related to some waterline easements in a project Upcountry. I can tell you that the roads are private and will remain private, but the Department of Water has their waterlines running through the various roads. So, there's different road lots require different easements. But, in general, Chair, if I could just speak to the general nature of easements...the way we accept easements and our Department's role 'cause we have all kinds of different easements. We can have easements for maintenance to get under culverts, to get to culverts, which would generally be in favor of our Department. The Water Department could have easements for waterlines and other appurtenances. Wastewater could have easements for their sewer lines. And so, the Code was amended a few years ago to try to simplify the process 'cause all the departments seem to have different ways of doing it. And all the easements used to come to the Council. And now what we do is we notify the Council when we accept an easement. So, in this case, Water

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Department would have notified Council that they accepted this easement, that it met their standards, it was part of say a subdivision, or a Capital Improvement Project, and that way the Council is at least aware of it. And so, rather than consuming all of your time and our time drafting up all these resolutions and Committee reports, et cetera, it was decided that this would help expedite that you folks would know about it. So, generally on your full Council agenda like I think even for this Friday you have a number of easements on there. They're generally for informational purposes, but the Members can pull them out and say we want to talk about it. So, I have this feeling that's why this one is on the agenda today. The other thing you get is you get an annual report from the Department of Finance 'cause they're the ones who actually accept property. You'll get an annual report. You'll probably get it this month I would think that would say here's all the stuff we accepted, so real property and easements, you'll get a complete listing of all the items. So, in general, when you see easements they're already accepted by the departments 'cause they met our standards, whether it's Water's or Sewer's or ours, and we're notifying the Council, so you're aware of it. And like say in your district, or your subject matter, you might be interested in it. But anyway, it's been working really well. I think, we're in our third year. So, this is probably the third annual report we've done to date. So, I guess, my recommendation, Chair, is take a good look at the annual report rather than the individual easements going forward.

CHAIR LEE: Okay, thank you. Thank you.

MR. GOODE: Yeah.

CHAIR LEE: Mr. Pearson, do you have anything to add? Like, for instance, where is this location? Kualono Subdivision?

MR. PEARSON: Thank you, Chair. No, I really don't have anything to add and I didn't do the research on the location. But I would assume that my Program Manager may know where these are at. I'm not sure why these were brought forward to the Committee, but, again, that was in the previous Administration.

CHAIR LEE: Well, it's for your information because it has been accepted already as David said. But we wouldn't mind knowing where this is.

MR. PEARSON: Wendy?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Chair?

CHAIR LEE: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: The map shows that it's in Kula, Old Haleakala Highway, Pukalani Bypass Highway.

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CHAIR LEE: Pukalani Bypass Highway, okay. Anything more to add with regard to the location or any special circumstances regarding this? No? Are there any questions from the Members? If not, yes, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. It's for maybe Mr. Goode. Who's the principals involved with Kualono Subdivision? Would you have that information? I'm just curious.

CHAIR LEE: Mr. Goode?

MR. GOODE: Thank you, Chair. I believe, at one point it was Goodfellow Brothers and Everett Dowling 'cause it had...they were doing the Kulamalu one too, so they had this. And I'm not sure who is the final entity, but, I think, Goodfellow Brothers did the construction. I do remember going to a blessing there.

COUNCILMEMBER MOLINA: Thank you. Thank you, Madam Chair.

CHAIR LEE: Any other questions? If not, this is only for informational purposes. Chair recommends filing of this. Anybody?

COUNCILMEMBER MOLINA: So moved.

CHAIR LEE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Rawlins-Fernandez. Any discussion?

COUNCILMEMBER MOLINA: No discussion.

CHAIR LEE: Yes, Ms. Paltin?

VICE-CHAIR PALTIN: So, I saw that there was a request for a warranty deed. Is that there...no warranty deed exists? Was that the reply?

CHAIR LEE: Mr. Goode?

MR. GOODE: Thank you, Chair, and Ms. Paltin. I'm not sure where you see that? Is that in the...

VICE-CHAIR PALTIN: It was in the Granicus, correspondence to Water Supply --

CHAIR LEE: Dated...

