

INFRASTRUCTURE MANAGEMENT COMMITTEE

Council of the County of Maui

MINUTES

September 28, 2009

Council Chamber, 8th Floor

CONVENE: 9:01 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Bill Kauakea Medeiros, Chair
Councilmember Joseph Pontanilla, Vice-Chair (Out 10:40 a.m.)
Councilmember Gladys C. Baisa
Councilmember Sol P. Kaho'ohalahala
Councilmember Michael J. Molina (In 9:05 a.m.; Out 9:51 a.m.)
Councilmember Michael P. Victorino

NON-VOTING MEMBERS:

Councilmember Wayne K. Nishiki

EXCUSED: Councilmember Danny A. Mateo

STAFF: Michael J. Geers, Legislative Analyst
Camille Sakamoto, Committee Secretary

ADMIN.: Cary Yamashita, Chief, Engineering Division, Department of Public Works
(Item No. 9)
Ralph Nagamine, Administrator, Development Services Administration (DSA),
Department of Public Works (Item No. 27)
Greg Nakao, Electrical Engineer, Development Services Administration (DSA),
Department of Public Works (Item No. 27)
David A. Galazin, Deputy Corporation Counsel, Department of the Corporation
Counsel

Seated in the gallery:

Victor Reyes, Energy Coordinator, Department of Management

OTHERS: Henry Lau (Item No. 9)
One (1) additional unidentified attendee

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

CHAIR MEDEIROS: . . .(*gavel*). . . Good morning, Members, and good morning to the viewing public and those in the gallery. We have a quorum and so the Chair will call the Infrastructure Management Committee to order on September 28, 2009, and it's two minutes after 9 a.m. Thank you, Members, for being here bright and early this morning. Today, at first, I'd like to introduce the Members of our Committee. I am Bill Kauakea

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Medeiros, I'm the Committee Chair of the Infrastructure Management Committee. We have our Vice-Chair of the Committee, Mr. Joseph Pontanilla.

VICE-CHAIR PONTANILLA: Good morning.

CHAIR MEDEIROS: Good morning, Joe. We have Member Gladys Baisa.

COUNCILMEMBER BAISA: Good morning.

CHAIR MEDEIROS: Good morning, Gladys. We have Mr. Sol Kaho'ohalahala.

COUNCILMEMBER KAHO'OHALAHALA: Good morning.

CHAIR MEDEIROS: Good morning, Sol. We have Mr. Mike Victorino. Good morning, Mike.

COUNCILMEMBER VICTORINO: Good morning, good morning, Chair.

CHAIR MEDEIROS: And we have a non-Committee, uh, non-voting Committee Member, Mr. Nishiki. Good morning, Wayne.

COUNCILMEMBER NISHIKI: Morning.

CHAIR MEDEIROS: Thanks for being here. Excused at this time is Member Molina and Member Mateo. So with that, Members, I'll continue the introductions. We have from the Department of the Corporation Counsel, we have Deputy Corporation Counsel Mr. David Galazin to my right. Good morning, David.

MR. GALAZIN: Morning, Chair.

CHAIR MEDEIROS: Administrative representatives and they'll be coming down as we bring up the item that they'll be representing the Administration on but today we should be having Mr. Cary Yamashita, Engineering Program Manager, he'll be here for IM-9. We'll also have Mr. Ralph Nagamine who's in the gallery at this time. He's the Land Use and Codes Administrator, and he'll be here for IM-27. And also we have Mr. Greg Nakao of the Engineering Division, and he is also here for IM-27. To my immediate left, closest to me we have Mr. Mike Geers, our Committee Legislative Analyst. Good morning, Mike.

MR. GEERS: Morning, Chair.

CHAIR MEDEIROS: And to my far left, we have our Committee Secretary, we have Ms. Camille Sakamoto. Good morning, Camille.

MS. SAKAMOTO: Good morning, Chair.

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CHAIR MEDEIROS: Members, today we have two items on our agenda. Item IM-9, Repair of Polipoli Bridge and Culvert and Middle Road due to storm damages in Kula. Our second item is IM-27, Adoption of the 2008 National Electrical Code with Local Amendments. And taking his seat is Mr. Cary Yamashita of our Department of Public Works, Engineering Division. Good morning, Cary.

MR. YAMASHITA: Good morning.

CHAIR MEDEIROS: Thank you for being here. Members, we have a few Members that need to leave early and so, Members, we need to be very expeditious and efficient with our meeting and proceedings this morning. We have Mr. Mateo that's excused, Mr. Pontanilla needs to leave at 10:30, Mr. Victorino at 11:00, Ms. Baisa - 11:45, and Mr. Molina also will be leaving at 11:00. So, Members, we'll lose quorum at 11 a.m. so, therefore, we need to move our proceedings along.

Public testimony, at this time, we have one signed up and I'll give the ground rules for our public testimony. I'll be accepting public testimony and those wishing to sign up can sign up at our registration desk outside in the lobby, just outside of our Chambers. Testimony shall be limited to three minutes. The yellow light will indicate that you have 30 seconds remaining and should begin to conclude. The red light will indicate that your time has expired. Testifiers are requested to state their name for the record and to indicate who they are representing, if applicable. May I please request that everyone in the Chamber disable their cell phone ringers and other noise making devices to minimize disruption of our proceedings. At this time, before I introduce the first testifier, I'd like to recognize to our meeting, Member Molina. Good morning, Mike.

COUNCILMEMBER MOLINA: Good morning, Chair.

CHAIR MEDEIROS: Thank you for being here. So at this time, Members, I will call the first testimony and this will be for IM-9 item, and the testifier is Mr. Henry Lau. Mr. Lau, would you come forward please. And would you, for the record, give us your name and if you're representing anybody besides yourself. Good morning, Mr. Lau.

...BEGIN PUBLIC TESTIMONY...

MR. LAU: Good morning. Thank you, Chairman Medeiros and Members of the Committee. It's been a long time since I was last here and the only guy I recognize is old man Wayne Nishiki. Hello, Wayne.

COUNCIL MEMBERS: ... *(Laughter)* ...

MR. LAU: I was an employee under Hannibal Tavares more than 20 years ago. It's been a long time. But I'm here to testify on behalf of myself, Henry Lau, retiree. I live on Polipoli Road. I'm here to testify as a property owner there on the road and as a taxpayer and as a concerned citizen. When I was two years, just about two years ago, there was a terrible

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storm in Kula on Maui. It hit Kula especially hard, millions of dollars of damage to private as well as public properties. I, personally, suffered a lot of losses. I lost two cars, brand new cars, portion of my home was destroyed from the flood waters in the storm. The same storm also wiped out part of Polipoli Road and this is Polipoli Bridge and other bridges and roads and public facilities as well. What happened is, you know Kula is a mountainous area, all sloping, hilly, water runs downhill. So every time it rains, and we have a huge Kula forest reserve above, all the water trickles then flows and rushes down the mountainside through all the little gullies, that's why Polipoli Road is a winding road. It winds its way around the gullies. The item says bridge. There's no longer a bridge there but 40 years ago or more there was a wooden bridge. You know, wooden bridge you have sticks, woods, or anchor on the side and then bridge. So the water used to flow under the bridge, unimpeded, you know, it just flows. But along came the County, about 40 years or so, and they filled in the bridge, I mean, they knocked down the bridge, filled in the land, and put a culvert, metal culvert to let the water through. So, in effect, they created a dam. Because once you block the culvert water backs up, overflows, and that's what happened about two years ago. The storm knocked out the cement wall there at the bridge area, it knocked out the metal guardrail, eroded the sides of the road, and eroded the shoulders, I mean, yeah, the shoulders, all of that stuff. And it's terrible. I brought about ten pictures. I left it with the registrar. She said that she didn't have time to do it but you're going to have it later.

CHAIR MEDEIROS: Mr. Lau, our Secretary was able to copy that, not in color, but all of the Members have a copy at this time.

MR. LAU: Oh, they have it?

CHAIR MEDEIROS: Yes, she's very efficient.

MR. LAU: So I don't have to get into details.

CHAIR MEDEIROS: And Mr. Lau, could you conclude in a minute?

MR. LAU: Sure.

CHAIR MEDEIROS: Thank you. Okay. So I'm here to say, you've got to fix that because it's dangerous, it's hazardous. It's okay for me because I know about it but people drive that road a lot, that curved road. At night we have no lights. So, there's an eminent danger and, you know, it's the County's obligation to protect the public from this kind of stuff. And also there's a huge County liability. It's not like, oh, we didn't know about it. So that's my message. Do it now. The second is, if you're going to do it, you got to do it correctly. That little puka there, there's no way you're going to hold all that water. And it has overflowed many times before, and we have pictures to prove it. So, I hope you listen to what I say, do it now, but do it nicely and correctly. Thank you, gentlemen, and ladies and gentlemen.

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CHAIR MEDEIROS: Mahalo, Mr. Lau. Remain there in case we have any questions.

MR. LAU: Oh, okay.

CHAIR MEDEIROS: But I just want to welcome you back to the County building. You were here for a long time, you know, I remember, because I worked for the County for 31 years.

MR. LAU: Oh.

CHAIR MEDEIROS: So your name was out there a lot.

MR. LAU: Okay.