VICE-CHAIR PALTIN: --dated October 20, 2017, from Ms. Cochran. At first she requested a response by November 1, 2017, and then there was another one, I think, December 26, maybe.

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CHAIR LEE: Who wants to take this? Ms. Taomoto? Go ahead.

MS. TAOMOTO: Thank you, Chair. I'm referencing in your Granicus a December 13, 2017 letter from Councilmember Cochran requesting a copy of a warranty deed for the acquisition of four waterline easements located in the Kualono Subdivision. I see a response from the Department of Finance, and in the Granicus, I don't, in my binder, I don't see a response from...oh, here you go. It's after that. Our response is dated December 21, 2017, and we responded because it's a waterline easement, typically or in most cases or if not all, there is no warranty deed associated with an easement dedication. It would be a separate dedication or land acquisition process.

VICE-CHAIR PALTIN: And it's typical for us to accept easements in private road gated communities also common?

MS. TAOMOTO: Chair?

CHAIR LEE: Yes.

MS. TAOMOTO: In this case, the Department of Water Supply accepted and is now maintaining and operating the water system. So, yes, it is a requirement of the subdivision to provide the easements because as Director Goode stated the roads are going to be private. But we would still be...have a water system with our customers within the subdivision. So, an easement is required for this case.

VICE-CHAIR PALTIN: So, I just wanna ask a blanket question if there is anything else that we should know about this?

CHAIR LEE: Ms. Taomoto?

MS. TAOMOTO: We are not aware that there's anything unusual about this subdivision. It's a typical subdivision requiring a waterline easement where it's intended to be private road.

VICE-CHAIR PALTIN: Thank you.

CHAIR LEE: Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Quick question. Okay. So, I looked it up and it is the Dowling Company, 49 lots, Maui's Upcountry area, and it says that there is a heiau that has been preserved onsite providing an important connection to the Hawaiian culture and history. So, do you know where on the map the heiau is located and if the easement is anywhere near it?

CHAIR LEE: Who wants to? Mister...I mean, Ms. Taomoto?

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MS. TAOMOTO: Thank you, Chair. Staff Derek Takahashi is telling me it's on lot 50, but it's outside of the Water Department's jurisdiction. What we know is the waterlines doesn't affect the heiau, but as to the development of lot 50 we wouldn't be able to answer those questions as it relates to a heiau.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so, I just wanted to make sure that the waterline wasn't going to have an impact on the heiau, the structure itself, or even, you know, coming close to it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, thank you.

COUNCILMEMBER MOLINA: . . . *(inaudible)*. . . call for the question.

CHAIR LEE: Okay, that's a good idea. All those in favor say, "aye," including the filing of this communication by the way.

CHAIR LEE: Any opposed? Okay, motion carries.

NOES: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: Recommending FILING of communication.

CHAIR LEE: Now, we come to the final item, which Ms. Paltin may have to take over. And it has...and it's the simple matter of the Nahiku Bridge. I know, that there is a lot of controversy surrounding this particular item. And, I know, that our Member from

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Hana will adequately, more than adequately, update us on this matter. So, Ms. Paltin, I'll start it but feel free to refer this to the Budget Committee, yeah, because it probably involves money. And if we don't do it soon then it may miss the budget cycle, if we don't do it fast enough. So, let's start with this item WAI-3, Lower Nahiku Bridge Health and Safety Concerns. Corp. Counsel? Ms. Thomson? Or Mr. Goode? Okay, instead.

MR. GOODE: I guess, I got the short straw, but.

CHAIR LEE: Okay.

MR. GOODE: Not really. So the matter of the Nahiku Bridge has been before last Council, maybe last two terms at least I'd say. It's been a while. The bridge is a wooden bridge, some of you probably have seen it. It's in...it was in really bad shape. We had request, you know, to repair the bridge, but it wasn't a bridge that we were actively maintaining. In fact, our position basically was this isn't even on our property. It's, you know, you look at all the maps and it appeared to be on private property. So, we had a really hard...we had a hard time with this one. We worked with Council committee a couple of times. And what we decided to do was just in the general interest of safety was to block off the bridge because we didn't feel we had the, either the resources or the authority to go fix it. We did hire a structural engineer to go take a look at it. So, we have a report from 2011 that basically said, you know, it could carry maybe at best 3,000 pounds, which is like a sedan. And, you know, with every passing day it got worse and worse. So, it was basically foot traffic only. The community had a lot of, you know, concerns obviously with that in terms of getting access to the landing. There's a couple of private properties on the, I guess, the west side of the stream. But, anyway, we were searching for direction. We looked at all kinds of options. You know, if we were to acquire the land and the bridge could we do like one of those temporary bridges. And so, we engaged a couple contractors just to get some off-the-cuff estimates. It was close to a million dollars, that's without any permitting whatsoever. So, we presented that to the Council, the various, the committees that were in at the time. It didn't move forward in any direction. We did a title report to get, you know, an understanding from the title company who they thought the owners were. They basically came back saying they didn't think it was the government in general and they mentioned three or four landowners that either have the underlying land or adjacent lands. And so, we didn't feel like we had much, again, authority to move forward. So, we're kind of stuck. We had a lot more resources to spend in East Maui. We're working on a bunch of other bridges and some rock falls and landslides and all that. And so, we're just waiting to get some direction. I can tell you that in, of all the timing because this one is pretty crazy, last week, the residents did a lot of repairs on it. So, my Hana baseyard saw it. They went out and took some pictures. And, I guess, Chair, what I'd like to do is share these photos with everyone. So, I need some help with copies. I didn't know if you folks had any testifiers today, but if you could make copies and pass this out. What you will see--it may take a little while to make...I don't have...I didn't make copies, sorry, Rayna--but essentially the residents went ahead and made like a bridge over the bridge. Put down 2x12s or something like that, has like joist, and then plywood on

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top, and then made little ramps on both sides. Then they erected a gate on the Hana side of the bridge, and it looks like it's chained. They moved our barricades out of the way. And so, it kind of made it like almost like a private bridge if you will, private access. And in response to that we thought it would be a good idea on our end 'cause our jurisdiction basically ends at the old school where Lower Nahiku Road hits, the road goes...

CHAIR LEE: Across the street? Isn't it across the street? No?

MR. GOODE: No.

CHAIR LEE: No, okay.

MR. GOODE: Right when you get, right when you come down to Nahiku, Lower Nahiku, and then you can either turn right and go towards Hana or you turn left and go towards the bridge and down the landing. That's basically where our jurisdiction ends. We wanted to make sure that like tourists in particular weren't tempted to go over there. And so, we just put up some signs saying, you know, residents only, put some cones, and that would kind of just make sure that tourists won't even gonna try to get over there. We just wanted to limit our liability associated with that. So, again, of all the weeks this happened, last week, and we put up our sign in the last week. So, they're making some attempts obviously to have better access over there. You know, you can't fault them for that. They worked on the deck. I don't know and I don't believe they worked on the posts that go down to the ground 'cause the structural engineer's report mentions that those posts are rotting at the bottom. There's some diagonal bracing down underneath the bridge that was also starting to rot and that was 2011. So, whether it can actually hold more I don't know. So, I think, you know, they took matters in their own hands and came up with a pretty slick way of handling it.

CHAIR LEE: Mr. Goode, Mr. Goode, so how many people live beyond the bridge?

MR. GOODE: Well, if you look at the TMKs and you pull up the data it doesn't appear there's any residents, but there's maybe one or two that use that way to get to their homes because it looks like they also may have access coming down from Hana Highway like on a parallel driveway. But there are...I know for...so there may be some homes there. But they don't show up on Real Property. And, but there's definitely lots there, you know, some people have lots. The State of Hawaii, I should mention here, the State of Hawaii is a big player here. The State of Hawaii owns the landing, so there's a separate lot at the end, you know, that had a lot of public use that's owned by the State. So, we have asked the State a couple times, you know, if they're interested in contributing something to this. And we haven't got much traction there with them on that. But there's...

CHAIR LEE: I'd like to start asking for questions because I have to leave soon and the more background we have, you know, coming from the community the better. So, why don't Mr. Sinenci you lead off the discussion on this?

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COUNCILMEMBER SINENCI: Just to ask some of the questions from the residents, but, I believe --

CHAIR LEE: A little louder.