CHAIR MEDEIROS: But welcome back and so at this time I'm going to let the Members ask questions. I'm going to call on Member Baisa, the area representative. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you, Chair. And thank you, Mr. Lau, for coming this morning. Chair, when I saw the item, I made sure that Mr. Lau was aware of it because he's the person who really brought it to my attention. I had been to see the damage but I really didn't understand how it was affecting the area residents until I met with Mr. Lau. And he pointed out to me what had happened, and I've been back and forth a few times to take a look at it and, of course, it's been almost going on a couple of years now and we know that major projects take a lot of time but I'm very concerned about, you know, getting this done. My question to you, Mr. Lau, is what I heard in your testimony is that you are afraid that we will restore this whatever, it's not a bridge anymore and thank you for straightening me out on that. It gets referred to as a bridge but it really, as you say, is not a bridge. But if we restore it to the way it was before, essentially, you don't think that's what the solution will work?

MR. LAU: No, it's going to happen again.

COUNCILMEMBER BAISA: Have you been, have you had any opportunity to discuss this with the folks that are planning the repair and they'll be here available so I'll ask them later.

MR. LAU: I would be happy to discuss it with them but, you know, they don't come knocking at my door.

COUNCILMEMBER BAISA: Yeah, well, oftentimes that's what happens when we do things. We don't get enough information from the folks that are affected by it and then later on we have pilikea where, you know, either it doesn't work or we don't do it right so we'll be discussing that with the Department when they come up after you. But what I'm concerned about is the danger that you talk about. You know, the County has a concern here for health and safety and liability, and we can ill afford to pay the damages. It's a

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personal question, if you can answer yes, and if you cannot, that's okay. But were any of your losses covered by insurance?

MR. LAU: Some of it was.

COUNCILMEMBER BAISA: Minimally I would imagine since you lost two brand new cars and I don't know what else.

MR. LAU: Portion of the house, yeah.

COUNCILMEMBER BAISA: A portion of the house too.

MR. LAU: And there were damages like we had to re-carpet the whole house because of the water damages and structural damages because of the storm debris and yard damages because of the water was so heavy. So, insurance -- we had homeowner's insurance, we had no flood insurance.

COUNCILMEMBER BAISA: That often happens.

MR. LAU: So it covered this but not that. That but not this.

COUNCILMEMBER BAISA: Can you tell me, uh, do you know if there's others nearby that are also in that situation?

MR. LAU: Yes, there were other buildings damaged to the gulches next door and the houses below us and the houses in Hawaiian Homes. But I'm unaware of the financial situations on those things.

COUNCILMEMBER BAISA: Thank you very much. Sometimes the financial losses is the smallest thing. But what I'm really afraid of is the loss of life in them, which you cannot replace.

MR. LAU: Fortunately, no lives were lost. My neighbor got hurt and he was hospitalized cause we were both up there at the plug dam trying to see what we can do and we were concerned, and he got tumbled over and washed down.

COUNCILMEMBER BAISA: Oh.

MR. LAU: I called 911. I thought he was down in the gulch but fortunately, he survived, yeah.

COUNCILMEMBER BAISA: Thank you. And again, thank you very much for coming this morning. I know this is very important to you because your house is located right where this water runs.

MR. LAU: Yes. And my property line abuts the gulch and abuts the bridge, the culvert.

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COUNCILMEMBER BAISA: Are you aware of accidents occurring in this area?

MR. LAU: Um . . . in the past, yes.

COUNCILMEMBER BAISA: But not recently.

MR. LAU: No, not recently.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'll give somebody else an opportunity. Thank you.

CHAIR MEDEIROS: Mahalo, Member Baisa. Members, any questions? Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair. And again, thank you, Mr. Lau, for your active participation in not allowing this to slip to the wayside, yeah. I'm looking at your pictures and I'm looking at the date -- 09/26/09, so I guess that's the most current pictures of the area, yeah?

MR. LAU: Yes.

COUNCILMEMBER VICTORINO: Okay. And then from what I'm seeing is that they did minimum repair, right, basically kind of cleaned out, resurfaced and put little I guess what we call reflector barriers, and they're not even barriers. They're not even barriers, they're reflector, those plastic things. I don't know what they call 'em. I'm not sure but to ensure that or to alert people that that's on an edging and that you can go off the side, is that correct?

MR. LAU: Yes.

COUNCILMEMBER VICTORINO: And as far . . . you weren't asked many questions, nobody came to see you or talk to you about any of these repair or any of the future repairs that they're looking to do?

MR. LAU: There was a surveyor there several months ago and I asked him what he was doing. He said he's just doing the survey and doing a topographic map of the culvert and that area.

COUNCILMEMBER VICTORINO: Right. But he didn't approach you; you approached him?

MR. LAU: Yes. I saw him up there and then went up to talk to him.

COUNCILMEMBER VICTORINO: And the County as best as you know best right now have never contacted you directly as far as what's occurring and your mana`o as far as these repairs are concerned?

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MR. LAU: Not recently. Right after the storm there were a lot of County people up there and I talked to all of them.

COUNCILMEMBER VICTORINO: Uh-huh. But since . . . let's say in the last year, six months to a year nobody?

MR. LAU: Nobody.

COUNCILMEMBER VICTORINO: Okay. And I guess the last question, we haven't had any major rains up there in the last year and a half, right, since this big storm?

MR. LAU: No. But the culvert did run with water because . . . no, we had no big storms.

COUNCILMEMBER VICTORINO: But enough that the culvert does, take enough water but if you've got a big storm, we're back to square one again.

MR. LAU: Oh, yes, yes.

COUNCILMEMBER VICTORINO: Okay. Thank you. Thank you, Mr. Chair.

CHAIR MEDEIROS: Thank you, Mr. Victorino. Vice-Chair Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. Thank you for the pictures, Mr. Lau. Fast question. The 40 years that you've been up there have you noticed anybody inspecting the gulch for debris, you know, broken branches, trees falling into the gulch that needed to be taken care of?

MR. LAU: Um . . . only me I go in the gulch there and pick up cones and stuff and I cut some of the trees that are coming out.

VICE-CHAIR PONTANILLA: So, no, no regular maintenance . . . no regular inspections?

MR. LAU: Well, you know, I'm not on guard at the gulch.

VICE-CHAIR PONTANILLA: No, I understand, I understand. And I'll ask the question to Public Works.

MR. LAU: Uh-huh.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Chairman.

CHAIR MEDEIROS: Thank you, Mr. Pontanilla. Any further questions, Members? Council Vice-Chair Molina?

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COUNCILMEMBER MOLINA: Thank you very much, Mr. Chair. Good morning, Mr. Lau, and thank you for taking the time out to give your testimony on this. I was up there I think several weeks after the storm. I think Mr. Fevella, your neighbor, had called up and we had taken a look and it was under the assumption at that time that to Public Works' credit as you stated they had done some repairs and Mr. Victorino added as well. But I'm surprised to hear that they haven't, you know, I don't know if they have or have not, you know, communicated with you, at least the people who live there, as to when they anticipate work is going to be done, yeah, the major work. So, you know, when we're looking at the pictures that you provided for us you mentioned the cars at night, have you been aware of any near, potentially near accidents occurring because there's no --

MR. LAU: Um . . .

COUNCILMEMBER MOLINA: --safety?

MR. LAU: You know, again, I'm not on guard there but I work in the yards and . . .

COUNCILMEMBER MOLINA: People speed?

MR. LAU: Oh, yeah, especially young people and it's dark, you know, and it's very curvy.

COUNCILMEMBER MOLINA: Uh-huh.

MR. LAU: So, okay, who's going to back up now or whatever.

COUNCILMEMBER MOLINA: Especially with the barriers, you know, a car can go right over too, yeah. So, maybe like a speed hump or something would be helpful?

MR. LAU: No, no.

COUNCILMEMBER MOLINA: Not even that?

MR. LAU: Yeah. It's so narrow. And we have some construction so huge trucks with equipment on and it's a country road but it's made hazardous because of the no shoulders and no rails, no nothing. That picture shows a nice little yellow thing but that weren't always there. Sometimes the trees, bushes all over grown.

COUNCILMEMBER MOLINA: Uh-huh. Wow. Thank you. Well, you know, Mr. Chairman, this sounds like an accident waiting to happen. I'm hoping the Administration takes this matter pretty seriously. Mr. Lau sees it every day.

MR. LAU: I feel an accident waiting to be happened, yeah.

COUNCILMEMBER MOLINA: Okay. Thank you, Mr. Lau. Thank you, Chairman.

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CHAIR MEDEIROS: Thank you, Mr. Molina. Any further questions, Members? Okay, seeing none; thank you, Mr. Lau, for coming down from Kula early in the morning to be here --

MR. LAU: Yeah, well . . .

CHAIR MEDEIROS: --for giving us your testimony. Mahalo.

MR. LAU: Mahalo to you. Thank you.

CHAIR MEDEIROS: Okay. That's all the sign up we have for testimony but the Chair will make the offer to anyone in the gallery wishing to testify and the rest of the people in the gallery works for the County so I'm sure we're not going to get anymore testimony. So, Members, without anyone coming forward to testify, the Chair without objections will close testimony at this time. Any objections?

COUNCIL MEMBERS: No objections.

CHAIR MEDEIROS: No objections. So ordered. Thank you, Members.

...END OF PUBLIC TESTIMONY...

CHAIR MEDEIROS: Okay, we go to our first item on your agenda, Members. IM-9 this morning is relating to the repair of Polipoli Bridge and culvert, and Middle Road in Kula.