COUNCILMEMBER SINENCI: --I believe, you're right that it is on private property and not on County property. Is the County of Maui responsible for the maintenance and the repair of the Nahiku Bridge?

CHAIR LEE: Go ahead.

MR. GOODE: Chair, Mr. Sinenci, our position is that we're not necessarily responsible. We acknowledge that we have done some repairs in the past. There was even a resolution from the Council in like 1970s requesting some work on the whole stretch of road from the Hana Highway down to the landing. So, we have done some work, but we've basically pulled out for a long time due to the concerns over not being on our property.

COUNCILMEMBER SINENCI: So, that doesn't...because we did repairs that doesn't make us like responsible for it or anything, the County? ...*(inaudible)*... us to the responsibility of it?

MS. THOMSON: Chair, if I could? So, one of the issues related to maintenance on an ongoing fashion would be from the legal liability standpoint is the more control that we exert over the bridge the more that it looks like the County either owns it or intends to own it. So, from our, from a legal position, we are saying to the County Councilmembers, if you, you know, you wish to take it on as a County bridge or, you know, a County-owned parcel that we should just go ahead and do that and then that's clear direction to the Department too that they should expend the funds necessary to replace it.

COUNCILMEMBER SINENCI: Okay. So, did you say that they put a private gate after putting on the deck? They put a private gate on there?

MR. GOODE: Yeah. Chair or Vice-Chair? Mr. Sinenci, so that's our understanding. You can see there's a gate. There's some wording on there and I saw a lock around it. I don't know if it's one of those locks you just remove, you know, or it's actually need one key.

COUNCILMEMBER SINENCI: Okay. What part does DLNR play, if at all, as the bridge is the access to the old Nahiku landing, which is overseen by DLNR?

MR. GOODE: Yeah, Vice-Chair, and Mr. Sinenci, we think they have a role to play. I would think that they'd want to secure good access to their property, especially a property that has, you know, some public use and history. It's not just one landlocked piece. You know, it has value, yeah, community value.

COUNCILMEMBER SINENCI: Okay, thank you.

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VICE-CHAIR PALTIN: Any other questions from the Members? Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Vice-Chair. Mr. Goode, you know, with regards to the...you had mentioned earlier that, I guess, the bridge itself there's some private...the landowners, I guess, have some responsibility with the bridge. And we noticed the repairs that were being made by some residents. Were any of the those residents who did some of those repairs were property owners of the bridge or had some responsibility to the bridge? Or were these just some folks who were just very concerned?

MR. GOODE: Yeah, Chair and Mr. Molina, I'm not sure what their exact relationship was, but clearly they had an interest in making the bridge better.

COUNCILMEMBER MOLINA: Yeah, so, in your professional opinion as an engineer yourself, any thoughts on the repairs that were made? And, I know, it was done with good intentions. But from your, as you observed the repairs, any comments, additional comments, on the...

MR. GOODE: Vice-Chair, and Mr. Molina, other than we don't know if the work was done on the, you know, the underside of the bridge. It's more than just what meets the eye on the surface of the bridge.

COUNCILMEMBER MOLINA: Okay. And...

MR. GOODE: And that's what our inspection report from 2011 indicated.

COUNCILMEMBER MOLINA: Okay. And to your knowledge, do they have like a structural engineer onsite giving them advice to where to make the repairs so was there any professional engineers involved in this repairs that, you know, you're aware of?

MR. GOODE: I'm not aware of any.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you, Madam Chair.

VICE-CHAIR PALTIN: Councilmember Rawlins-Fernandez, any questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, I received some information from a previous meeting last February 26, 2018, from the IEM, Infrastructure and Environmental Management Committee. Anyway, and so, a map was provided to that Committee clearly indicating that EMI owned parcels adjacent to the bridge. And that EMI representative from A&B, Mark Vaught --

UNIDENTIFIED SPEAKER: Vaught.