ITEM NO. 9: REPAIR OF POLIPOLI BRIDGE AND CULVERT, AND MIDDLE ROAD DUE TO STORM DAMAGE (KULA) (C.C. No. 09-142)

CHAIR MEDEIROS: The Infrastructure Management Committee is in receipt of County Communication No. 09-142, from Councilmember Gladys C. Baisa, relating to the repair of Polipoli Bridge and culvert, and Middle Road in Kula, Maui, due to storm damage. At this time, Members, I'll ask the Department of Public Works whose represented today by Mr. Cary Yamashita, Engineering Program Manager, for an overview of this item. Mr. Yamashita?

MR. YAMASHITA: Okay, thank you, Councilmember Medeiros. This project as you have heard from Mr. Lau this Polipoli Road, and we're going to be doing a replacement of the existing culvert there. The culvert as it currently, well, the existing culvert was like 48 inches in diameter. However, I don't know . . . it seems as though that the culvert in place right now is a little smaller, maybe like 36 inches. And we presently have a contract with Tanaka Engineering to design the culvert replacement as well as install guardrails and other features in this area. One of the problems that we see that was a major cause was that on the upstream side there was a lot of debris that came down and what happens is that it clogs up the culvert and in-turn the water backs up and overflows and creates a dam, a dam situation. So, we're going to be installing like posts that catches these debris that come down from upstream and, hopefully, with our maintenance

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personnel they go in there and periodically clean it up. And, hopefully, that will keep that gulch or that stream area that's mauka of that culvert crossing clean. Preliminarily, we have projected a CON/SPAN, which is a rectangular shaped box as a culvert replacement, and it's a 7 foot by 20 foot opening, which is substantially greater than what was existing. And that, in combination with that upstream structure to catch the debris, hopefully, will alleviate the major risk that's involved with a potential storm, major storm.

The contract was let out in May of this year, a month after the ordinance was approved for the design funding which was \$225,000. We anticipate the design completion to be, well, by the end of this year; however, we don't have any construction funding at this point. And we estimate the cost to be about 1.5 million for the construction and restoration of this area. As Mr. Lau has mentioned, I'm not sure as to what kind of contacts our consultant or our Engineering staff have made with the residents up there but I'll make sure that they're involved in the process and at least we communicate to them the status of the design work and what's being proposed as far as the remedy to the solution. Thank you.

CHAIR MEDEIROS: Okay. Thank you, Mr. Yamashita, for your overview and opening remarks. Members, I'm going to open it for discussion. I'm going to offer the first opportunity to the introducer of this County communication and the area representative of Kula, Member Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair, and thank you, Cary, for being here with us today. As you know, this is a very important issue to the residents of the community I represent, and I think it's an important issue for all of us because as it's shown it certainly is, like everybody said, an accident waiting to happen. And, you know, it's not a matter of money. When someone is in a terrible accident or some life or limb is lost, there's no amount of money that can pay it back. And the County, of course, does not like being sued. We don't have money to waste on that kind of stuff. I would rather see the money wasted on the, I mean, used for the repair rather than waste it on paying a suit. So I understand your situation. Right now it looks like although the design contract is going forward what we really are going to need is money. So the ball then will be in our laps during the funding process. Is there, um, by any chance any money that's sitting around somewhere that could be diverted so that this could happen earlier?

CHAIR MEDEIROS: Mr. Yamashita?

MR. YAMASHITA: I'm not sure. I'll take a look at our budget currently as it stands and see if there's any projected balances that we could reappropriate towards this project.

COUNCILMEMBER BAISA: I would really appreciate that. You know it is such a dangerous thing and after somebody is hurt, you know, you can't go back and fix it. And one and a half million really for the kind of projects that we do is not that big a deal. That's for small projects. We spent more on a tennis court. The other thing is, I really would

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appreciate it if you could have your folks at least talk to these folks and get their mana`o because the sad thing is when we do stuff and then later on it doesn't work. And you know the old time residents they have a lot of knowledge about the way the water runs and how things happen. I remember when I was building my home my relatives Upcountry were very quick to offer advice about don't put it on the ground, don't build it in a gulch, be careful because the water runs there. My mom used to say that where water ran it will run again. And, you know, after watching the floods in the Philippines all weekend I'm just heart-broken about all of that, you know, and this would probably be on a smaller scale. But you know what happened when this flood occurred, I mean, the whole community was in an uproar and we all went to see the damage and we went to Hawaiian Homes and saw the home that was damaged. And the other issue that was brought up and I'm very concerned about is you mentioned about the debris being the cause, and it seemed that way. For those of us who went to see the damage after the flood that it was debris that had plugged a lot of stuff and caused most of the damage. What are we doing to kind of insure that, I mean, do we have some kind of inspection program, and this may not be your kuleana but maybe we could talk about it, Chair, and see how can we prevent that kind of thing. Any response?

MR. YAMASHITA: Not for us. We're more concerned with the immediate, well, the area in the immediate vicinity within the right-of-way. Anything upstream is normally homeowner's responsibility or landowners to keep the gulch clean, clear of debris.

COUNCILMEMBER BAISA: Is it their job to check it? Whose job is it to inspect and make sure that homeowners do what they're supposed to do? We must have some kind of person in charge.

MR. YAMASHITA: Yeah, I don't . . .

COUNCILMEMBER BAISA: You don't know. Well, you know what, this Committee Chair I would appreciate it if we made that a priority to find out because if we're not doing these regular inspections, we're going to be sitting here talking about this kind of thing at one time or another because storms will come. Those of us who have a little gray hair have seen this happen every now and then. It can be really dry and then all of a sudden there's a major flood. Thank you very much, Mr. Yamashita. I appreciate it. And any kokua you can give to the residents in this area to speed this along will be greatly appreciated. Thank you.

MR. YAMASHITA: Thanks.

CHAIR MEDEIROS: Mahalo, Member Baisa. And before I go to the next person, in support of what Mr. Yamashita said, you know, my 31 years of experience in Public Works has been that the County, Department of Public Works, Highways Division, is responsible for the culvert and as you said, the right-of-way. Streams are owned by the State. Whether they have a program for inspections or not but it would be in the benefit of property owners like Mr. Yamashita said to try and keep the streams area by their property as

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clean as they can. But stuff that gather down at the culvert usually come from upstream and then the County has to respond by trying to get out there and clean it, and lot of times it happens that those materials come down when there's a flooding. And so it stacks up at the culvert or the bridge and then you get the damages from the flooding. And to mobilize enough equipment and men to get there quicker than you want to takes a little bit of time. I think we should have something or some way to inspect it beyond the County's right-of-way but I know for my experience we did have to make periodic checks especially in areas that it occurred frequently we would go and make sure that there weren't any debris stacking up by the culverts. I just wanted to offer you that information from my experience.

COUNCILMEMBER BAISA: Thank you very much, Chair. I was also wondering if there is an issue of illegal dumping involved here. I think when we went to look, my husband mentioned, you know, he's the construction guy that some of the stuff that's what it was people had illegally dumped things. So, there's got to be somebody who is supposed to watch that. Thank you.

CHAIR MEDEIROS: And I have to concur with what you said. In Lahaina, we had that as a problem. People that lived along the streambed would just throw all their trimmings and other stuff, including appliances into the streambed and then it causes problems. But thank you. Members, any other questions? Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And thank you for that clarification because I was going to bring that point up because even right up here in Wailuku Heights one of the biggest issues that the Association has been after the Association has been proactive is making sure the homeowners do not throw their clippings and their rubbish into the streams because we've had flooding because of that exact reason. We could determine that it was because of that but who did it was the biggest challenge. So, now we've taken a very proactive approach so thank you, Mr. Chair and Ms. Baisa for bringing that subject up. Also I wanted to elaborate that a big contributing factor to this was we had had that big forest fire up in Polipoli prior to that. Okay. And not to make any excuses that we haven't taken care of what we need to take care now. But that was a big contributing factor because of the forest fire and then thereafter they had put a temporary roadway across so that the emergency vehicles could get across traversing this stream, which a lot of that was logs which then broke up and came down. Isn't that correct, Mr. Yamashita?

MR. YAMASHITA: Yeah, you're correct.

CHAIR VICTORINO: Yeah, and again just so that everybody has all the facts all contributing factors were we had a major fire earlier, which had devastated and left a lot of the area unprotected, right, no more vegetation. Isn't that correct, Mr. Yamashita?

MR. YAMASHITA: Yes.

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CHAIR VICTORINO: And then this emergency road that was built had never been built for a purpose other than for vehicles to go back and forth. And I think I was told that everything was supposed to be taken down afterwards but no one had gotten to it and then the big rains came. So you add A + B + C you had D, which is devastation. Okay, I mean, we had a humongous amount of rain which doesn't happen every day. So, again, just for the public to understand making no excuses for anybody we had a lot of mitigating circumstances or circumstances that we had not really considered that occurred all simultaneously kind of like a perfect storm kind of situation. Well, perfect devastation because we let it all get together. I think I like what you said about the culvert; I think that's a great idea opening it up. I think the barriers upfront which will catch big strong logs and keep them from coming down I think Mr. Medeiros would agree that was a big, big plus to have that. I've seen that done at other areas. I think even the County of Honolulu, City & County of Honolulu is starting to do that with some of their major bridges. My question to you is timetable I guess because again rain will come when it decides to come and it's been almost two years. And I understand money is a challenge and I'm not certain but when I ask this question but did FEMA contribute anything to us as far as the cleanup and also some of the repairs because I know FEMA was involved and I don't know to what extent. So, Mr. Yamashita, did FEMA allocate any money not only for the cleanup but maybe portions of this repair that we are referring to right now.

MR. YAMASHITA: I'm not aware of any FEMA funding. There was a project worksheet or project that was initiated, however, I don't know what the status of that claim is.

COUNCILMEMBER VICTORINO: Okay. Mr. Chair, if I may request on behalf of the Committee, through you sir, that you contact the Administration and get an update as far as what specifically did we receive, or are to receive or may receive from FEMA in regards to not only this particular area but all the areas involved because that's all kind of one scope when we did that claim, right, Mr. Yamashita?

MR. YAMASHITA: That's correct.

COUNCILMEMBER VICTORINO: So, I mean that way we can get a little better understanding if there's any Federal funds coming from FEMA. I think this is very important. The last thing I'll say, Mr. Yamashita, I agree with Ms. Baisa the people that know the best is the people that live in the area. And you've heard from Mr. Lau, the Fevellas, I've been up there a number of times and they all know and have great ideas. I think which you guys if you really sit down with them your engineers, your project people to get the best, I mean, what you're doing is good but maybe we can do a little bit better, more efficiently preventing that major accident from occurring and any major floods in the future, not this kind of devastating losses that Mr. Lau and others in that area sustained, yeah. So, please, I request that from you, Mr. Yamashita --

MR. YAMASHITA: Okay, sure.

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COUNCILMEMBER VICTORINO: --that the Department take a real proactive part.

MR. YAMASHITA: Yes.

COUNCILMEMBER VICTORINO: Thank you very much, Mr. Chair.

CHAIR MEDEIROS: Mahalo, Mr. Victorino. And I might just interject something here of what you brought up which is good that your community association or neighborhood association keeps some monitoring of that. What happens a lot in Rural areas though is that people live pretty far apart along the stream and people don't like to tell on their neighbors. So I think a suggestion for people that are concerned about that is just to make unanimous, anonymous calls to the Department of Public Works to see if they can make some checks. But again, the Department of Public Works and the County's jurisdiction is really up to the right-of-way boundaries. But I think, you know, somehow they can assist. But thank you for that. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you, Chairman. I just want to say thank you, Mr. Yamashita, for giving us an update as to what you folks are doing for that one particular project. You know, we all talk about money and we had the opportunity to put in some projects for stimulus money. Is this part of stimulus money?

MR. YAMASHITA: No, it's not.

VICE-CHAIR PONTANILLA: I understand that by the end of this month, you know, State of Hawaii need to identify all of the projects in regards to the ARRA monies.

MR. YAMASHITA: Yes.

VICE-CHAIR PONTANILLA: And if there is leftover, that we may be able to get some of those funding. Is the Department pursuing . . . trying to get funding should any other County cannot come up with their projects?

MR. YAMASHITA: Okay . . . um, for the ARRA backup projects, there are already projects identified Statewide and they needed to be programmed onto the STIP. So those will have first crack to the balances either through low bids or through projects that's not processed on time. And so . . . and also the road needs to be classified as a major collector road and so, therefore, Polipoli Road would not be classified and would not be eligible for those funds. But we do have couple of back up projects which we're trying to seek funding for because the Market Street project did come well below our estimated appropriation.

VICE-CHAIR PONTANILLA: So STIP is also bridges, right?

MR. YAMASHITA: That is correct.

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VICE-CHAIR PONTANILLA: This cannot be considered as a . . .

MR. YAMASHITA: The route needs to be a major status.

VICE-CHAIR PONTANILLA: Oh. So, the road designation as well as the bridge in regards to getting stimulus money through STIP.

MR. YAMASHITA: Yes.

VICE-CHAIR PONTANILLA: Thank you. Something new. Thank you.

CHAIR MEDEIROS: Thank you, Mr. Pontanilla. Member Kaho'ohalahala?

COUNCILMEMBER KAHO'OHALAHALA: Thank you, Chair. The testifier, Mr. Lau, talked about the design of the bridge that created what he viewed to be part of the problem. So did you say that you were changing the design itself in your looking forward to repair?

MR. YAMASHITA: Yes. I think, well, the current . . . the culvert that was in place prior to the storm even happening was a 48-inch diameter culvert. We're going to be going in with a 7 foot high by 20 feet wide culvert crossing. And in addition, we'll be installing debris catchment system mauka of it. So, yeah, the sizing was based by a study that's being done by our design consultants and that's based on the watershed area and all this hydrologic calculations so, hopefully, you know, that is sufficient but that's what is being proposed right now.

COUNCILMEMBER KAHO'OHALAHALA: Okay. And you did say that based on the status of the road itself that it's not eligible for Federal funding for repairs?

MR. YAMASHITA: That is correct.

COUNCILMEMBER KAHO'OHALAHALA: So the FEMA funds would not have been applicable?

MR. YAMASHITA: Um . . .

COUNCILMEMBER KAHO'OHALAHALA: Or they would not have qualified at all?

MR. YAMASHITA: It's possible that FEMA funds could have been, well, it could have been eligible for FEMA funds. But as far as the status of the application from the County to the Civil Defense, I'm not sure where it stands.

COUNCILMEMBER KAHO'OHALAHALA: So, hopefully you're going to apply then for . . .

MR. YAMASHITA: I'm pretty sure we did. Yes.

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COUNCILMEMBER KAHO‘OHALAHALA: Okay. So you will let us know what that status is then?

MR. YAMASHITA: Yes.

COUNCILMEMBER KAHO‘OHALAHALA: Okay, because that would be a source of funding, right?

MR. YAMASHITA: Correct and that's on a reimbursable basis.

COUNCILMEMBER KAHO‘OHALAHALA: That's better than nothing.

MR. YAMASHITA: Yes.

COUNCILMEMBER KAHO‘OHALAHALA: Okay, thank you.

CHAIR MEDEIROS: Mahalo, Mr. Kaho‘ohalahala.

COUNCILMEMBER MOLINA: Chair?

CHAIR MEDEIROS: Member Nishiki?

COUNCILMEMBER NISHIKI: Yeah, thank you. Cary, good morning.

MR. YAMASHITA: Good morning.

COUNCILMEMBER NISHIKI: You mentioned preventative, you mentioned future expense, and then the concern from many Members were maintenance that we might do. Now when you said that there may be a process that other places are using besides maintenance --

MR. YAMASHITA: Uh-huh.

COUNCILMEMBER NISHIKI: --so that you collect logs or debris that definitely clogged this so called culvert.

MR. YAMASHITA: Uh-huh, yes.

COUNCILMEMBER NISHIKI: When . . . and describe what you actually do?

MR. YAMASHITA: We install like concrete bollards, which are posts, concrete posts upstream. While it allows the water and silt to pass through the more structural material like logs and bigger rocks or boulders would be caught up in it prior to it getting to the culvert itself and that prevents damage to the structure beneath the road also. But, you know, in smaller events these logs would come down from upstream and then our maintenance

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could go in there and, you know, keep on cleaning it up and it's more of a preventive maintenance situation.

COUNCILMEMBER NISHIKI: Okay. Those concrete bollards whatever you call them --

MR. YAMASHITA: Yes.

COUNCILMEMBER NISHIKI: --what is that cost?

MR. YAMASHITA: I'm not sure what the unit price would be but the total project itself, including guardrails, road widening, retaining walls, would be about 1.5 million.

COUNCILMEMBER NISHIKI: We heard that.

MR. YAMASHITA: Yeah.

COUNCILMEMBER NISHIKI: I guess the question, Mr. Chairman, is there could be some near term immediate work done, and it would seem like these bollards, it seems like this gulch is really wide. He said 15 feet in some areas. And so I don't know what kind of flow that creates but if near term fixes could be done like these bollards, um, it would seem that may be the appropriate thing to look at something that's 7 feet by 20 feet in the near future \$1.5 million compared to a 48-inch culvert now. The suggestion for these bollards might be some immediate concerns that we could address in regards to picking up debris and, therefore, allowing perhaps that 48-inch culvert to function properly.

UNIDENTIFIED SPEAKER: Good idea.

COUNCILMEMBER NISHIKI: But I don't know if that is something that we could find money for to at least eliminate; it would seem like if you allow any kind of debris to come into a 48-inch culvert there and you look . . . look at the pictures that Henry talks about. I mean, that gulch is really wide and, obviously, that was when the big storm hit 'em of course. He mentions that in his last paragraph of his testimony or maybe third to the last paragraph about situations that have occurred and they're not big ones but yet it did cause some concern. So, what is the situation of putting these bollards I guess is what you call 'em in?

MR. YAMASHITA: Councilmember Nishiki, we'll look into perhaps phasing it out and we can work on the estimate to work on the upstream improvements separate from those within the right-of-way. I'm pretty sure that we need to obtain some right-of-way whether it's in the easement form or, you know, whether it's permanent or temporary. We'll look into that and see what we can do immediately.

COUNCILMEMBER NISHIKI: And the reason why I ask this, Mr. Chairman, is even in that \$1.5 million cost, those bollards were anticipated to be put in, right?

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MR. YAMASHITA: That is correct.

COUNCILMEMBER NISHIKI: Okay. Thank you.

CHAIR MEDEIROS: Thank you, Member Nishiki.

COUNCILMEMBER MOLINA: Chair?

CHAIR MEDEIROS: And let me just add something before I call the next person. I think what the Department also have to be aware of, and Mr. Yamashita might want to confirm this or not, but any time you do work in streams you have to, a lot of times, go by the way of the Corps of Engineers. They have to review it, approve it, and so that's a long process. So I'm sure all the Members are looking for a more expedient, you know, mediation to this in trying to get this fixed so that it doesn't endanger the community. So I just wanted to add that. Is that true? If you go into the stream and decides to do some construction such as you had mentioned that it would have to be reviewed and approved by the Corps of Engineers?