COUNCILMEMBER RAWLINS-FERNANDEZ: --Vaught. Thank you. Mark Vaught was present and there was great discussion and dialogue that took place. And the Chair

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deferred the item to continue dialogue with the company, that EMI said that they would meet several times with the Administration and the community in Nahiku. Vaught said that they are committed to working with the County to do what's best for everyone involved. That EMI and the County, no one can remember who built the wooden bridge. Vaught said that he spoke to an older kupuna born and raised in the community from the area and even he couldn't remember who built it, just that it had always been there, and that his father used to ride a mule over the bridge to deliver mail to another town. That A&B offered to reach out to all other landowners and the State and to see if they would like...if they would all like to partner with the County to help with the repair or ways to work together to solve the repair of the bridge. And that you, Mr. Goode and Councilmember Hokama both supported County grants to the property owners, EMI, to help subsidize the repair of the bridge similar to a private-public partnership. And that the community would prefer a foot bridge or something that can accommodate a small ATV type of vehicle but not cars to help preserve the sensitive area from over tourism. And that former Councilmember Carroll disagreed and said that the County and emergency vehicles need access to the bay and would prefer that vehicles be able to utilize the bridge. And that, you, Mr. Goode, said that for a concrete bridge it would be approximately a million dollars to construct. And that, Mr. Hokama clarified that it would also need an EA and an ACOE, SMA and could take three to seven years to permit to the process. And there was an idea for a Marine Life Conservation District designation for the State-owned bay that will be impacted after repair of the bridge so that it could protect the area. And, Mr. Hokama thought maybe we should recommend OED grant. A grant writer to help or a grant to help fund these types of considerations. And that it was recommended that former Councilmember Carroll work with Representative DeCoite and Senator English to help the bay receive the Marine Life Conservation District, similar to that on Lanai, at Hulopoe Bay and Honolua Bay. And former Councilmember Carroll's hope was that the Administration would help reach out as well. And so, that's why this resolution was deferred because it may not be needed at this point or at that point in February where stakeholders, such as A&B, and other owners adjacent to the bridge indicated willingness to participate in helping to fund the repair and the replacement. I just wanted to share some of that background –

MR. GOODE: That's good.

COUNCILMEMBER RAWLINS-FERNANDEZ: --since most of us here weren't there last year. So, yeah.

VICE-CHAIR PALTIN: Any comments on that?

MR. GOODE: Yeah, Chair and Ms. Rawlins-Fernandez, that's pretty accurate, that's right. I remember the discussion about it. And so, there's a lot of ideas expressed at the meeting, but nothing seemed to gel, you know, later. So, I think, we went into budget pretty soon after that. No funds that I recall were appropriated. I have had, you know, a couple discussions with some State legislators, namely Senator English, and Rep DeCoite. They're aware of the issue, but we haven't seen any funds yet come from

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the State. But, it's kind of like the Keanae Road replacement where we had the State baseyard was on that sloping land that was causing, you know, that land was giving way and we had some rocks come down on the road. You know the State came up with \$2 million and then we put in \$1 million and like that a deal was made. I mean, just through appropriations it was, you know, and it really helped. And so, we ran the project. In fact, we've gone out to bid and we will be signing the contract and getting the work done. So, to me, that's one of the easiest ways. If we appropriate funds and the State appropriate funds 'cause, I think, we all agree that there's some State responsibility here. I mean, or desire to have it, something put in place. I'm not sure where the community is at, right, do they just want a foot bridge or do they want something with vehicle access or ATV access and that kind of needs to be sorted out. So, we can go either way. But we just feel like given what we have now which is no land control, and no clear vision of where we wanna go, it's premature for us to do anything. We're happy to participate, Chair, where do you guys want to go,

COUNCILMEMBER RAWLINS-FERNANDEZ: So, further notes said that Mr. Hokama said that he would contact Jade Butay from the State DOT about getting additional Federal funds. Do you know if that was ever done?

MR. GOODE: It may have been done, but I know the road doesn't qualify for Federal funding....Federal Highways funding. If there's some, I'm not aware of any kind of historic district or it just doesn't have the traffic volumes to be a Federal road. Hana Highway is for sure, but not the end of Lower Nahiku Road.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And the last thing was that Mr. Hokama asked Corp. Counsel if we could acquire the bridge and deed it to one of the private landowners or a land trust. And Corp. Counsel said that it would be a possibility. Was there any movement on that idea?