MR. YAMASHITA: Yes. If we're going to alter the alignment or any drastic change to the streambed itself, it would have to be run by the Corps of Engineers.

CHAIR MEDEIROS: Okay, thank you for that confirmation. Members, any other questions? Uh, Member Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. You're right, Chairman, regarding Corps of Engineers' need to review this particular project even the culvert replacement. Question that I had, um, what's the responsibility of the State of Hawaii in cleaning up the debris in the gulch areas? Do they have some responsibility?

MR. YAMASHITA: I'm not sure what kind of maintenance the responsibility the State has. I'm not sure.

VICE-CHAIR PONTANILLA: Maybe, um, Chairman, through your signature if we can ask the question to the State of Hawaii in regards to cleaning up debris in gulches. And then the other thing that I have is . . .

CHAIR MEDEIROS: Member Pontanilla?

VICE-CHAIR PONTANILLA: Yes.

CHAIR MEDEIROS: I'll direct Mr. Geers to do that.

VICE-CHAIR PONTANILLA: Okay, fine.

CHAIR MEDEIROS: To get that information and to provide that correspondence.

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VICE-CHAIR PONTANILLA: Thank you. Is there any possibility of getting let's say State matching and Federal matching funds to do this corrective action?

MR. YAMASHITA: Right now I'm not sure but we'll look into possibilities and see whether there can be assistance from other revenue sources.

VICE-CHAIR PONTANILLA: Okay, thank you. Thank you, Mr. Yamashita. Thank you, Chair.

CHAIR MEDEIROS: Thank you, Member Pontanilla. Member Kaho'ohalahala?

COUNCILMEMBER KAHO'OHALAHALA: Just real briefly. The bollards that you're talking about, you have a design and a plan already initiated for this particular stream area?

MR. YAMASHITA: I'm not sure if the design has started on that aspect of the project but I'll look into that. As far as designing that, I don't think . . . it shouldn't take much time to do it.

COUNCILMEMBER KAHO'OHALAHALA: Okay.

MR. YAMASHITA: I think the issue is with the Corps and land rights would be the most critical path.

COUNCILMEMBER KAHO'OHALAHALA: Okay, so this one would require the Corps' review then?

MR. YAMASHITA: We'll need to verify that.

COUNCILMEMBER KAHO'OHALAHALA: Will. And then the next question is, since the stream areas are considered to be the State's jurisdiction then, what liabilities are there, if any, when we move into to do repairs and how do we mitigate those issues? Because essentially we will be making alterations to a stream flow perhaps that, in essence, maybe creating other kinds of impacts that we don't know yet. So are those issues mitigated or determined prior to?

MR. YAMASHITA: I'm not sure. I'm not aware of.

COUNCILMEMBER KAHO'OHALAHALA: Okay. I think, Chair, we should find out too what is going to be the relationship between the County and the State in terms of . . . I mean, you got the Corps that's one thing, Corps of Engineers, but then ownership of the stream and responsibility, liability for those streams? Somebody asked the question of what is the State's responsibility to maintain? I just would like to know if we engage into any kind of construction or alteration of the flow of that stream, are we then liable?

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CHAIR MEDEIROS: Okay, and we'll incorporate that in our inquiry with the State.

COUNCILMEMBER KAHO'OHALAHALA: Thank you.

CHAIR MEDEIROS: Members, any other questions for the Administration? I think I have a couple that I would like to ask Mr. Yamashita so one of my questions was how do you determine the culvert size that's adequate, and you said there was an engineering study done to do that. And I think the information in the binder said that the Department was considering a CON/SPAN concrete arch but you said that this was going to be rectangular.

MR. YAMASHITA: Um . . . it could be an arch type.

CHAIR MEDEIROS: Okay.

MR. YAMASHITA: Yeah, I'm not sure of the configuration of the culvert itself but it's opening is --

CHAIR MEDEIROS: But its opening is concrete?

MR. YAMASHITA: --7 by 20. Yes, it's concrete.

CHAIR MEDEIROS: Okay, okay. And so existing right now with the culvert there's upstream and downstream head walls in place?

MR. YAMASHITA: I believe after the storm event all of the structures, the concrete structures running adjacent to the roadway have been destroyed.

CHAIR MEDEIROS: Okay. And that presents an immediate problem of erosion without the head walls.

MR. YAMASHITA: That's correct.

CHAIR MEDEIROS: I'm glad that you folks are aware of that. And this area would fall under the maintenance of the Makawao District of Highways Division?

MR. YAMASHITA: Yes.

CHAIR MEDEIROS: Okay. Okay, that's pretty much all I have for you. Any other questions, Members? Okay, seeing none, the Chair would like to make his recommendation.

COUNCILMEMBER VICTORINO: Recommendation.

COUNCILMEMBER BAISA: Recommendation.

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CHAIR MEDEIROS: Thank you, Members. In making my recommendations I'm looking at my rationale for this is that in order to allow this Committee an ongoing monitoring of this particular item and it would make it much easier for the Infrastructure Management Committee to reschedule this item should we need to, the Chair, without objection, will defer this item.

COUNCILMEMBER VICTORINO: No objections.

COUNCILMEMBER BAISA: No objections.

COUNCILMEMBER KAHO'OHALAHALA: No objections.

CHAIR MEDEIROS: Thank you, Members. So ordered. The item is deferred.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: DAM and MJM)

ACTION: DEFER pending further discussion.

CHAIR MEDEIROS: So we will now move to our second item, Members. Item No. IM-27. And for IM-27 we're going to have Mr. Ralph Nagamine who I saw up in the gallery. Okay, he'll be back shortly. And Mr. Greg Nakao, are you also proceeding down here? Okay, you're just doing the presentation? Okay. Okay, Members, I'm going to introduce the item and as Mr. Nagamine comes back into the Chambers, he'll proceed down.

ITEM NO. 27: ADOPTION OF 2008 NATIONAL ELECTRICAL CODE® WITH LOCAL AMENDMENTS (C.C. No. 09-244)

CHAIR MEDEIROS: Our second item is IM-27, relating to a proposed bill to incorporate the 2008 National Energy Code and Amendments into the Maui County Code. This Committee, the Infrastructure Management Committee is in receipt of County Communication No. 09-244, from the Director of Public Works, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.18A (as in alpha) MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.18B (as in bravo) MAUI COUNTY CODE, PERTAINING TO THE ELECTRICAL CODE". The purpose of the proposed bill is to amend the Maui County Code by repealing Chapter 16.18A and adding a new Chapter 16.18B, which incorporates the 2008 National Electrical Code with local amendments. And before I proceed forward for an overview, Members, you all have a copy of this book which is the Electrical Code of 2008. And we want to thank the Department of Public Works for providing these for us. It was given to you, Members, separately because it wouldn't fit in the binders so it was given to you in a separate packet. At this time, Members, I'd like to ask the Land Use and Codes, oh, this is an old one - Land Use and Codes Administration . . . (*chuckled*) . . . and it used to be LUCA, now they're the Development Services Administration. So we have to correct that. And here with us is Mr. Ralph Nagamine of the Development Services

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Administration, and I would like to ask him at this time to give us an overview of this item. Mr. Nagamine?

MR. NAGAMINE: Thank you, Chair Medeiros. Agenda item IM-27 pertains to the adoption of the 2008 National Electrical Code with amendments. As you may recall, last month Russ Saito was here and he is, he spoke about the workings of the State Building Code Council. This code is one of those codes that the Council is currently trying to adopt as well as three other codes - the 2006 Energy Code which you passed out, which you approved last week or the week before; the 2006 Uniform Plumbing Code; and the 2006 International Building and Residential Code. So the Plumbing Code and the Building Code will be coming before this Committee within the next several months. With me today, I have Greg Nakao. He is an Electrical Engineer in my office and Greg heads our Electrical section and he has a PowerPoint presentation on the significant changes between the current code and the code that we're proposing to adopt.

CHAIR MEDEIROS: Thank you, Mr. Nagamine. At this time, Members, we're going to take a short recess to prepare the Chambers for the presentation and I'm going to allow a five-minute recess so that Members you can also take a personal break if you need to and we'll reconvene at 10:05. This Committee meeting is now in recess. . . .(*gavel*). . .

RECESS: 9:59 a.m.

RECONVENE: 10:07 a.m.

CHAIR MEDEIROS: . . .(*gavel*). . . The Infrastructure Management Committee meeting of September 28, 2009 is called back to order. At this time, Members, we will be given a presentation by the Development Services Administration and their Electrical Engineering Staff member, Mr. Nakao, will make the presentation. Mr. Nakao, you ready?

MR. NAKAO: Yes.

CHAIR MEDEIROS: Proceed.

MR. NAKAO: Good morning, Chair Medeiros. Good morning, IM Committee Members. I'm Greg Nakao with the County Public Works Development Services Administration. This morning, I'd like to do a short presentation to highlight the major changes in the legislation being proposed this morning. We are considering adopting the 2008 National Electrical Code. It's published by NFPA, the National Fire Protection Association. Currently, the County has adopted the 1999 National Electrical Code and this went into effect back in September of 2000. Since then, three editions of the NEC have been published - 2002, 2005 and the 2008. It's every three years a new National Electrical Code is published. And with each publication comes hundreds of technical changes.

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So why should we adopt the latest version of the NEC? In recent years, we've been seeing a lot of new technology coming out into the industry -- solar photovoltaics, probably the most common. We're starting to see some wind turbines coming out and we anticipate in the coming years there's going to be more and more of a push for these inter-connected electrical power production sources where people try to have their own private generation sources at their homes connected to the utility grid. Another reason for adopting the latest code version is the training programs throughout the State. The State requires the licensed electricians in Hawaii to attend a class on the latest code changes prior to renewing their electrician license every three years. And also the apprenticeship programs, it's always based on the latest published codes. These are national training programs so regardless of what code the State of Hawaii is on, you know, they're always pushing their curriculum towards the latest published NEC. And as you already are familiar, the State Building Code counts already mandates the technical codes for the Counties. When we adopt the codes in a timely manner we have an opportunity to make amendments. If we don't adopt them within a specific timeframe, the technical codes become the code for the County. So, at least by adopting it on our own, we have an opportunity to make technical amendments or administrative amendments.

Okay, um, the National Electrical Code does not have any administrative provisions in there. There's an Annex H in the back of the code book but it's for informational purposes only. You know for years there's never been any administrative provisions in the NEC and because of that all the jurisdictions throughout the country pretty much wrote their own. So, in 2002, they tried to put something in to get all the different jurisdictions to kind of standardize on their procedures but it didn't take. So by 2005 they put it in the back as an Annex item and it's been there again for the 2008. So our administrative provisions as far as permitting procedures, inspection procedures, enforcement procedures are all covered in Chapter 16.18. In the legislation before we underlined all the new provisions. But because all of the administrative provisions are not part of the published code, everything is underlined. So what I want to do for you right now is kind of emphasize where the changes have taken place, okay. The only way you guys would be able to do this would be to compare 16.18A with 16.18B before you line-by-line but I kind of did this for you guys so you guys would be aware of what's being proposed.

The first administrative change has to do with work in State and Federal roadway right-of-ways. We want to allow an exemption from the code specifically for any work within Federal, State, or County right-of-ways. And this basically applies to traffic signal work. We feel that the State and County roadway personnel should be able to inspect and check the installations for compliance for their standards. The problem with getting us involved on this is that it's a safety issue. The roads need to be closed right away. As soon as the installation is made, they're backfilling and it really limits the opportunity to get an inspector out there to check the installation before these roadways are backfilled and lanes re-opened up and so forth. That's the main reason. I think that the coordinating and to minimize the traffic, the traffic hazards as well as the inconvenience to the drivers and

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the traffic patterns. That's the main reason for exempting these types of installations and taking us out of the loop. I don't see us being a necessary step in this process.

The second administrative change applies with a definition of electric utility. We wanted to include the independent power producers and grant them the same exemptions from permitting and inspections that the regular utilities have. We came into this situation with the solar farm on Lanai. Because we didn't have a clear definition of what a, how an independent power producer would come into play in this situation, I believe they were forced to go through some permitting processes and inspection processes but by amending the definition to include IPPs we can grant them the same exemptions from permitting and inspections that the utilities have.

Okay, this is something big. There's never been an exemption for other County Departments not to take out an electrical permit and have inspections done on their installations. We feel that the Director should have that discretion. It becomes a judgment call for the Director. I think if it's a closed off facility with restricted access only to qualified personnel it's okay for the Department to take care of their own inspections during the construction of these types of facilities. If it's a public facility, I think then the Director of the Department has the discretion of having it inspected by an outside agency such as us or another Department such as us to ensure that it's done correctly. Again, this is something we're proposing. It's something the Council can discuss, the Council Committee can discuss and decide if they want to allow these other County Department's to exempt themselves from electrical permits and inspections.

I think the contractors out there, if they're watching this, will be happy to see this. This is basically allowing low voltage systems to be exempted from permits and inspections. In particular, solar water heaters, burglar alarms, landscaped irrigations and, again, this is specifically only for single family dwellings okay. You know when this was initially proposed, Maui Electric had a rebate program where they would check the solar water heater installations for their compliance and performance prior to granting the rebate checks. Since then, Maui Electric is no longer in the rebate program and I think the PUC has designated another agency to take over that . . . those duties. So as far as the solar water heaters, if we're no longer checking, I have to believe that . . . you know, right now they're being done pretty well because we're checking but if Maui Electric is no longer checking and we're no longer checking, you know, there is a tendency for the industry to start slacking on their ways and cutting corners and eventually there may be some issues coming up. So, again, at the time this was proposed, you know, Maui Electric still had their rebate program in place but my understanding is that they're no longer doing that. Again, something for the Council Committee to consider and deliberate on.

Here's another one - special events. I think I need to elaborate a little bit on this one. At first impression you would think, wait a minute, this is public safety. We want the inspectors out there, right. But you need to understand some of the limitations that the inspection staff are up against. First of all, a lot of these events, they don't take out permits so they're unpermitted to begin with. And the ones that do have permits and call

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for inspections, you know, these events are usually thrown together at the last minute and they're completing their installation all the way up to the opening hour and even into the start of the event. So the opportunity for the inspector to really check the installation is really limited. And even if the inspector does identify discrepancies, the discrepancy list is given to the contractor but by the following Monday morning the installation is taken down already. So, you know, you really need to question whether we need to even be involved in these types of events that maybe we should just leave the responsibility up to the event promoters and the event people who are putting it on. We really have limited enforcement effectiveness on these types of events.

This is just something that allows single-family dwellings of a larger size to be exempted from involving a licensed electrical engineer. You know, this much increase we believe that the inspectors and contractors should be able to handle without any more complications. So this is something I think some of the contractors who are doing bigger dwellings will be happy to see.

We're proposing to revise the expiration process or time frame for our permits and this is mainly to reduce the permit expirations and reissuing of permits. One year to obtain the first inspection approval. And this is primarily to ensure that people break ground on their projects in a timely manner. We don't want them to apply for a permit and not start construction for three to four years, okay. So we put that first inspection approval within the first year with the possibility to extend to two years and a five-year maximum active life so that we don't have to keep expiring permits and reissuing them. Okay, I think everybody will be happy with that.

We ran into problems in the past where homeowners wanted to cancel the electrical contractor's permit and there was no provision for it. So we are amending this section to allow homeowner's also to cancel the permit. We feel it's their property and they should have the right to cancel the permit of the contractor doing work on their property. These generally occur when there's a disagreement between the contractor and the homeowner, and we feel that either or should be able to cancel the permit and get the contractor off his property or hire a new contractor.

Um . . . I'm pretty sure, I'm not sure if all of you are familiar with the Hold Harmless Agreement process and Certificate of Exemption from electrical inspections. This is a provision in all of the Building, Plumbing, and Electrical Codes where when work is concealed without inspections there is an alternative other than breaking foundations and tearing open walls. It involves basically recording legal documents and recording them with the State Bureau of Conveyances for future buyers of the property so they are aware that the installation wasn't inspected. It does require Corporation Counsel's review, their time, as well as the Mayor's signature and my staff time to make sure that the documents are in proper order, and the recordation with the Bureau of Conveyances which we do for the owners. We're proposing to create a fee for this process. Right now, we only accept, collect the recordation fee that's passed on to the State Bureau of Conveyances and that \$50.00 fee has changed to \$60.00 starting this fiscal year. My permit clerk informed me

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that it's now \$30.00 per document to record anything with the Bureau of Conveyances. So it's now \$60.00. This fee will be determined in the next budget so it won't go into effect until the next budget cycle.

We're proposing to increase the minimum penalty for work without a permit to \$500.00. Currently, it's \$200.00. The way it's generally assessed is the permit is doubled or increased by \$500.00 whichever is greater when work is started without a permit. So for a large project, naturally we would double the permit fee as the penalty. For a small project, the minimum penalty would be \$500.00.

Okay, this is a new penalty that we're proposing, and this is mainly for the safety of my staff. There's been several situations where installations on construction sites are energized and my inspectors are not informed about that. They have been shocked a couple of times so, you know, the contractor is not supposed to energize anything without the inspector's approval. And even when . . . once it's been approved to be energized on an active construction site, he supposed to have procedures in place to ensure that there's proper signage and tags and warnings for everyone on the construction site. So to protect my people, we're proposing a fee when people energize installations without the inspection approval of the inspector. And again, this fee will be determined in the next budget cycle.

Okay, the next two items are technical changes in the NEC and I just wanted to highlight the ones that have caused some controversy in other states across the country when they were contemplating or discussing the 2008 NEC adoption. The first one is Arc-Fault Circuit Interrupter Protection for dwelling units. Okay, these are new types of circuit breakers. It's nothing that we haven't already required. It first was introduced in the 1999 NEC, which we currently have in effect right now and it was limited only to the bedrooms. What the 2008 NEC does is it expands it to most of the other rooms in the dwelling. And the big argument from some of the home builders primarily in the Mid-West states has been the additional cost for residential construction. To give you an idea of how much a circuit breaker like this cost, I looked at one of the local hardware stores recently, a traditional thermo magnetic circuit breaker which most of us have in our homes runs about three fifty, \$3.50. A similar size circuit breaker with the Arc-Fault Circuit Interrupter Protection runs \$35.00. So it's about a thousand percent increase per circuit breaker. The amount of breakers you would need for your dwelling typically depends on the size of the dwelling but I'd say you're looking at close to 20 circuit breakers. So this was a big argument in a lot of areas. I'm not sure if you understand what an ARC is. It's basically the electricity jumping a gap or a break in the circuit. You see that little lightning charge jumping a break in the circuit. The problem with ARC is that it's an extremely high heat source. So this technology is suppose to prevent fires primarily in the residences, okay. So most of our dwellings are wood frame construction and we have the conductors and the cables running right on and through the wood framing members. So this technology, hopefully, will prevent fires. It's expensive but most of the jurisdictions throughout the country have adopted it.