MS. THOMSON: There was nothing further and toward trying to facilitate such a transaction. But, I think, really where we left it is as Acting Director Goode said is we need a clear direction from Council which way to go and we don't really think it was decided on, we meaning the County has decided on a path forward that they wanted to go into.

VICE-CHAIR PALTIN: I had a couple questions. If the County or the Council hadn't decided on a path forward then why did we appropriate so much money for the Nahiku Community Center and we need to get there by going over this bridge would be my first question?

UNIDENTIFIED SPEAKER: You don't get there by going over the bridge.

COUNCILMEMBER SINENCI: Chair, sorry. It's before the bridge, the community center.

VICE-CHAIR PALTIN: Oh. And then, I guess, my second question would be if we don't own the bridge and we don't have responsibility for it, how are we the ones taking away access from it?

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MR. GOODE: Chair, that's a good question. We just felt that kind of as the local responsible government agency, we had the road that was leading people down there. You know, so, from the highway all the way down was basically our road. And so, we didn't want to be in a position if something happened. You know, that we get sued and say hey, you know, you didn't say anything. You know, your road brought us down here, it's in these travel guides, what have you. So, we just felt it was kind of like the responsible thing for us to do.

VICE-CHAIR PALTIN: And so, with the residents repairing the bridge and if someone gets hurt on it, is that also on us or the people that repaired it?

MS. THOMSON: Thank you, Chair. So, as to legal liability, those questions if we wanted to get seriously in depth then we'd need to go into executive session. But, you know, the standard answer is that we can be sued for anything. Whether or not, you know, at the end of the day would we be found liable, you know, that's questionable. You know well currently, there's no indication that we own the bridge and that has been one of the issues with how deeply do we want to get involved in maintaining it or acquiring ownership. And, I think, that the price tag has been a stopping point for the previous Council.

VICE-CHAIR PALTIN: Thank you. Councilmember Kama?

COUNCILMEMBER KAMA: So, if we have not been able to resolve this and whether you do or we don't, we could get sued for it. So, could we not just condemn it then own it, and then take care of it? And then, so, I mean, we're either going to get sued today or we're going to get sued tomorrow. So, if we own it and we claim liability for it would not that be at least helpful? We could take care of the bridge, the people can traverse back and forth, which is Mamalahoe, right, Kanawai. Therefore, could we not do that, Chair?

VICE-CHAIR PALTIN: I'll entertain a motion to recommend adoption of the resolution entitled Urging the Mayor to Take the Steps Necessary to Acquire and Replace the Lower Nahiku Bridge; including any amendments made by the Committee; and incorporating any nonsubstantive changes.

COUNCILMEMBER SINENCI: So move.

VICE-CHAIR PALTIN: Moved by Councilmember Sinenci. Anybody wanna second?

COUNCILMEMBER KAMA: I would second that, but, I think, we might need to change from Arakawa to Victorino, would we not, sir...ma'am, Chair?

VICE-CHAIR PALTIN: Yeah, we would need to do that. Any discussion from the movant?

COUNCILMEMBER SINENCI: Yes. You know, the community has always been involved in the decisions of their community. And looking at some of the correspondence from the

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Nahiku Community Association, they have expressed that they wanna seek ownership and pursue fixing the Nahiku Bridge. So, I would support this resolution, but also with, in partnership with the community of Nahiku.

VICE-CHAIR PALTIN: Councilmember Kama, did you have anything you wanted to add?

COUNCILMEMBER KAMA: I wanted...yes. Thank you, Chair. I wanted to echo the sentiments of Councilmember Sinenci, but also include in that partnership as other people, the State of Hawaii, included. We should also get HTA involved in this. I mean, all the people that going be down this road. I mean, every user on that road should at least participate in some way or another to be able bring that forth.

VICE-CHAIR PALTIN: Any other Members? Councilmember Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Vice-Chair. Just maybe clarification from Corporation Counsel. This, of course, is a resolution, doesn't have any force and effect of law. So, it's pretty broad, you know, as I see it to take the steps necessary to acquire and replace the Lower Nahiku Bridge. So, basically, we're looking at from the County's perspective to look at acquiring or, I know, I believe, we should get involved in some partnership with the State 'cause other entities should take some responsibility, I mean even if we have to look at private entities. So, could you give just additional clarification on it, Ms. Thomson, by what we're doing here today?