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And the next technical change is Tamper Resistant Receptacles, and this is something new. Currently, they're only required in pediatric locations and health care facilities. But basically what it has is this little plastic mechanism on the receptacle outlet that prevents a child from inserting a metal object into the receptacle. The NEC decided to include it for dwelling units in the 2008 edition. I anticipate this will eventually spread to day care facilities, elementary schools, and so on. I have a sample Tamper Resistant Receptacle that I'll pass out to you guys that you can play with once we get back in session. The cost on the Tamper Resistant Receptacle is about \$1.50 more than a standard receptacle outlet. So it's about 1.50 to 2.00 more per outlet.

And I believe that's the end of the presentation.

CHAIR MEDEIROS: Okay. Mahalo, Mr. Nakao. And also to Mr. Nagamine from the Department of Public Works Development Services Administration for this presentation. We're going to take a short recess, a five-minute recess to put the Chambers back into meeting order and then we'll convene. The meeting of the Infrastructure Management Committee is now in recess. . . . (*gavel*) . . .

RECESS: 10:27 a.m.

RECONVENE: 10:30 a.m.

CHAIR MEDEIROS: . . .(*gavel*) . . . The Infrastructure Management Committee meeting of September 28, 2009 is called back to order. At this time, Members, once again I thank the Department of Public Works Development Services Administration for their presentation. And I want to thank Staff for the short notice to get the copies of the hard copies of the presentation to you so that you could follow it. At this time, Members, I will open up the floor for questions. Member Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair. Again, I will start off right off the bat with the Administrative change 104-4(8), which is the one that you were going to exempt permits and inspections for low voltage controls, signals, and power limited circuits and this is basically what we were talking about solar heaters, security systems, landscaping, irrigation and all that.

CHAIR MEDEIROS: Member Victorino, it would be helpful to other Members if you could cite the page of the hard copy? Are you looking at that or something else?

COUNCILMEMBER VICTORINO: Page 10.

CHAIR MEDEIROS: Page 10. Thank you.

COUNCILMEMBER VICTORINO: Thank you. Thank you for that clarification, Chair. And you had mentioned that this was amended with the thought that Maui Electric was still going to be doing inspections. But they've since decided to cease doing that, so you also

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mentioned the concern about the possibility of cutting corners and all that and maybe endangerment in a, at a later point because when we did our solar, I remember an inspector coming to do it. So what would we have to do and I guess that's my question for you, Chair, as well as the Department that for a person like myself I'd like to see that back in. I would rather see inspections on these various types because it could create a problem especially the solar heater and security systems. The irrigation not as much but those two, which are directly connected to panels in your home, what would we need to do to make or ask for a change to reintroduce that for inspection purposes?

CHAIR MEDEIROS: Department?

MR. NAKAO: Chair Medeiros, Member Victorino, I guess we could just amend that paragraph, you know. We could just eliminate that provision of exempting single-family dwellings. The solar water heater, the main problem we used to see was with not with the low voltage wiring but with the power connections to the solar water heater. You know the solar water heater controller does require a receptacle outlet for the little pump and the controlled circuit power. And if there's no receptacle outlet near the solar water heater especially in these retrofit types of installation, you know, sometimes they would run extension cords from a receptacle on the other end of the garage and things like that just to provide the power at that point. So, you know, that's the part where they're not using a sub-contractor, electrical sub-contractor for their work. If we're not inspecting and Maui Electric is no longer inspecting, you know, that's a valid concern. If this Council Committee feels that we should be involved in the process, then we can amend that paragraph and eliminate that exemption that was initially proposed.

COUNCILMEMBER VICTORINO: Thank you. And Mr. Chair, at the appropriate moment I would like to probably introduce an amendment at that point with your direction.

CHAIR MEDEIROS: Uh-huh.

COUNCILMEMBER VICTORINO: And the second question I have would actually be on the next page when exemptions for electrical installations for special events from permits and inspections. You're well aware that many years I did the County fair and many other events in this town, and I know it's a real pain but also I understand the welfare and safety of many people. I'm not just talking about one or two, I'm talking literally hundreds and thousands of people that come to various events. And if something was to be jury *[sic]* rigged and create a hazard -- somebody get hurt or even get killed -- too late. I mean, you cannot and we just talked about that with the bridge situation. So, what was the thought process, and I understand that you're saying that if we do it on Friday and you tell 'em to change it, by the time Monday comes around they're taking it down, right, so nobody goes over the weekend. I know where you're coming from. But we used to require all of our stunts done on Monday and, if anything had to be corrected, then by Wednesday it would be done for further inspection. So, I'm curious and I'm not in favor of this so why did you guys insert that because couldn't we have said that you have to have it by such

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and such date or such and such date so inspection can be followed up if a follow-up was needed?

MR. NAKAO: The way it's set up right now it's really difficult for the enforcement staff to have any authority over these events, yeah, because they're taking it down in the next couple of days whether they choose or not to choose to correct the discrepancies you know, it's really no teeth to their authority. You know, the fair is different. The fair always uses a licensed electrical contractor for most of the installations. The only place in the fair that I was aware of where we used to see a lot of problems was in the little booths that are wired up by the little vendors. They . . . (*inaudible*). . . with a couple of outlets there and then they're doing their own installation up to the opening hour afterwards. The stuff that's done by I think Wasa has been doing it for the last few years, Wasa Electric, and their work has been pretty good. And the fair rides and the way they route the cables everything now is all buried underground, there's no cables in the walking areas. It's gotten a lot better, especially the game booths. Everything . . . all the exposed lamps all have guards now. It's gotten a lot better over the years but yeah, it's a call for this Committee to make. Policy making is the Committee's area to decide upon, yeah.

COUNCILMEMBER VICTORINO: And again, I use the fair just as an example. That's probably one of the better examples as far as somebody complying but there are many out there that you are correct they jury [*sic*] rig and they do all kinds of stuff and by the time you guys find it, maybe too late. But again, if we just allow with no inspection, Mr. Chair, and something does happen that throws the onus back on us as we're liable because we allowed it to happen. And I'm very, very in tune to liability. If you do not make any effort, you then open up Pandora's box. So, I'm not sure on this one, Mr. Chair, how I would approach that one. I know the other one I'm pretty confident how to amend that one. This one, I leave open for discussion because again although I agree that most people try to exercise safety, there are some that do not and that's the ones without anybody checking someone will get hurt and possibly killed and they'll say, oh, well, the County didn't say it was a problem, and that's something that we don't need. I don't believe that's something we should take up on. But anyhow, Mr. Chair, I'll let the others ask questions and then we'll get back to that a little bit later.

CHAIR MEDEIROS: Thank you, Mr. Victorino. Department, in receiving this and bringing it forth to Committee, did the Department have a recommendation as far as the code or was it left open for the Committee to discuss? Did you recommend approval or did you think it needed work?

MR. NAGAMINE: These are proposed amendments that the Department is proposing but the Committee is free to delete or amend any of the conditions or the exemptions. So if you don't like it, you can just toss it out.

CHAIR MEDEIROS: Okay, thank you, Department. Member Pontanilla?

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VICE-CHAIR PONTANILLA: Thank you, Chair. Our licensed contractors they're pretty good as following the codes?

MR. NAKAO: For the most part. I mean, you know, if they're working in an area that they're familiar with, you know, they do a pretty decent job, yeah. It's when they start entering into an area where they're not familiar with is when we start seeing discrepancies.

VICE-CHAIR PONTANILLA: Yeah, I kind of tend to agree with my colleague here in regards to safety. And we have to keep mindful about, you know, the County is going to be liable for a lot of things so, Chairman, if we have the opportunity and Member Victorino already indicated that he wants to make an amendment in regards to certain policies for certain items in the proposed ordinance. Thank you.

CHAIR MEDEIROS: Thank you, Member Pontanilla. Member Nishiki?

COUNCILMEMBER NISHIKI: Let me understand first, these recommendations come from your Department and now certain members are saying that they don't want to see these exemptions occur? Is that true?

MR. NAKAO: Yeah.

COUNCILMEMBER NISHIKI: Okay.

MR. NAKAO: We propose most of these changes.

COUNCILMEMBER NISHIKI: So, so in listening . . . Page 10 is where it hit me first and it had to do with Maui Electric not doing it any more, therefore, perhaps the County should do it. However, in these solar inspections, security systems and landscaped irrigation controls for single-family residents, I guess the question you must have done is, you must have looked at who are doing these inspections now. Is there a County person that does it?

MR. NAKAO: Yeah, we require permits for those installations.

COUNCILMEMBER NISHIKI: So they have to have permits?

MR. NAKAO: Yes.

COUNCILMEMBER NISHIKI: Okay.

MR. NAKAO: Currently, yes.

COUNCILMEMBER NISHIKI: Right. So now the inspections is what you're saying should not occur?

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MR. NAKAO: No, we were proposing exempting it from permits as well as inspections.

COUNCILMEMBER NISHIKI: From permits also.

MR. NAKAO: Yeah.

COUNCILMEMBER NISHIKI: Okay. Um . . . and, and always the objection from people are liability so can you address that?

MR. NAKAO: I'm not an attorney. Maybe Corporation Counsel. . .

COUNCILMEMBER NISHIKI: Well, you must have checked with somebody to say that we want to give an exemption to these people.