MS. THOMSON: Thank you, Chair. And, thank you, Councilmember Molina, for the question. The way that I would read it is that you're, the Council, would be instructing the Public Works Department to basically put in some budget, either a budget amendment or by way of the next budget probably a feasibility study, and perhaps some money for Environmental Assessment, and some of those early steps toward an acquisition. And then the final step toward acquisition, I think, our Department would recommend acquiring it by condemnation, so that the ownership is clear. There's a couple of ways we could acquire it, but condemnation would probably be the cleanest.

COUNCILMEMBER MOLINA: Okay. Thank you for the clarification. Thank you, Madam Vice-Chair.

VICE-CHAIR PALTIN: Acting Director Goode?

MR. GOODE: Thank you, Chair. So, yeah, we would agree that we're gonna need some money. So, we can request if the resolution passes, request the Mayor to put in the budget. If that doesn't happen, it could get in the budget, but for us to begin those steps like the Environmental Assessment and the land issues and the survey. As you know, I think, we mentioned in a previous Committee meeting I have no more surveyors. I'm going to have to hire. So, we're gonna need funding, you know, to move on this endeavor. But this is a good step. I mean, it would set that course that we've been looking for.

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VICE-CHAIR PALTIN: So, we need to amend the original motion in light of the time and that has been passed and the change of the Committee name. So, at this time, I will entertain a motion to amend the resolution by striking "2019" in the first be it resolved clause and inserting "2020" in its place and striking "Infrastructure and Environmental Management Committee" in the second be it resolved clause.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER KAMA: So moved. Second.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

VICE-CHAIR PALTIN: Moved by Councilmember Kama and seconded by Council...our Vice-Chair Rawlins-Fernandez. All those in favor of the amendment, say, "aye."

COUNCILMEMBERS: Aye.

VICE-CHAIR PALTIN: All opposed, say, "no." Five "ayes," two excused, and zero "noes."

VOTE: AYES: Vice-Chair Paltin, and Councilmembers Kama, Molina, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Chair Lee and Councilmember Hokama.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

VICE-CHAIR PALTIN: Back to the main motion.

COUNCILMEMBER MOLINA: As amended. As amended. Just for clarification, Madam Chair, yeah. So back to the main motion, as amended.

VICE-CHAIR PALTIN: As amended.

COUNCILMEMBER MOLINA: Thank you.

VICE-CHAIR PALTIN: Thank you, Councilmember Molina. Filing of communication. All those in favor, say, "aye."

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COUNCILMEMBERS: Aye.

VICE-CHAIR PALTIN: All those opposed? We have five "ayes," two excused, and zero "noes."

VOTE: AYES: Vice-Chair Paltin, and Councilmembers Kama, Molina, Rawlins-Fernandez, and Sinenci.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Chair Lee and Councilmember Hokama.

MOTION CARRIED.

ACTION: Recommending ADOPTION of revised resolution and FILING of communication.

UNIDENTIFIED SPEAKER: Chair?

COUNCILMEMBER MOLINA: . . .*(inaudible)*. . . Oh.

VICE-CHAIR PALTIN: Thank you. Yes?

COUNCILMEMBER MOLINA: Just, so, again, for additional clarification. This includes any nonsubstantive changes the Committee may consider as well, yeah?

VICE-CHAIR PALTIN: It includes any nonsubstantive changes.

COUNCILMEMBER MOLINA: Thank you.

VICE-CHAIR PALTIN: Thank you, Members. Meeting adjourned. . . .*(gavel)*. . .

ADJOURN: 3:47 p.m.

APPROVED:



ALICE L. LEE, Chair

Water and Infrastructure Committee

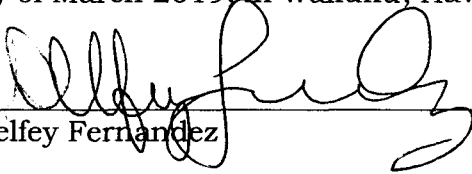
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CERTIFICATE

I, Delfey Fernandez, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 4th day of March 2019, in Wailuku, Hawaii.



Delfey Fernandez