MR. NAKAO: Well, if we're not involved in the process I would think we would have less liability. If it's exempted by ordinance that the County does not permit or inspect those types of installations, I would think we would be exempted from any liability for those installations.

COUNCILMEMBER NISHIKI: Okay. Corporation Counsel?

CHAIR MEDEIROS: Mr. Galazin?

MR. GALAZIN: Generally speaking that's more or less accurate. I wouldn't say that that's applicable across the board in every situation. But if we're talking about these low voltage systems, if we're exempting them from permit requirements and somebody installs one of these things and does a terrible job and causes some kind of damages, then it's not going to be the County's liability for that just because we exempted it in this situation.

COUNCILMEMBER NISHIKI: Okay. And the reasoning behind the exemption has to be the fact that we don't have enough people?

MR. NAKAO: Well, our workload has increased over the years. Enforcement has become a much bigger part of the inspector's responsibilities. Complaint investigations, follow up investigations, warning letters, record searches for compliance . . . it's gotten to be pretty much . . . the inspectors are not only involved with new construction anymore, yeah. Enforcement is, I would say, at least 50 percent of their work responsibilities today.

COUNCILMEMBER NISHIKI: And if we were to, again, put the onus on the County inspectors would not we be able to also create a fee?

MR. NAKAO: Well, there is currently a permit fee for these types of . . .

COUNCILMEMBER NISHIKI: Already.

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MR. NAKAO: Yeah, because we currently do permit them and inspect them but we were just proposing eliminating that.

COUNCILMEMBER NISHIKI: No permit, no --

MR. NAKAO: No inspection.

COUNCILMEMBER NISHIKI: --inspection.

MR. NAKAO: Exempting it from permits and inspections.

COUNCILMEMBER NISHIKI: Okay. How many municipalities that you know of operate now from these types of exemptions? A lot? Is that the current trend?

MR. NAKAO: The other County jurisdictions within the State do currently require permits for these installations but it's not strongly enforced. It's on their books but it's not strongly enforced.

COUNCILMEMBER NISHIKI: Okay. Um . . . the special events, the part that puzzled me was . . .

CHAIR MEDEIROS: Mr. Nishiki, give us your page?

COUNCILMEMBER NISHIKI: The following page 11.

CHAIR MEDEIROS: Okay. Thank you.

COUNCILMEMBER NISHIKI: Now what's the difference between a licensed electrical person and an unlicensed? Is that something that the County checks on when you have people doing work such as these for say a carnival or special events? Your, again, concern is that they do it one day and then it's gone the next day so, therefore, I guess coordination for these events. So you're saying why even do it because timing-wise we can't cover it. True?

MR. NAKAO: True.

COUNCILMEMBER NISHIKI: And yet, now we require them to pick up permits?

MR. NAKAO: Currently, you know, the rules do require them to take out permits and get the installation inspected. But there's a lot of events that don't and, you know, if we want to keep those rules in place, I think . . . personally, I think we need to create something similar to like a certificate of occupancy process where all the inspecting agencies would have an opportunity to sign off prior to the start of the event. That would be the only way I can see that the inspections and permits would really have merit. 'Cause even if they do

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take out a permit, like I was mentioning during the presentation, and we identify the discrepancies, you know it's usually not taken care of until, you know, forever. And we never do a re-inspection to confirm –

COUNCILMEMBER NISHIKI: Right.

MR. NAKAO: --that it's been corrected because the events over by the next work day. And, and, and there is no way that you would be the bad man to stop the event?

MR. NAKAO: Well, the show must go on, yeah. There is no way they're going to stop the County fair because the electrical inspector has an issue with --

COUNCILMEMBER NISHIKI: Right.

MR. NAKAO: --the wiring with one of the tents or something like that. I mean, they're not going to stop the parade, you know, . . . *(chuckled)* . . . We understand our limitations.

COUNCILMEMBER NISHIKI: And, and you're only hopeful that those people that are putting on these events would be careful in regards to liability.

MR. NAKAO: Yeah.

COUNCILMEMBER NISHIKI: So, Corporation Counsel, similarly by not having it, it would seem like we would really take away the liability. I mean, obviously, in anything that has to do with safety or an event like this somebody would point the finger at the County as the deep pockets but, again, to not have and exempt these events from having County permits or inspections would seem like it would give us less liability. True or false?

MR. GALAZIN: You're saying exempting them would give us less liability? Yeah, I mean, the way it's set out here they've got to use a licensed electrician to do it.

COUNCILMEMBER NISHIKI: Right.

MR. GALAZIN: And that person, you know, has certain duties that they have to follow when they're doing that installation. And if somebody decides they want to try and escape and use somebody who is not licensed, again, the onus is going to be on them and not on the County.

CHAIR MEDEIROS: Okay, Mr. Nishiki, just let me mention something real shortly. We're going to lose quorum in about ten minutes, and I know some of the Members have some amendments to be made. My suggestion is that we won't be able to end this meeting today completed, so write up your amendments, give yourself time with your staff to write up the amendments and we can present it at another point. Okay, continue, Mr. Nishiki.

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COUNCILMEMBER NISHIKI: Yeah. And, and . . . going back again to the Administrative changes in Page 10 with the solar. You mentioned that some people were looking at this as a concern. Why is it because we take so long in doing the inspections that people that are doing some of these projects have some concerns?

MR. NAKAO: With regard to the low voltage systems?

COUNCILMEMBER NISHIKI: I think you're talking about solar systems or whatever - Page 10.

MR. NAKAO: I don't have the presentation before me.

COUNCILMEMBER NISHIKI: Electrical permits and inspections no longer required for solar water heater installations, security systems.

MR. NAKAO: Okay. These were applicable to low voltage systems in single family dwellings. The inspections are done in a timely manner. Right now, you know, there's really not much of a backlog on construction inspections. I don't think that's really an issue as far as getting your inspections in a timely manner. I'm not sure I'm following your concern or . . .

COUNCILMEMBER NISHIKI: My concerns, I thought, were coming from the industry itself saying, hey, we're pretty well versed in how we do our work and so why do you want to again put on government bureaucracy and dealing with it?

MR. NAKAO: Well, that's what we're proposing, right, eliminating the need for permits and inspections for the systems.

COUNCILMEMBER NISHIKI: Right.

MR. NAKAO: And currently, they are being done well. So we feel that to save on resources and apply ourselves where it's more effective this is one area where we felt we could cut from our work force, work duties with minimum detriment or hazard to the community.

COUNCILMEMBER NISHIKI: Right. And that's what I was looking for, you know, an objectivity in why or why not. And so, I'm just curious because you're promoting this exemption what the argument would be for promoting the exemption. I'm done. Thank you.

CHAIR MEDEIROS: Thank you, Member Nishiki. Any other questions, Members? We are running short of time and as I mentioned I think there are some Members including the ones that maybe not here that would want to recommend some amendments too. So, Members, you know, it's at the Committee's . . . yeah, I'd like to see you know this discussion with a full Committee and right now we're at four and Mr. Victorino is leaving at 11 so we would lose quorum. So, Members, if it is the wish of this Committee,

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Members, and the Chair would at this time because we're getting short of time recommend that we defer this item for further scheduling and information gathering.

COUNCILMEMBER BAISA: No objections.

COUNCILMEMBER VICTORINO: No objections.

CHAIR MEDEIROS: Okay, no objections. Thank you, Members.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: DAM, MJM, and JP)

ACTION: DEFER pending further discussion.

CHAIR MEDEIROS: So at this point, this item is deferred. I just wanted to ask as a follow-up to the Department--is there any time sensitivity for this item? As far as you have to meet certain schedule to get it done and . . .

MR. NAGAMINE: Yes, there is, but it's so far away that I don't--

CHAIR MEDEIROS: Oh, okay.

MR. NAGAMINE: --think you need to worry about it.

CHAIR MEDEIROS: So we can work on that, then.

MR. NAGAMINE: It's like 18 to 20. . .24 months away.

COUNCILMEMBER VICTORINO: Okay.

CHAIR MEDEIROS: Right. Right.

COUNCILMEMBER VICTORINO: That's good.

CHAIR MEDEIROS: So, Members, without any further business, except that I would ask the Planning Committee Chair, Mr. Kaho'ohalahala, to announce the Planning Committee meeting on the island of Molokai today. Mr. Kaho'ohalahala?

COUNCILMEMBER KAHO'OHALAHALA: Thank you, Chair. Uh. . .the Planning Committee meeting on Molokai is intended to go over the. . .the General Policy Plan for Maui County. This will be our meeting allowing the Molokai residents to participate in the process. The Committee will be conducting its regular business during that time following public input and testimony. I believe our meeting starts at 6 o'clock this evening. We're at the . . .

CHAIR MEDEIROS: Kaunakakai School.

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COUNCILMEMBER KAHO'OHALAHALA: Kaunakakai School. Thank you for that. And then we hope that the . .if you're there on Molokai, you'll join us this evening at 6 o'clock.

CHAIR MEDEIROS: Thank you, Member Kaho'ohalahala. Other Members, any announcements? If none, I thank you for your presence. Thank you, Staff and Department, Administration representatives--thank you for being here. Committee Staff, thank you. At this time, the Infrastructure Management Committee meeting of . . .(end of tape, start 3A). . . September 28, 2009 is now adjourned at 10:55. Meeting adjourned . .(gavel). . .

ADJOURN: 10:55 a.m.

APPROVED:



BILL KAUAKEA MEDEIROS, Chair
Infrastructure Management Committee

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Transcribed by: Jo-Ann C. Sato